SENATE—*Tuesday, February 25, 1969*

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

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

Lord God, eternal Father, deliberately and solemnly we dedicate ourselves to Thee. Take our minds, our wills, our speech, and our strength and make us wholly Thine. As we present ourselves to Thee so also we dedicate this Nation to a purer life, a more unselfish patriotism, and a more fervent devotion to freedom, until with all the nations of the earth we come under Thy sovereignty in Thy kingdom of justice, love, and truth, through Jesus Christ our Lord. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, February 21, 1969, be dispensed with.

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

EXECUTIVE MESSAGES REFERRED

As in executive session,

The VICE PRESIDENT laid before the Senate messages from the President of the United States received on February 21, 1969, under authority of the order of the Senate of February 19, 1969, submitting sundry nominations and withdrawing the nomination of Eugene M. Becker, of Illinois, to be an Assistant Secretary of the Army, which nominating messages were referred to the appropriate committees.

(For nominations received on February 21, see the end of Senate proceedings of today.)

As in executive session,

The VICE PRESIDENT laid before the Senate messages from the President of the United States, received on February 24, 1969, under authority of the order of the Senate of February 19, 1969, submitting sundry nominations, which were referred to the appropriate committees.

(For nominations received on February 24, see the end of Senate proceedings of today.)

REVISION OF DEBT LIMIT—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 91-79)

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, received on February 24, 1969, under authority of the order of the Senate of February 19, 1969, which was referred to the Committee on Finance:

To the Congress of the United States:

When I took office as President of the United States, the public debt subject to limit was $364.2 billion—only $800 million below the statutory ceiling of $365 billion. Available projections indicated that borrowings needed to provide the Government with minimum cash balances essential for its operations would place the debt subject to limit at or above the legal ceiling by mid-April.

These projections have now been reviewed and updated on the basis of the latest revenue and expenditure flows. They continue to show inadequate leeway under the debt limit to meet all anticipated cash requirements through the middle of April. These facts permit me only one prudent course of action. I must ask the Congress to revise the debt limit before mid-April. The new limit should provide a reasonable margin for contingencies.

President Johnson foresaw the possible need for such action when he stated in his fiscal year 1970 budget that "It may be necessary . . . within the next few months to raise the present debt limit."

Continuing high interest rates may add several hundred million dollars to the 1969 expenditures estimated by President Johnson. Other possible increases in outlays, including farm price support payments and a wide variety of past commitments in other programs—such as highways—may be greater than was estimated by the outgoing administration.

All department and agency heads are now reviewing their programs in a determined effort to reduce costs. But we should not let our hopes for success in this effort deter us from the necessary action on the debt limit. Such cost reductions can have only a minor effect on expenditures in the next month or two, and it is in early March and again in early April that the Treasury will be faced with the heaviest drain on its resources.

Moreover, even if the Budget surpluses for fiscal years 1969 and 1970 were to prove somewhat larger than estimated in the January Budget, the present debt limit would be inadequate for fiscal year 1970. Thus even if an immediate increase in the debt limit could be avoided, an increase cannot be postponed very far into the next fiscal year. My predecessor also noted this fact when he presented his Budget for fiscal year 1970.

The apparent paradox of a need for a higher debt limit in years of anticipated budget surplus is explained mainly by the fact that the fiscal year 1969 and 1970 surpluses reflect substantial surpluses in Government trust funds—projected at $9.4 billion in fiscal year 1969 and $10.3 billion in fiscal year 1970. These surpluses in the trust funds provide cash to the Treasury, but only through the medium of investment in special Treasury issues. The consequent increase in such special issues is subject to the debt limit, under present definitions. Hence, *the debt subject to limit will rise even though borrowing from the public will decline.*

In addition, we must acknowledge the seasonal pattern in Treasury receipts. Net cash requirements prior to the mid-April tax date are regularly very substantial, while after that date the Treasury will be repaying a large amount of debt on a net basis.

While a small, temporary increase in the debt limit might prevent the undue restrictiveness of the present limit in the months immediately ahead, I urge that we now direct our attention to the future, and at least through fiscal year 1970.

I believe that the Congress should now enact a debt limit which will serve the needs of our Nation both for the balance of this fiscal year and for the foreseeable future.

In doing so, I also believe that the Congress should take this occasion to redefine the debt subject to limit to bring it into accord with the new unified Budget concept developed by a distinguished Commission that was headed by the present Secretary of the Treasury and included leaders from both Houses of Congress, officials of the previous Administration, and distinguished private citizens. The recommendations of this Commission largely have been adopted in the last two Budget presentations and in the new form of Congressional budget scorekeeping. These have been major forward steps toward better public understanding of the budget. The concept of the debt limit should also be redefined as suggested in the Commission's report.

Under the unified Budget concept, attention is focused on the total receipts and expenditures of the Federal Government, including the trust funds. The surplus or deficit thus reflects the net of revenue and expenditure transactions between the Federal Government and the public, and the net debt transactions between the Government and the public are thus the relevant basis for a proper understanding of the Federal borrowing requirements. To conform fully with this Budget presentation, only those Federal obligations which are held by the public—all debt except that held by Federally-owned agencies and by the trust funds—should be subject to the statutory limit on the public debt. Debt of Federally-owned agencies held by the public would be included as well as direct Treasury debt.

This change would in no way affect the integrity of the trust funds. This Administration recognizes, as the Commission on Budget Concepts emphasized, the firm obligation of the Government to maintain proper, separate accounting for the trust funds. This can and will be done without including obligations held by the trust funds in the total debt subject to the debt limit.

I therefore propose that the Congress establish a new debt limit defined to accord with the unified Budget concept. On this basis, a limit of $300 billion should be adequate to permit efficient and responsible handling of the Government's financing for the foreseeable future. This compares with an outstanding debt on the unified Budget concept of $293.7 billion on January 21, 1969.

On the present public debt limit concept, the debt outstanding on January 21, 1969 was $364.2 billion as compared with the current debt limit of $365 billion. An increase in that limit to approximately $382 billion would correspond in

the next fiscal year to the $300 billion limit I am proposing on the unified budget basis.

RICHARD NIXON.

THE WHITE HOUSE, *February 24, 1969.*

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

As in executive session,

The VICE PRESIDENT laid before the Senate messages from the President of the United States, received on today, February 25, 1969, submitting sundry nominations, which were referred to the appropriate committees.

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

REFORM OF THE POSTAL SYSTEM—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 91–81)

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was referred to the Committee on Post Office and Civil Service:

To the Congress of the United States:

Reform of the postal system is long overdue.

The postal service touches the lives of all Americans. Many of our citizens feel that today's service does not meet today's needs, much less the needs of tomorrow. I share this view.

In the months ahead, I expect to propose comprehensive legislation for postal reform.

If this long-range program is to succeed, I consider it essential, as a first step, that the Congress remove the last vestiges of political patronage in the Post Office Department.

Accordingly, I urge the Congress promptly to enact legislation that would:

—eliminate the present statutory requirement for Presidential appointment and Senatorial confirmation of postmasters of first, second, and third-class post offices;

—provide for appointment of all postmasters by the Postmaster General in the competitive civil service; and

—prohibit political considerations in the selection or promotion of postal employees.

Such legislation would make it possible for future postmasters to be chosen in the same way that career employees have long been chosen in the other executive departments. It would not, however, affect the status of postmasters now in office.

Adoption of this proposal by the Congress would assure all of the American people—and particularly the more than 750,000 dedicated men and women who work in the postal service—that future appointments and promotions in this important department are going to be made on the basis of merit and fitness for the job, and not on the basis of political affiliations or political influence.

The tradition of political patronage in the Post Office Department extends back to the earliest days of the Republic. In a sparsely populated country, where postal officials faced few of the management problems so familiar to modern postmasters, the patronage system may have been a defensible method of selecting jobholders. As the operation of the postal service has become more complex, however, the patronage system has become an increasingly costly luxury. It is a luxury that the nation can no longer afford.

In the past two decades, there has been increasing agreement that postmaster appointments should be made on a nonpolitical basis. Both the first and second Hoover Commissions emphasized the need for such action. So did the recent President's Commission on Postal Organization, headed by Frederick R. Kappel. President Harry S. Truman and many members of Congress from both political parties have proposed legislation designed to take politics out of postal appointments. In the 90th Congress, the Senate, by a vote of 75 to 9, passed a bill containing a provision that would have placed postal appointments on a merit basis. Forty-two such bills were introduced in the House of Representatives during the 90th Congress.

The overwhelmingly favorable public comment that followed my recent announcement of our intention to disregard political consideration in selecting postmasters and rural carriers suggests that the American people are more than ready for legislative action on this matter. The time for such action is now at hand.

The benefits to be derived from such legislation are, I believe, twofold.

First, the change would expand opportunities for advancement on the part of our present postal employees. These are hard-working and loyal men and women. In the past, many of them have not received adequate recognition or well-deserved promotions for reasons which have had nothing to do with their fitness for higher position or the quality of their work. For reasons of both efficiency and morale, this situation must be changed.

Secondly, I believe that over a period of time the use of improved professional selection methods will improve the level of competence of those who take on these important postal responsibilities.

I would not request this legislation without also presenting a plan which insures that the new selection process will be affectively and impartially administered. The Postmaster General has such a plan.

He is creating a high level, impartial national board to assist him in the future selection of postmasters for the 400 largest post offices in the country. Regional boards, also made up of exceptionally well-qualified citizens, will perform a similar task in connection with the selection of other postmasters. First consideration will be given to the promotion, on a competitive basis, of present postal employees.

The Postmaster General has also initiated action to improve the criteria by which postmasters are selected. The revised criteria will emphasize managerial competence, human relations sensitivity, responsiveness to customer concerns, an understanding of labor relations, and other important qualities.

Proposals for additional legislation dealing with the selection process will be included in the broad program for postal reform that the Postmaster General is now preparing.

Some of the needs of the Post Office clearly require extensive study before detailed solutions can be proposed. Other problems can and should be dealt with now. One objective which can be met promptly is that of taking politics out of the Post Office and I strongly recommend the swift enactment of legislation that will allow us to achieve that goal. Such legislation will be an important first step "towards postal excellence."

RICHARD NIXON.

THE WHITE HOUSE, *February 25, 1969.*

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 House Resolution 263 the Speaker had appointed Mr. FRIEDEL, of Maryland; Mr. DENT, of Pennsylvania; and Mr. LIPSCOMB, of California, as members of the Joint Committee on Printing, on the part of the House.

The message also informed the Senate that pursuant to House Resolution 263, the Speaker had appointed Mr. FRIEDEL, of Maryland, Mr. THOMPSON of New Jersey, Mr. PODELL, of New York, Mr. CORBETT, of Pennsylvania, and Mr. HARVEY, of Michigan, as members of the Joint Committee of Congress on the Library, on the part of the House.

The message further informed the Senate that, pursuant to the provisions of section 3(b), Public Law 88–630, the Speaker had appointed Mr. HUNGATE, Mr. REUSS, Mr. BERRY, and Mr. CUNNINGHAM as members of the Lewis and Clark Trail Commission, on the part of the House.

The message also informed the Senate that, pursuant to the provisions of section 1, Public Resolution 32, 73d Congress, the Speaker had appointed Mr. HAYS, Mrs. SULLIVAN, and Mr. CAMP as members of the U.S. Territorial Expansion Memorial Commission, on the part of the House.

The message also informed the Senate that, pursuant to the provisions of section 4(b), Public Law 90–301, the Speaker had appointed Mrs. SULLIVAN and Mr. BROCK as members of the Commission To Study Mortgage Interest Rates and the Availability of Mortgage Credit at a Reasonable Cost to the Consumer, on the part of the House.

The message further informed the Senate that, pursuant to the provisions of 44 U.S.C. 3305, the Speaker had appointed Mr. NEDZI, and Mr. PETTIS, of California, as members of the Committee on the Disposition of Executive Papers, on the part of the House.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

The following favorable reports of nominations were submitted:

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

James F. Battin, of Montana, to be U.S. district judge for the district of Montana.

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

John S. Foster, of Virginia, to be Director of Defense Research and Engineering.

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

Robert C. Moot, of Virginia, to be an Assistant Secretary of Defense.

By Mr. YOUNG of Ohio, from the Committee on Armed Services:

Charles A. Bowsher, of Illinois, to be an Assistant Secretary of the Navy.

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

Robert Alan Frosch, of Maryland, to be an Assistant Secretary of the Navy.

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

Roger T. Kelley, of Illinois, to be an Assistant Secretary of Defense.

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

James D. Hittle, of Virginia, to be an Assistant Secretary of the Navy.

Mr. INOUYE. Mr. President, from the Committee on Armed Services, I report favorably 1,313 appointments in the Regular Army in grades of captain and below. Since these names have already been printed in the CONGRESSIONAL RECORD, I ask unanimous consent that they be ordered to lie on the Secretary's desk for the information of any Senator.

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

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

Gerald F. Feeney, and sundry other persons, for appointment in the Regular Army.

Mr. FULBRIGHT. Mr. President, from the Committee on Foreign Relations, I report favorably sundry nominations in the diplomatic and foreign service. Since these names have previously appeared in the CONGRESSIONAL RECORD, in order to save the expense of printing them 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 VICE PRESIDENT. Without objection, it is so ordered.

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

Robert J. McCloskey of Maryland, and sundry other persons, for appointment and promotion in the diplomatic and foreign service.

LIMITATION OF STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that statements in relation to the transaction of routine morning business be limited to 3 minutes.

The VICE PRESIDENT. 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 which was reported earlier today.

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

The VICE PRESIDENT. The nomination will be stated.

U.S. DISTRICT COURT

The bill clerk read the nomination of James F. Battin, of Montana, to be U.S. district judge for the district of Montana.

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

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

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

Mr. SCOTT. Mr. President, I rejoice in the approval of the nomination of Representative BATTIN, of Montana, who is one of the ablest lawyers in Congress and a man who has distinguished himself in the fields of law and legislation. I am most happy that this nomination has been confirmed.

Mr. MANSFIELD. May I say that my distinguished colleague, the junior Senator from Montana (Mr. METCALF), and I appeared before the Committee on the Judiciary this morning in behalf of the nomination of our colleague, Representative BATTIN, and we are delighted that the nomination has been recommended by the committee and now confirmed by the Senate.

Mr. SCOTT. I should like to add that I am a member of the Committee on the Judiciary; and while I voted for the nomination, I regret that I was not present at the subcommittee hearing, because I was present at a broadcast to Tokyo with some Russian and Japanese colleagues.

LEGISLATIVE SESSION

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

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

U.S. COMMITMENTS TO SPAIN

Mr. SYMINGTON. Mr. President, if the article by Miss Flora Lewis in the Washington Post this morning, "State, Pentagon Split on Commitments to Spain," is accurate, it should be clear why the chairman of the Senate Committee on Foreign Relations and its members decided to create a subcommittee to "make a detailed review of the international military commitments of the United States and their relationship to foreign policy." The Spanish situation is but one of many that are of interest.

Several years ago, the senior Senator from North Carolina (Mr. ERVIN) as a member of the Judiciary Committee, held hearings on the separation of powers. The Senator from Mississippi (Mr. STENNIS), as chairman of the Preparedness Subcommittee, held hearings on U.S. military commitments abroad. Two years ago, the distinguished chairman of the Committee on Foreign Relations, the Senator from Arkansas (Mr. FULBRIGHT), introduced the so-called commitment resolution. This resolution was amended and favorably reported to the Senate more than a year ago.

I cite these facts to show that over a substantial period of time there has been growing concern in the Senate, not only about the gradual growth of our commitments abroad, but also with respect to our capacity to meet them.

I would hope that those few who have been critical of the decision of the Committee on Foreign Relations to examine our security agreements and commitments abroad would read the article in question.

I do not know whether the account of Miss Lewis is accurate, but let me assure Members of the Senate that it is this type of activity which will come under surveillance by this subcommittee. The bundle of agreements with Spain are executive agreements which are not sent to the Senate for its advice and consent.

Our Nation is far too powerful, and our weapons of destruction far too great, to have them committed without careful recognition of the importance of those constitutional processes which make it possible for this Nation today to assert that it is the oldest constitutional democracy living under a written Constitution.

The organizational meeting of the subcommittee is scheduled for tomorrow afternoon—Wednesday, February 26—at 2:30 p.m. At that time, I will present to subcommittee members the preliminary steps that have been taken to get our work underway.

Mr. President, I ask unanimous consent that the article by Flora Lewis and an article by Warren Unna on the same subject be printed at this point in the RECORD.

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

[From the Washington Post, Feb. 25, 1969]

STATE, PENTAGON SPLIT ON COMMITMENTS TO SPAIN

(By Flora Lewis)

A secret dispute has developed between the State Department and the Joint Chiefs of Staff over American commitments to Franco Spain. At one point, the military almost made a U.S. pledge to fight for Spain as though it were a NATO country.

The Senate Foreign Relations Committee, which is starting to study how the U.S. gets into military obligations abroad, got wind of the blow-up between the State Department and the Pentagon at its peak. A committee staff member inquired and was told by both sides that there was no disagreement, no trouble. The executive departments are not inviting the Senators into their quarrel.

But the trouble has been brewing for months. The issue is now on its way to the National Security Council and will have to be decided by President Nixon. The story is a new case history of how the U.S. can stumble into a foreign war.

The immediate issue is the two air bases and the submarine base which the U.S. has in Spain. Although American officials disagree on their precise value, there is general agreement that none is essential to national security though all are useful.

The base agreement runs out this year. It provides that unless Madrid and Washington agree on renewal terms by March 26, the U.S. must evacuate within one year.

Talks on renewal went on during much of 1968. But last September, the Spaniards broke off negotiations, saying the gap between their price of $700 million in new weapons for another five years' use of the bases and the U.S. offer of $140 million in weapons and services was too big. If it was a bluff, it didn't work.

So in October, Spanish Foreign Minister Fernando Maria Castiella called on then Secretary of State Dean Rusk to launch a new approach. In place of the diplomatic talks, an American military mission was assigned to a three-stage discussion with the Spanish military, who dominate Spain. They were to assess the actual threat facing Spain, the "tasks and missions" the Spaniards must undertake to face it, and then the equipment needed to do the job.

Rusk's idea was that by tackling the subject in terms of needs rather than supplies, Madrid could be brought way down from its exorbitant demands for its three armed services.

Rusk also asked, twice, for a six-month extension of the March 26 deadline to give the new Administration time for this important policy decision. The Spaniards flatly refused.

On Nov. 18–20, Gen. Earle G. Wheeler, Chairman of the Joint Chiefs of Staff, visited Madrid and opened the talks. He made a general speech about Western strategy and mentioned in passing "the potential problem of political instability in North Africa." And to head the mission he named Maj. Gen. David A. Burchinal, a tall, dapper man who as deputy to NATO supreme commander Gen. Lyman Lemnitzer has the dual role of second in command over all NATO forces in Europe and over all American forces in Europe.

Burchinal started work on Dec. 7. Two days later he signed a joint minute with the Spaniards on the threat they face. It included as a serious element the threat of limited war in North Africa, mentioning such possibilities as Algerian aggression, a "proxy" war in the Spanish colonies backed by the Russians, and other highly unlikely developments. His signature to this vast expansion of Wheeler's remark implied that Spain was justified in seeking far more weapons than the U.S. wants to give.

While he worked, he kept his papers locked in a safe at the U.S. air base at Torrejon, which is under his command. Neither the U.S. Embassy in Madrid nor the regular U.S. military mission there was given any word on conduct of the talks, nor could they possibly get access to the papers that were taken each night from Madrid to Torrejon.

Burchinal sent his copy of the signed minute back to Wheeler. It was not shown to the State Department nor to Pentagon civilians. After two weeks, with the intervention of top Pentagon civilians, the paper was finally produced.

The civilians, at the Pentagon and especially at State, were distressed with it. The extended reference to a threat from North Africa could be used to involve the U.S. in a Spanish colonial war. They wanted the text changed. Burchinal refused on the grounds that it was already signed and that trying to get a redraft would ruin his negotiations.

So State and the Pentagon compromised. They agreed on the text of a "prefatory note" which was sent to Burchinal to be inserted in the next joint minute on "tasks and missions." The note said the talks were a useful exchange of views but that nothing in the first or future minutes could be considered a binding Spanish-American understanding or commitment.

They also agreed on a proposed minute for the second stage and sent it to Burchinal to negotiate. It eliminated the whole passage about North Africa. There was no report from Burchinal for over a month. Then, in early February, he returned the jointly signed minute with a deadline of 48 hours for approval. The Joint Chiefs demanded State's endorsement.

The State Department people exploded. Burchinal had made three crucial changes:

1. The "threat from North Africa" idea was reinserted.

2. A statement was inserted saying the U.S. was obligated to defend Western Europe "of which Spain is an integral part." State Department lawyers pointed out that this could extend the NATO guarantee to include Spain, a vast and probably illegal commitment without Senate ratification.

3. The "prefatory note" was changed. It said that the minutes were "agreed views" of the two military sides and "must constitute" the basis for further talks on arms for Spain, though it still contained the phrase that this was not a commitment.

Furthermore, State was incensed at the impertinence of the 48-hour deadline and refused approval. Secretary of Defense Melvin R. Laird intervened on the request of Pentagon staff. He got Secretary of State William P. Rogers, who was in Florida, to insist on speedy clearance of the paper.

An inter-departmental meeting was called. It was stormy. Reluctantly, State agreed to endorse Burchinal's minute provided two changes were made. The fateful "integral part of Europe" phrase was removed and a sentence was added to the "prefatory note" saying the talks "do not necessarily reflect the views of the two governments."

The whole issue was then sent, as case No. 1, to the new Inter-Departmental Group for Europe set up under the Nixon Administration's machinery for funneling policy decisions to the National Security Council. Assistant Secretary of State John Leddy is chairman of the group. Its report went into the broad dangers of any security commitment to troubled Spain, whether the U.S. really needs the bases and how high a price it should pay for them in terms of both money and future policy risks.

The Spaniards have repeatedly made vague threats that they might turn neutral if there is no new base agreement. Some American officers argue that Madrid might settle for fewer weapons if it could get a mutual security treaty with the U.S. American diplomats are convinced this would be an outrageously false economy.

At the least it would open the U.S. to serious charges from anti-Franco Spaniards that it deliberately supported his dictatorship, as Cuban moderates who initially supported Castro charged about Batista. At the worst, it could impel the U.S. into an unwanted war.

[From the Washington Post, Feb. 25, 1969]

MILITARY'S ROLE IN U.S. DIPLOMACY CURBED TO AVOID COMMITMENTS

(By Warren Unna)

The new Nixon Administration, in one of its first moves on a ticklish political-military crisis has put the brakes on the way the U.S. military has been conducting U.S. diplomacy.

Deputy Defense Secretary David Packard, it was learned, last week summoned Gen. David A. Burchinal, deputy chief of both NATO and U.S. European forces under NATO, and carefully reviewed Burchinal's role in renegotiating the lease for the four U.S. Navy and Air Force bases in Spain.

According to a story by Newsday columnist Flora Lewis, published in today's editions of The Washington Post on Page A17, Burchinal, backed by high Pentagon brass, ignored the advice of civilian officials in both the State Department and the Pentagon in his negotiations with Spanish officials on the U.S. bases.

The account said Burchinal committed the United States to acknowledging that the Spaniards had a "threat from North Africa," both through possible Algerian aggression and a possible Soviet-backed separation of Spain's African colonies.

The account also said that the General obliged the United States to defend Spain under the NATO agreement by referring to her as "an integral part" of Western Europe.

Moreover, the General reportedly insisted that his "minute" with the Spaniards were "agreed views" that "must constitute" the basis of further U.S. arms talks with Spain.

Secretary Packard, in calling in Burchinal for a review, has now made clear how he should proceed when he returns to Spain next week.

A high Pentagon official said last night that "Gen. Burchinal came back on an entirely unrelated matter. There have been no documents signed, irretrievably or otherwise, that constitute commitments of any sort. The discussions have been on a military level on military matters. He has not been dropped. He will continue to meet with the Spanish."

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

Mr. SYMINGTON. I yield.

Mr. MANSFIELD. Mr. President, I am very happy that the distinguished senior Senator from Missouri has seen fit to bring this matter to the floor of the Senate today. I hope that before too long it will be before the subcommittee of which he is chairman, and perhaps the full Committee on Foreign Relations as well.

It is my understanding that the general in question who was named to head the mission, Maj. Gen. David A. Burchinal, is in the city of Washington at this time; and I would hope that before he returns to his assignment, it would be possible to get from him the facts as they may be.

I make no accusation against the general, because I am sure that he was carrying out his orders, as a good soldier should; but the article by Miss Lewis does raise questions about the relationship between the State Department and the Department of Defense. It does raise questions about executive agreements. It does raise questions about the possibility of an involvement this time in Africa if this agreement is as stated and if it is put into effect as it has been enunciated.

It would appear to me that if we are to do anything of this nature for just a 5-year extension of a lease on bases which may well have outlived their usefulness—some of them I think have been discontinued in recent months—we will be going a long way in the formulation of a policy contrary to constitutional practice. It raises a most serious question relative to who shall conduct the foreign policy of this country. Should it be the representatives of the Pentagon in the Defense Department or, as has been the practice under the Constitution, shall it continue to be the representatives of the Department of State, under the command, control, and responsibility of the President of the United States?

As I interpret the available information, the Nixon administration has seen fit to face up to this issue. It has called for a reassessment of the charges which have been made and the proposals which have been submitted—not once, but evidently twice; and has been able, at least up to this time, to bring about some changes.

This matter should be gone into. It is a most serious question. I am delighted that the distinguished Senator from

Missouri has seen fit to raise it on the floor of the Senate today.

Mr. SYMINGTON. I am very grateful for the remarks made by the distinguished majority leader. I am honored by the fact that he was willing to serve on the subcommittee in question. I wish to say to the Senate this morning that it is our desire to get all the facts with respect to this particular commitment and any other commitments of this character.

PRESIDENT NIXON'S EUROPEAN VISIT

Mr. SCOTT. Mr. President, I am delighted to observe that the visit of President Nixon to Europe has been met with such acclaim, accord, and good will by the people and the statesmen of Europe. This is a good beginning for the foreign policy of the President.

EXECUTIVE COMMUNICATIONS, ETC.

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

PROPOSED LEGISLATION TO AUTHORIZE A DISLOCATION ALLOWANCE UNDER CERTAIN CIRCUMSTANCES, CERTAIN REIMBURSEMENTS, TRANSPORTATION FOR DEPENDENTS, AND TRAVEL AND TRANSPORTATION ALLOWANCES

A letter from the Secretary of the Navy, transmitting a draft of proposed legislation to amend title 37, United States Code, to authorize a dislocation allowance under certain circumstances, certain reimbursements, transportation for dependents, and travel and transportation allowances under certain circumstances, and for other purposes (with an accompanying paper); to the Committee on Armed Services.

PROPOSED LEGISLATION ON TRAVEL AND TRANSPORTATION ALLOWANCES

A letter from the Secretary of the Navy, transmitting a draft of proposed legislation to amend title 37, United States Code, to provide entitlement to round-trip transportation to the homeport for a member of the naval service on permanent duty aboard a ship overhauling away from homeport whose dependents are residing at the homeport (with an accompanying paper); to the Committee on Armed Services.

PROPOSED LEGISLATION TO AUTHORIZE THE COMMAND OF THE U.S.S. "CONSTITUTION" BY RETIRED OFFICERS OF THE U.S. NAVY

A letter from the Secretary of the Navy, transmitting a draft of proposed legislation to authorized command of the U.S.S. *Constitution* (IX–21) by retired officers of the U.S. Navy (with an accompanying paper); to the Committee on Armed Services.

REPORT ON DEPARTMENT OF ARMY RESEARCH AND DEVELOPMENT CONTRACTS

A letter from the Acting Assistant Secretary of the Army (R. & D.), transmitting, pursuant to law, a report on Department of the Army research and development contracts, for the period July 1, 1968, through December 31, 1968 (with an accompanying report): to the Committee on Armed Services.

REPORT ON RESERVE FORCES BY DEPARTMENT OF DEFENSE

A letter from the Deputy Secretary of Defense, transmitting, pursuant to law, the annual report on Reserve Forces for fiscal year 1968 (with an accompanying report); to the Committee on Armed Services.

REPORT ON DEPARTMENT OF DEFENSE PROCUREMENT FROM SMALL AND OTHER BUSINESS FIRMS

A letter from the Acting Assistant Secretary of Defense (Installations and Logistics), transmitting, pursuant to law, a report on Department of Defense procurement from small and other business firms for the period July–November 1968 (with an accompanying report); to the Committee on Banking and Currency.

REPORT OF NATIONAL COMMISSION ON PRODUCT SAFETY

A letter from the Executive Director, National Commission on Product Safety, transmitting, pursuant to law, a report of the Commission which recommends legislation to further protect American children (with an accompanying report); to the Committee on Commerce.

REPORT OF INTERSTATE COMMERCE COMMISSION

A letter from the Chairman, Interstate Commerce Commission, transmitting, pursuant to law, the 82d Annual Report of the Commission, for the fiscal year 1968 (with an accompanying report); to the Committee on Commerce.

REPORT OF THE SECRETARY OF THE SENATE

A letter from the Secretary of the Senate, transmitting, pursuant to law, his statement of the receipts and expenditures of the Senate from July 1, 1968 to December 31, 1968 (with an accompanying report); ordered to lie on the table.

REPORT OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on an analysis of estimated and actual costs of certain major research facilities of the Atomic Energy Commission, dated February 20, 1969 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on an audit of the financial statements of the low-rent public housing program fund, for the fiscal year 1968, Department of Housing and Urban Development, dated February 20, 1969 (with an accompanying report); to the Committee on Government Operations.

A report of the Comptroller General of the United States, transmitting, pursuant to law, a report on the need to resolve questions of safety involving certain registered uses of lindane pesticide pellets, Agriculture Research Service, Department of Agriculture, dated February 20, 1969 (with an accompanying report); to the Committee on Government Operations.

REPORT ON THE ANTHRACITE MINE WATER CONTROL AND MINE SEALING AND FILLING PROGRAM

A letter from the Under Secretary of the Interior, transmitting, pursuant to law, a report on the anthracite mine water control and mine sealing and filling program, for the fiscal year ending June 30, 1968 (with an accompanying report); to the Committee on Interior and Insular Affairs.

REPORT OF DEPARTMENT OF THE INTERIOR ON THE GEOLOGICAL SURVEY

A letter from the Under Secretary of the Interior, reporting, pursuant to law, on activities carried on by the Geological Survey during the period July 1 through December 31, 1968; to the Committee on Interior and Insular Affairs.

THIRD PREFERENCE AND SIXTH PREFERENCE CLASSIFICATIONS FOR CERTAIN ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders entered granting temporary admission into the United States of certain aliens (with accompanying papers); to the Committee on the Judiciary.

REPORT OF THE NATIONAL MEDIATION BOARD

A letter from the Chairman, National Mediation Board, transmitting, pursuant to law, a report of the Board, including the report of the National Railroad Adjustment Board, for the fiscal year ended June 30, 1968 (with an accompanying report); to the Committee on Labor and Public Welfare.

REPORT OF NATIONAL ADVISORY COUNCIL ON EDUCATION PROFESSIONS DEVELOPMENT

A letter from the Chairman, National Advisory Council on Education Professions Development, transmitting, pursuant to law, a report of the Council, dated 1968–69 (with an accompanying report); to the Committee on Labor and Public Welfare.

PETITIONS AND MEMORIALS

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

By the VICE PRESIDENT:

Resolutions of the House of Representatives, Commonwealth of Massachusetts; to the Committee on Armed Services:

"RESOLUTIONS MEMORIALIZING CONGRESS TO ASSIST MRS. MAUREEN DUNN IN DETERMINING WHETHER OR NOT HER HUSBAND IS A PRISONER OF THE RED CHINESE OR WAS KILLED IN ACTION

"Whereas in February, 1968, Lt. Joseph P. Dunn of the United States Naval Air Force was shot down off the coast of Red China; and

"Whereas Lt. Dunn was seen parachuting from his plane and his radio signals were picked up later; and

"Whereas since this date, Mrs. Maureen Dunn, wife of Lt. Dunn, has been unable to get any word of confirmation or denial of his death or capture by the Red Chinese; and

"Whereas this silence has caused Mrs. Dunn grave anxiety and worry; Therefore, be it

"Resolved that the Massachusetts House of Representatives request the members of the Congress of the United States to use their good offices in assisting Mrs. Maureen Dunn in securing the necessary information in order that she may determine if her husband is dead or a prisoner of the Red Chinese; and be it further

"Resolved that copies of these resolutions be sent forthwith by the Secretary of the Commonwealth to the President of the United States, the presiding officer of each branch of Congress and to each member thereof from this Commonwealth.

"House of Representatives, adopted, February 12, 1969.

"WALLACE C. MILLS,
"Clerk.

"Attest:

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

A resolution of the Legislature of the State of New York; to the Committee on Armed Services:

"CONCURRENT RESOLUTION 37

"Concurrent resolution of the New York State Legislature memorializing Congress to act expeditiously on proposed legislation to transfer title to the property known as The New York Naval Shipyard, in the Borough of Brooklyn, to the City of New York for redevelopment as an industrial park

"Whereas the New York Naval Shipyard, in the Borough of Brooklyn, was closed in June, nineteen hundred sixty-six, and such closing resulted in the loss of ten thousand skilled and well-paying jobs, in the impairment of employment opportunities for

others, and adversely affected the economy of the Borough of Brooklyn and of the City and State of New York, and

"Whereas the Legislature of this state has already demonstrated its approval of the redevelopment program by enacting chapters five hundred eighty-two and seven hundred fifty-seven of the laws of nineteen hundred sixty-seven and by enacting chapter ten hundred sixty-one of the laws of nineteen hundred sixty-eight, such laws authorizing and empowering the City of New York to undertake such redevelopment program; and

"Whereas the Mayor of the City of New York, the members of the Board of Estimate, the Governor and concerned departments of the State and City of New York, and the Commerce, Labor and Industry Corporation of Kings (CLICK), a non-profit corporation representing commercial, industrial, labor, community and civic leaders of the Borough of Brooklyn, have jointly developed plans for the redevelopment of the New York Naval Shipyard as an industrial park; and

"Whereas the successful completion of such redevelopment will result in the creation of twenty thousand on-site jobs and an equal number of off-site jobs among vendors supplying materials, goods, and services to industries located on the site; and

"Whereas the creation of such jobs will create employment opportunities for the unemployed, reduce the burdens of welfare costs, and promote the economy of the Borough of Brooklyn, the City and State of New York and of the Nation; and

"Whereas it is essential for the development of the industrial park that the federal government transfer the property as expeditiously as possible to the City of New York at below fair market value: Now, therefore, be it

"Resolved (if the Senate concur), That the Congress be, and hereby is, memorialized to approve as expeditiously as possible proposed legislation to permit the transfer of title to the New York Naval Shipyard to the City of New York, without cost, for the governmental purpose of redevelopment of such property as an industrial park; and be it further

"Resolved (if the Senate concur), That copies of this resolution be transmitted to the Congress of the United States by forwarding one copy thereof to the Secretary of the Senate, one copy to the Clerk of the House of Representatives and one copy to each member of the Congress from the State of New York.

"By order of the Assembly,

"DONALD A. CAMPBELL,
"Clerk.

"In senate January 28, 1969, concurred in, without amendment.

"By order of the Senate,

"ALBERT J. ABRAMS,
"Secretary."

A resolution adopted by the Hampton Roads Retired Officers Association, of Virginia Beach, Va., praying for the enactment of legislation relating to retired members of the uniformed services; to the Committee on Armed Services.

A letter, in the nature of a petition, from the League of Women Voters of East Providence, R.I., praying for the ratification of the nonproliferation treaty; to the Committee on Foreign Relations.

A resolution adopted by the City Council, Lawndale, Calif., praying for the enactment of legislation to strengthen the requirements and standards for off-shore drilling; to the Committee on Interior and Insular Affairs.

A petition, signed by T. M. Cody, and sundry other members of the Galilee Baptist Church, of Knoxville, Tenn., remonstrating against the prohibition of prayer and bible reading in schools; to the Committee on the Judiciary.

A petition, signed by Charles W. Ezeb, and sundry other members of the basic adult education class, St. Augustine School, New Orleans, La., remonstrating against the closing of the school; to the Committee on Labor and Public Welfare.

A concurrent resolution of the Legislature of the State of New York; to the Committee on Post Office and Civil Service:

"CONCURRENT RESOLUTION 72

"Concurrent resolution memoralizing the Congress of the United States of America to create a division within the post office department to eliminate the dissemination of pornography through the United States mails

"Whereas there has been widespread public concern and indignation relative to the type of unsolicited obscene, scatological materials disseminated through the United States mails; and

"Whereas evidence is available that certain of the materials produced by unscrupulous individuals and racketeers and disseminated through the mails falls into the hands of our young people and tend to provoke acts of juvenile delinquency or crime and are inherently objectionable; and

"Whereas much of this objectionable material is in violation of the laws of the State of New York; and

"Whereas it is particularly difficult for law enforcement officials of the State of New York to expose and prosecute perpetrators of obscene and objectionable materials because of the federal and constitutional protections against abridgement of the right of freedom of the press; and because this is primarily a matter of Federal jurisdiction, whereas the present Inspection Division of the Post Office Department is overextended in meeting the problems created by the peddlers of smut and filth through our mails: Now, therefore, be it

"Resolved (if the Assembly concur), That the Congress of the United States be memorialized to create a division within the United States Post Office Department whose sole purpose and undivided energies shall be directed to elimination of the problems created by dissemination of pornographic, obscene and objectionable materials through the United States mails; and be it further

"Resolved (if the Assembly concur), That such a division be authorized to work in conjunction with the law enforcement officials of the various states in order to prosecute and enforce the Federal and state laws prohibiting the dissemination of these materials so dangerous to the well being of our nation's youth and which are directed to the destruction of the moral standards of our community; be it further

"Resolved (if the Assembly concur), That the Secretary of the Senate be and he hereby is directed to send a duly certified copy of this resolution to the Senate of the United States and to the House of Representatives in the Congress of the United States, and that a copy of this resolution be forwarded to each member of the Congress, from the state of New York.

"By order of the Senate,

"ALBERT J. ABRAMS,
"Secretary."

A resolution adopted by the City Council of Upland, Calif., praying for the enactment of legislation for the installation of an effective flood control dam and diversionary channel north of the city of Upland; to the Committee on Public Works.

RESOLUTIONS OF NEW HAMPSHIRE LEGISLATURE

Mr. COTTON. Mr. President, on February 19th, the New Hampshire Senate and the New Hampshire House of Representatives adopted separate resolutions supporting the establishment of a free trade zone at Machiasport, Maine. These resolutions reflect the official support of the people of New Hampshire, and their interest in seeing our consumers benefit from lower fuel oil prices. I ask unanimous consent that these resolutions be printed in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD and referred to the Committee on Finance, as follows:

RESOLUTION RELATIVE TO A FREE TRADE ZONE AT MACHIASPORT, MAINE

Whereas application has been made to the United States Government to establish a Free Trade Zone at Machiasport, Maine and

Whereas establishment of a Free Trade Zone in Maine would provide new opportunities for New Hampshire businesses and

Whereas interest has been expressed by Occidental Petroleum Corporation in establishing an oil refinery in a Free Trade Zone at Machiasport for the refining of imported oil and

Whereas establishment of an oil refinery in a Free Trade Zone at this location could result in lower oil prices and bring about substantial savings to New Hampshire citizens and users of oil products,

Be it resolved, That the New Hampshire Senate endorse the establishment of a Free Trade Zone at Machiasport, Maine and urge the federal departments and agencies responsible for passing on this application to give prompt approval.

Be it further resolved, That copies of this resolution be forwarded to United States Senators and Members of Congress from New Hampshire and copies also be forwarded to the departments of the federal government having jurisdiction in this area.

GEORGE GILMAN,
Member of the Senate.
WILMONT S. WHITE,
Clerk of the Senate.

CONCORD, N.H.,
February 19, 1969.

Hon. NORRIS COTTON,
Senate Office Building,
Washington, D.C.:

The New Hampshire House of Representatives adopted today the following resolution introduced by Representative Daniel J. Hussey, of Rochester:

"Resolved by the House of Representatives in General Court Convened:

"Whereas we in the State of New Hampshire as do the other States of New England find ourselves subjected to the inconsistencies of a controlled noncompetitive petroleum market. Whereas we cannot bring in crude oil and we are far from domestic crude oil sources we in New England have no refineries and we are unlikely to ever have any under present restrictive Federal policies;

"Whereas the economies of the New England States including that of New Hampshire need and would benefit from the establishment of an oil refinery and free trade zone such as one proposed for the Machiasport, Maine, area: Now therefore be it

"Resolved, (1) that we of the House of Representatives of the State of New Hampshire place ourselves in support of the intentions and aims of the New England congressional delegation that would bring about regulations that would make the above establishments possible; (2) that we urge the Department of the Interior to institute regulations that would permit oil refineries to be established in foreign trade zones. Be it further specified that we support the institution of regulations such as that exist in 'proposal A' as pointed out in the New England congressional delegation's letter of January 9, 1969 to Mr. Elmer L. Hoehn, Oil Import Administrator of the U.S. Department of the Interior."

J. MILTON STREET,
Acting Clerk.

TWO RESOLUTIONS OF NAVAJO TRIBAL COUNCIL

Mr. GOLDWATER. Mr. President, I ask unanimous consent to have printed in the RECORD two resolutions of the Navajo Tribal Council pertaining to education for the Navajo Indians.

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

RESOLUTION OF THE NAVAJO TRIBAL COUNCIL PETITIONING THE CONGRESS OF THE UNITED STATES FOR FUNDS FOR NAVAJO EDUCATION

Whereas:

1. The Navajo Tribe and the Bureau of Indian Affairs are united in their efforts to provide educational opportunities for all Navajo students, and

2. The Navajo Tribe is participating in and fully approves the present planned goals and operation of the Navajo educational program presently administered by the Bureau of Indian Affairs, and

3. Over the last few years the educational needs of the Navajo people have grown tremendously and at the same time the ways and means of meeting these educational needs have been perfected through the united efforts of the Bureau of Indian Affairs education system and the Navajo people, and

4. The funds to build necessary plants and physical facilities for the education of Navajo people have been generously tended to by appropriated funds from Congress, and

5. The increased interest in education, the increased numbers of students, the increased know-how in education, and the increased costs of all operating expenses have created a demand and necessity for funds above that provided for Navajo education in the last two years, and

6. The present funds available for Navajo education are not adequate to buy books, pencils, paper, and other school supplies essential for an educational program, and

7. The present funds available do not provide for adequate staffing of the schools including dormitory coverage to help assure the development of the students.

Now therefore be it resolved that:

1. The Navajo Tribal Council does hereby call attention to the shortage of appropriations for Navajo education and petition the Congress of the United States to adequately fund Navajo education so as to give the Navajo children the opportunity to compete with and take their place in the outside world.

2. The Navajo Tribal Council further directs the Chairman of the Navajo Tribal Council or his authorized representative to do any and all things necessary and appropriate to implement the intent of this resolution.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Navajo Tribal Council at a duly called meeting at Window Rock, Arizona, at which a quorum was present and that same was passed by a vote of 49 in favor and 0 opposed, this 5th day of February, 1969.

NELSON DAMON,
Vice Chairman, Navajo Tribal Council.

RESOLUTION OF THE NAVAJO TRIBAL COUNCIL REQUESTING THE U.S. CONGRESS FOR A DIRECT APPROPRIATION TO THE NAVAHO COMMUNITY COLLEGE

Whereas:

1. The Navajo Tribal Council Resolution CJY–87–68 authorized the establishment of the Navaho Community College, and Resolution CJY–87–68 approved the permanent Board of Regents for the College, and

2. The Board of Regents, as an official governing body of the College, is authorized to solicit, receive and disburse funds on behalf of the Navaho Community College, and

3. The Board of Regents has made contact with various governmental agencies and private industry, soliciting funds for the capital investment and operating expenses for the College, and

4. The College will require continuing, substantial support from sources other than the Navajo Tribe and other present funding sources.

Now therefore be it resolved that:

The Navajo Tribal Council authorizes and directs the Navaho Community College to seek Federal legislation providing regular direct appropriations to support the College.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Navajo Tribal Council at a duly called meeting at Window Rock, Arizona, at which a quorum was present and that same was passed by a vote of 60 in favor and 0 opposed, this 28th day of January, 1969.

NELSON DAMON,
Vice Chairman, Navajo Tribal Council.

BILLS AND JOINT RESOLUTIONS INTRODUCED

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

By Mr. DIRKSEN (by request):

S. 1095. A bill for the relief of Lt. Comdr. Ruth E. Hall, U.S. Navy; to the Committee on the Judiciary.

By Mr. DIRKSEN:

S. 1096. A bill to incorporate the Paralyzed Veterans of America; to the Committee on the Judiciary.

By Mr. ERVIN:

S. 1097. A bill to enforce the principle of separation of powers by amending title 28, United States Code, to prohibit the exercise or discharge by justices and judges of the United States of nonjudicial governmental powers and duties; to the Committee on the Judiciary.

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

By Mr. SCOTT:

S. 1098. A bill to amend the Internal Revenue Code of 1954 so as to allow a deduction for certain amounts paid by a taxpayer for tuition and fees in providing a higher education for himself, his spouse, and his dependents; to the Committee on Finance.

S. 1099. A bill for the relief of Lia (Lya) Novelli; to the Committee on the Judiciary.

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

By Mr. MUNDT (for himself, Mr. ALLOTT, Mr. CURTIS, Mr. DOLE, Mr. DOMINICK, Mr. HANSEN, Mr. HRUSKA, Mr. MCCARTHY, Mr. MCGOVERN, Mr. METCALF, Mr. MILLER, Mr. SYMINGTON, and Mr. YOUNG of North Dakota):

S. 1100. A bill to designate the comprehensive Missouri River Basin development program as the Pick-Sloan Missouri Basin program; to the Committee on Public Works.

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

By Mr. YOUNG of North Dakota:

S. 1101. A bill to amend the Watershed Protection and Flood Prevention Act, as amended, so as to permit Federal cost sharing for certain uses of water stored in reservoir structures constructed or modified under such act; to the Committee on Agriculture and Forestry.

By Mr. PROUTY (for himself, Mr. JAVITS, Mr. MURPHY, Mr. PELL, Mr. RANDOLPH, and Mr. YARBOROUGH):

S. 1102. A bill to amend the National Defense Education Act of 1958 and the Public Health Service Act in order to provide for cancellation of loans pursuant to such acts for service in the Armed Forces, and to amend the Higher Education Act of 1965 in order to provide for payments for such service on loans insured or made pursuant to agreements under such act; to the Committee on Labor and Public Welfare.

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

By Mr. CASE:

S. 1103. A bill to amend title IV of the Social Security Act to repeal the provisions limiting the number of children with respect to whom Federal payments may be made under the program of aid to families with dependent children; to the Committee on Finance.

S. 1104. A bill for the relief of Thi Huong Nguyen and her minor child Minh Linh Nguyen; to the Committee on the Judiciary.

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

By Mr. BYRD of West Virginia:

S. 1105. A bill to amend the Internal Revenue Code of 1954 to increase the standard deduction and the minimum standard deduction allowable to individuals; to the Committee on Finance.

By Mr. JAVITS (for himself, Mr. YARBOROUGH, Mr. RANDOLPH, and Mr. BYRD of West Virginia):

S. 1106. A bill to establish a National Commission on State Workmen's Compensation Laws to undertake a comprehensive study and evaluation of State workmen's compensation laws, and for other purposes; to the Committee on Labor and Public Welfare.

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

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

S. 1107. A bill to further promote the economic advancement and general welfare of the Hopi Indian Tribe of the State of Arizona by granting to the Hopi Tribal Council certain powers necessary for the development of the Hopi Industrial Park, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BIBLE (for himself and Mr. CANNON):

S. 1108. A bill to waive the acreage limitations of section 1(b) of the act of June 14, 1926, as amended, with respect to conveyance of lands to the State of Nevada for inclusion in the Valley of Fire State Park; to the Committee on Interior and Insular Affairs.

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

By Mr. CASE (for himself and Mr. RANDOLPH):

S. 1109. A bill relating to the construction, modification, alteration, repair, painting, or decoration of buildings leased for public purposes; to the Committee on Labor and Public Welfare.

By Mr. ANDERSON:

S. 1110. A bill for the relief of Nickolas George Polizos; to the Committee on the Judiciary.

By Mr. HARRIS:

S. 1111. A bill to amend the Public Health Service Act to establish a National Institute of Biomedical Engineering; and

S. 1112. A bill to amend the Public Health Service Act so as to require that an annual report be made to the Congress concerning the policies and goals of the National Insti-

tutes of Health; to the Committee on Labor and Public Welfare.

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

By Mr. MUSKIE:

S. 1113. A bill for the relief of Dorothy G. Moore; to the Committee on the Judiciary.

By Mr. MAGNUSON:

S. 1114. A bill for the relief of Jerald D. Stephenson;

S. 1115. A bill for the relief of the B. J. Carney & Co.;

S. 1116. A bill for the relief of Grace E. Hillier;

S. 1117. A bill for the relief of Mrs. Charlotte V. Williams;

S. 1118. A bill for the relief of Cho Johnny;

S. 1119. A bill for the relief of Daisy M. Tharp;

S. 1120. A bill for the relief of Wong Wah Sin;

S. 1121. A bill for the relief of Bark Poon Chang;

S. 1122. A bill for the relief of Asif M. Zahir;

S. 1123. A bill for the relief of Ah Mee Locke;

S. 1124. A bill for the relief of Dr. Alberto Caburian DeVera;

S. 1125. A bill for the relief of Yip Goon Hop (also known as Tommy H. Yep);

S. 1126. A bill for the relief of Wu Mei Yuk Tang;

S. 1127. A bill for the relief of Wook Hea Lee (Joseph Lee);

S. 1128. A bill for the relief of Chong Suk Stroisch; and

S. 1129. A bill for the relief of Duk Hwa Kim and his wife, Kyi Bok Han Kim; to the Committee on the Judiciary.

By Mr. MAGNUSON (for himself and Mr. JACKSON):

S. 1130. A bill to provide for the striking of medals in commemoration of the one hundredth anniversary of the founding of the American Fisheries Society; to the Committee on Banking and Currency.

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

By Mr. RANDOLPH:

S. 1131. A bill for the relief of Pedro Felipe Lo; to the Committee on the Judiciary.

By Mr. METCALF (for himself, Mr. BAYH, Mr. BIBLE, Mr. BROOKE, Mr. BURDICK, Mr. BYRD of West Virginia, Mr. CANNON, Mr. CASE, Mr. CHURCH, Mr. EAGLETON, Mr. GOODELL, Mr. GRAVEL, Mr. HARRIS, Mr. HART, Mr. HARTKE, Mr. HUGHES, Mr. INOUYE, Mr. JAVITS, Mr. KENNEDY, Mr. MAGNUSON, Mr. MANSFIELD, Mr. MCCARTHY, Mr. MCGEE, Mr. MCGOVERN, Mr. MONDALE, Mr. MONTOYA, Mr. MOSS, Mr. MUSKIE, Mr. NELSON, Mr. PELL, Mr. PROUTY, Mr. RANDOLPH, Mr. RIBICOFF, Mr. SCOTT, Mr. SPARKMAN, Mr. STEVENS, Mr. TYDINGS, Mr. WILLIAMS of New Jersey, Mr. YARBOROUGH, and Mr. YOUNG of Ohio):

S. 1132. A bill to amend title II of the Social Security Act so as to provide that the definition of the term "disability," as employed therein, shall be the same as that in effect prior to the enactment of the Social Security Amendments of 1967; to the Committee on Finance.

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

By Mr. METCALF:

S. 1133. A bill for the relief of Chung Wong;

S. 1134. A bill for the relief of Chong Yew Ling;

S. 1135. A bill for the relief of Pik Lau;

S. 1136. A bill for the relief of Yuen Au-Yueng;

S. 1137. A bill for the relief of Han Kwong Lam;

S. 1138. A bill for the relief of Yuen Lam;

S. 1139. A bill for the relief of Chi Sheng Hung; and

S. 1140. A bill for the relief of Kwai Fai Cheng; to the Committee on the Judiciary.

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

S. 1141. A bill to amend the Act of February 13, 1891, so as to remove the restriction on use with respect to certain lands conveyed to the State of Montana under the provisions of such act; to the Committee on Interior and Insular Affairs.

By Mr. HATFIELD:

S. 1142. A bill to authorize and direct the Secretary of Agriculture to classify as a wilderness area the national forest lands adjacent to the Eagle Cap Wilderness Area, known as the Minam River Canyon and adjoining area, in Oregon, and for other purposes; to the Committee on Interior and Insular Affairs.

S. 1143. A bill for the relief of Maria (Mary) Malatesta; to the Committee on the Judiciary.

By Mr. KENNEDY:

S. 1144. A bill to amend section 576 of title 5, United States Code, pertaining to the Administrative Conference of the United States, to remove the statutory ceiling on appropriations; to the Committee on the Judiciary.

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

By Mr. KENNEDY (for himself, Mr. EAGLETON, Mr. HART, Mr. HUGHES, Mr. MONDALE, Mr. NELSON, Mr. TYDINGS, Mr. YARBOROUGH, and Mr. YOUNG of Ohio):

S. 1145. A bill to amend the Military Selective Service Act of 1967 to provide for a fair and random system of selecting persons for induction into military service, to provide for the uniform application of Selective Service policies, to raise the incidence of volunteers in military service, and for other purposes; to the Committee on Armed Services.

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

By Mr. NELSON:

S. 1146. A bill to establish a National Commission on Libraries and Informative Science; to the Committee on Labor and Public Welfare.

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

By Mr. WILLIAMS of New Jersey:

S. 1147. A bill to authorize the Secretary of Health, Education, and Welfare to provide basic wearing apparel, adequate footwear and other articles of clothing for needy, distressed, and low-income families through a cooperative Federal-State clothing stamp program, and for other purposes; to the Committee on Labor and Public Welfare.

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

By Mr. MOSS (for himself, Mr. ANDERSON, Mr. BURDICK, Mr. CHURCH, Mr. JACKSON, Mr. METCALF, Mr. NELSON, and Mr. STEVENS):

S. 1148. A bill to amend the Revised Organic Act of the Virgin Islands; and

S. 1149. A bill to amend the Organic Act of Guam; to the Committee on Interior and Insular Affairs.

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

By Mr. MOSS:

S. 1150. A bill for the relief of Kawal Manghasings Advani; to the Committee on the Judiciary.

By Mr. MOSS (for himself, Mr. BROOKE Mr. ERVIN, Mr. GRAVEL, Mr. HART, Mr. MCGEE, Mr. METCALF, Mr. MUSKIE, Mr. NELSON, and Mr. YARBOROUGH):

S. 1151. A bill to provide protection for the fish resources of the United States including the fresh water and marine fish cultural industries against the introduction and dissemination of diseases of fish and shellfish, and for other purposes; to the Committee on Commerce.

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

By Mr. MILLER:

S. 1152. A bill to amend the Internal Revenue Code of 1954 to exclude from gross income amounts received under insurance contracts for increased living expenses necessitated by damage to or destruction of an individual's residence; to the Committee on Finance.

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

By Mr. NELSON:

S. 1153. A bill for the relief of Him Pang;

S. 1154. A bill for the relief of Shui Feng Chen;

S. 1155. A bill for the relief of Leung Chiu Hui;

S. 1156. A bill for the relief of Kan Bun Chau;

S. 1157. A bill for the relief of Sangvian Boonbangkeng; and

S. 1158. A bill for the relief of Hing Yuen Lee; to the Committee on the Judiciary.

By Mr. INOUYE:

S. 1159. A bill for the relief of Po Chan;

S. 1160. A bill for the relief of Fuk Lee Lam;

S. 1161. A bill for the relief of Kam Muk Lam;

S. 1162. A bill for the relief of Wai Man Lam; and

S. 1163. A bill for the relief of Yan Wo Tsang; to the Committee on the Judiciary.

By Mr. HARTKE (for himself, Mr. DIRKSEN, Mr. ALLEN, Mr. ALLOTT, Mr. BAYH, Mr. BELLMON, Mr. BENNETT, Mr. BIBLE, Mr. BOGGS, Mr. BYRD of West Virginia, Mr. COOK, Mr. COTTON, Mr. CURTIS, Mr. DOLE, Mr. DOMINICK, Mr. FANNIN, Mr. HANSEN, Mr. HRUSKA, Mr. METCALF, Mr. MILLER, Mr. MONTOYA, Mr. MOSS, Mr. MUNDT, Mr. MURPHY, Mr. PROUTY, Mr. RANDOLPH, Mr. SAXBE, Mr. SCHWEIKER, Mr. SCOTT, Mr. SPARKMAN, Mr. THURMOND, Mr. TOWER, and Mr. YOUNG of North Dakota):

S. 1164. A bill to provide for orderly trade in iron and steel mill products; to the Committee on Finance.

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

By Mr. COOK:

S. 1165. A bill to amend section 320 of title 23 of the United States Code to increase the authorization for that section, and to earmark such increase for a bridge across Markland Dam on the Ohio River; to the Committee on Public Works.

By Mr. EAGLETON:

S. 1166. A bill for the relief of Dr. V. Padmanabha Rao; to the Committee on the Judiciary.

By Mr. PROUTY:

S. 1167. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to employers for the expenses of providing job training programs; to the Committee on Finance.

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

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

S. 1168. A bill authorizing the Secretary of the Interior to take certain action with respect to grazing permits involving the Organ Pipe Cactus National Monument; to the Committee on the Judiciary.

By Mr. BENNETT:

S. 1169. A bill to authorize the Secretary of the Interior to proceed with a loan to the Haights Creek Irrigation Co., Utah; to the Committee on Interior and Insular Affairs.

By Mr. MAGNUSON (by request):

S. 1170. A bill to authorize the Department of Commerce to make special studies, to provide services, and to engage in joint projects, and for other purposes;

S. 117.. A bill to permit tacking of citizen ownership of vessels for trade-in purposes;

S. 1172. A bill to amend the Federal Aviation Act of 1958 so as to authorize the Civil Aeronautics Board to regulate the depreciation accounting of air carriers;

S. 1173. A bill to authorize the Secretary of Commerce to employ aliens in a scientific or technical capacity;

S. 1174. A bill to amend the Federal Aviation Act of 1958 so as to clarify the powers of the Civil Aeronautics Board in respect of consolidation of certain proceedings;

S. 1175. A bill to amend the Act of April 29, 1941, to authorize the waiving of the requirement of performance and payment bonds in connection with certain contracts entered into by the Secretary of Commerce; and

S. 1176. A bill to authorize appropriations to carry out the Standard Reference Data Act; to the Committee on Commerce.

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

By Mr. MAGNUSON:

S. 1177. A bill to authorize the documentation of the vessel *West Wind* as a vessel of the United States with coastwise privileges; to the Committee on Commerce.

By Mr. WILLIAMS of New Jersey:

S. 1178. A bill to improve the safety conditions of persons working in the coal mining industry of the United States; to the Committee on Labor and Public Welfare.

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

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

S.J. Res. 52. A joint resolution proposing an amendment to the Constitution of the United States granting representation in the Congress to the District of Columbia; to the Committee on the Judiciary.

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

By Mr. JAVITS (for himself, Mr. GOODELL, Mr. CASE, Mr. WILLIAMS of New Jersey, Mr. DODD, and Mr. RIBICOFF):

S.J. Res. 53. A joint resolution to consent to and enter into the Mid-Atlantic States Air Pollution Control Compact, creating the Mid-Atlantic States Air Pollution Control Commission as an intergovernmental, Federal-State agency; to the Committee on the Judiciary.

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

By Mr. ANDERSON:

S.J. Res. 54. A joint resolution consenting to an extension and renewal of the interstate compact to conserve oil and gas; to the Committee on Interior and Insular Affairs.

By Mr. ANDERSON (for himself and Mr. MONTOYA):

S.J. Res. 55. A joint resolution authorizing the Secretary of the Interior to establish a memorial museum at Las Vegas, New Mexico, to commemorate the Rough Riders and related history of the Southwest; to the Committee on Interior and Insular Affairs.

By Mr. BAYH (for himself, Mr. BIBLE, Mr. BROOKE, Mr. HARRIS, Mr. HART, Mr. HARTKE, Mr. HATFIELD, Mr. HUGHES, Mr. INOUYE, Mr. KENNEDY, Mr. MCGEE, Mr. MATHIAS, Mr. MONDALE, Mr. MONTOYA, Mr. MUSKIE, Mr. NELSON, Mr. PELL, Mr. PROXMIRE, Mr. RANDOLPH, Mr. RIBICOFF, and Mr. TYDINGS):

S.J. Res. 56. A joint resolution proposing an amendment to the Constitution of the United States granting representation in the Congress to the District of Columbia; to the Committee on the Judiciary.

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

By Mr. TOWER:

S.J. Res. 57. A joint resolution designating February 24 of each year as Admiral Nimitz Day; to the Committee on the Judiciary.

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

By Mr. BENNETT:

S.J. Res. 58. A joint resolution to authorize the President to issue annually proclamations designating the Sunday of each year which occurs immediately preceding February 22 as Freedom Sunday and the calendar week of each year during which February 22 occurs as Freedom Week; to the Committee on the Judiciary.

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

S. 1097—INTRODUCTION OF BILL RELATING TO NONJUDICIAL DUTIES OF FEDERAL JUDGES

Mr. ERVIN. Mr. President, I introduce for appropriate reference a bill to enforce the principle of separation of powers by prohibiting the exercise or discharge by justices and judges of the United States of nonjudicial governmental power and duties.

The question of what nonjudicial activities a judge of the U.S. courts may properly perform without infringing upon the dignity and responsibilities of his office is one which has confronted holders of judicial office since the creation of the Federal judiciary. History abounds with examples of lower Federal judges and Supreme Court Justices who have been asked or have volunteered to perform official duties which were thought by many to be incompatible with their judicial office.

The precedents begin with John Jay, who for a period of time held the offices of Secretary of State and Ambassador to Great Britain as well as that of Chief Justice. The Chief Justice negotiated the controversial treaty with Great Britain. He campaigned for the governorship of New York while on the Court, and did not resign until his election. Other Justices of the Federalist period performed a variety of extrajudicial duties. Some, like Marshall and Ellsworth, also held high Government posts while on the Court. Others, like Bushrod Washington and William Cushing, engaged in open political activities. As one historian of the Court said:

> The politicians—or statesmen—of that day bivouacked in the Chief Justiceship on their march from one political position to another.

The example of extrajudicial activity in more recent times are just as varied. Five Justices served on the Electoral Commission in 1876 to decide who would be President. Charles Evans Hughes, among many Justices, entertained presidential ambition while an Associate Justice, and did not resign until he obtained his party's nomination. Taft later played an active role in the legislative process leading up to the Judiciary Act of 1925. As Chief Justice he might well have delivered his views on legislation affecting the Court and the judiciary. But it was quite another thing for a committee of Justices to have drafted the legislation in secret and to have lobbied privately throughout the Congress for it.

The practice of enlisting the assistance of judges and Justices in nonjudicial governmental affairs reached a new peak during the administrations of Franklin D. Roosevelt. Justice Stone was approached to undertake a number of positions, including an investigation of alternative sources of rubber for use during the war. President Roosevelt's letter requesting Stone to head the inquiry concluded that "it is wholly ethical work for the Chief Justice." Stone turned President Roosevelt down, as he did consistently throughout the period. Other Justices were not quite so steadfast. James Byrnes continued to spend much of his time as a personal adviser to the President, even after he was placed on the Court. After a while he resigned to assist the President more directly. Justice Roberts headed the commission to study the attack on Pearl Harbor. Justices Douglas and Frankfurter were also known to have been advising the President on various political matters throughout the period. Probably all the Justices were involved on one side or another in the Court crisis of 1937, lobbying and otherwise aiding their political allies. A good account of activities of the Justices during the Roosevelt period appears in the article by Alpheus T. Mason, "Extra-Judiciary Work for Judges: The Views of Chief Justice Stone," in 67 Harvard Law Review 193—1953. President Roosevelt, according to Mason, "found it difficult to believe he had cut himself off irrevocably from close advisers merely by assigning them to the Supreme Court." Many of the Justices apparently felt the same way.

The practice of assigning judges to other duties grew so prevalent in those years that it became a subject of great concern to the general public as well as to the bar. Criticism reached its highest point, perhaps, when Justice Jackson took a leave of absence from the Court to fill the role of chief U.S. prosecutor during the war-crimes trials in Nuremburg. Thereafter, the Senate Judiciary Committee submitted a report in which it severely criticized such appointments. It concluded:

> The Committee on the Judiciary of the United States Senate declares that the practice of using federal judges for non-judicial activities is undesirable. The practice holds great danger of working a diminution of the prestige of the judiciary. It is a deterrent to the proper function of the judicial branch of the government. The committee is not now disposed to recommend legislative action. It believes the remedy lies in the first instance in the good sense and discretion of the Chief Executive. His is the prime initiative in the matter of these appointments, and that is the point where the independence of the judges and the prestige of the judiciary may best be preserved.

Perhaps as a result, the practice seems to have gone out of style for a time. Recently, however, the trend has shifted toward increased outside activity by the Justices. In 1963, Chief Justice Warren was asked and accepted the post of

Chairman of the Commission to Investigate the Assassination of President Kennedy. At the time, few questioned his decision. But in retrospect one may debate the wisdom of the Chief Justice's becoming involved in such a controversial investigation, especially when it was very likely that the Court might be involved officially at some future time. In recent years also, judges of the lower Federal courts have been called upon to serve as members on special presidential groups, studying a variety of problems. Some commissions have examined the administration of justice, but others have dealt with issues of great national concern and considerable political sensitivity. Just as the practice seems to be reviving, so also has public interest and criticism of it increased.

While Justices have accepted opportunities to perform extrajudicial functions since the first days of the Constitution, criticism of the practice dates back just as far. Madison and Jefferson strongly opposed the political and governmental activities of the Federalist judges. An amendment to the Constitution was proposed at one time forever barring judges from appointment or election to any other post, and bills of a similar nature have also been introduced. As examples of the reaction to Jay's appointment as Ambassador, Charles Warren quotes a number of contemporary statements in his "The Supreme Court in United States History." For instance, one Senator observed:

> It is unnecessary to remark on the objections arising from the Constitution to an appointment which blends the functions of the Judiciary and Executive, or which renders the Judiciary dependent upon and subservient to the views of the Executive, and which unites in one person offices incompatible with each other.

Some time later, in debate in Congress, an anti-Federalist Congressman recalled:

> There was opposition to the appointment echoed from one end of the continent to the other. . . . The example was dangerous, it put the Judges under the influence of the Executive, and although the prospect of an honorary appointment within the gift of the President was remote, yet it might influence and lessen their independence.

Joseph Hamilton Daviess, a close friend of Chief Justice Marshall, wrote:

> This was breaking in on a fundamental principle, that is, that you ought to insulate and cut off a Judge from all extraneous inducements and expectations; never present him the jora of promotion; for no influence is more powerful in the human mind than hope—it will, in time, cause some Judges to lay themselves out for presidential favor, and when questions of State occur, this will greatly affect the public confidence in them.

Involvement in party or governmental affairs outside the ambit of their judicial duties is no doubt very attractive to many judges, and tempting as well to the Presidents who from time to time appoint them to such duties. But the dangers of the practice are real. The problem has concerned judges and others each time the matter has come to a head. The appointment of learned and respected judges to public positions no doubt contributes to the quality of the work they are called upon to perform. There is no question but that their participation lends an air of dignity and tone to the finished product and may serve to temper political reactions to it. But one may seriously question the advisability of judges' borrowing on the prestige of their office for such purposes. There is also the question of the loss of judicial manpower which results when judges leave their primary responsibilities to perform other duties. Then, too, judges and the court system as a whole are affected, sometimes quite adversely, by the involvement of a judge in political disputes. Judges are expected to be aloof and impartial, and to dispense justice according to law. Their reputation, and the reputation of the judiciary suffers when they become identified with a certain position in current public issues, when they run for other offices, elective or appointed, when they become involved in matters which may eventually be presented to the Court, and when they otherwise step over the line between proper and questionable outside activities. Lately a new trend seems to have appeared as the Justices have devoted more and more time to outside appearances and writings in which they discuss legal and political matters. It sometimes happens that one can get a better idea of the course of the Court's position on some constitutional issues by reading Justices' letters to the press, law review articles, public speeches, and press interviews than by reading the opinions reported in the U.S. Reports.

The problem created by extrajudicial activity of this nature by the Justices is particularly acute at this stage in the Court's history. More and more, the Court has been involving itself in social and political problems. Many people have criticized the Justices—I among them—for imposing their personal political views upon the Nation in the form of constitutional decisions. It is essential for the Court to maintain a position of public neutrality no less than it is basic to its function that it actually be neutral in these issues. It is especially undesirable for the Justices to discuss their views in these issues in popular forums. There are enough doubts about the Justices' neutrality without adding to them in this manner.

The Separation of Powers Subcommittee has been studying this difficult subject for a number of months. It was one of the many topics discussed at hearings held last June on the Supreme Court. The hearings demonstrated that the problem of extrajudicial activities goes far beyond the duties the Justices may be asked to perform in individual capacities. Courts as a body have also been used for a number of administrative, executive, and legislative functions. For instance, until recently the members of the District of Columbia School Board were selected by law by the U.S. district court in Washington. This was unfortunate as a general matter. But when the Hobson case was filed, it meant that an appellate court judge was forced to sit as trial judge because all the local trial judges were disqualified. To take another example, the Justices of the Supreme Court are charged by law with drafting rules of criminal and civil procedure which become effective after a delay of notice to the Congress. Many persons, judges as well as others, have criticized this delegation of legislative power to the judicial branch as unwise if not as a clear violation of the separation of powers principle.

The bill I propose may not be the answer to the many difficult problems involved in the question of extrajudicial activities. Indeed, I am not entirely convinced that this is a problem which is susceptible to resolution by enactment of a law. I introduce the bill as a means of focusing attention on the problem. I hope that the opinions the Separation of Powers Subcommittee will gather in hearings later this year will serve at least as a means of formulating guidelines for the future behavior of Federal judges. These hearings should also serve to guide Congress and the President. I invite comments on the bill and on the problem in general from Members of Congress and other interested persons.

Mr. President, I ask unanimous consent that a copy of the bill be printed at the conclusion of my remarks.

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

The bill (S. 1097) to enforce the principle of separation of powers by amending title 28, United States Code, to prohibit the exercise or discharge by justices and judges of the United States of nonjudicial governmental powers and duties introduced by Mr. ERVIN, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

S. 1097

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

(a) Chapter 21, title 28, United States Code, is amended by:

(1) inserting therein, immediately after section 459, the following new section 460:

"460. Nonjudicial duties.

"Except as otherwise expressly authorized by law, no justice of the United States or judge of the United States while in regular active service may engage in or participate directly or indirectly in the exercise of any power, or the discharge of any duty, which is conferred or imposed upon any officer or employee of the executive branch or the legislative branch of the Government.";

(2) redesignating existing section 460 thereof as section 461 thereof;

(3) striking out in the caption of section 461, as redesignated, "Alaska,"; and

(4) striking out in section 461, as redesignated, the words "Sections 452–459", and inserting in lieu thereof the words "Sections 452–460";

(b) The chapter analysis of chapter 21, title 28, United States Code, is amended by striking out the item relating to section 460 thereof, and inserting in lieu thereof the following:

"460. Nonjudicial duties.
"461. Application to Canal Zone, Guam, and Virgin Islands.".

S. 1098—INTRODUCTION OF BILL TO PERMIT A PERSONAL INCOME TAX DEDUCTION FOR COSTS OF HIGHER EDUCATION

Mr. SCOTT. Mr. President, I introduce for appropriate reference a bill to permit

a personal Federal income tax deduction of up to $1,000 annually for the cost of higher education. This deduction, covering the most basic costs—tuition and fees—would be granted to parents for each child they are putting through college. Equally important, it would also be granted to students who, through their own initiative, are working to finance their own education.

Parents and their college-age children are confronted today with two realities—the necessity for a college education properly to prepare young people for a career and the skyrocketing costs of that education. Perhaps more than earlier generations, today's parents are making great financial sacrifices to see that their children have a better education that is a prerequisite for the good life. The mounting costs of higher education are placing a very heavy burden on those who are making these sacrifices.

I believe that these parents and their children deserve some tax relief. The tax incentive proposed in my bill would give them that break without adding to the education bureaucracy in Washington.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 1098) to amend the Internal Revenue Code of 1954 so as to allow a deduction for certain amounts paid by a taxpayer for tuition and fees in providing a higher education for himself, his spouse, and his dependents, introduced by Mr. SCOTT, was received, read twice by its title, and referred to the Committee on Finance.

S. 1100—INTRODUCTION OF BILL TO DESIGNATE THE COMPREHENSIVE MISSOURI RIVER BASIN DEVELOPMENT PROGRAM AS THE PICK-SLOAN MISSOURI BASIN PROGRAM

Mr. MUNDT. Mr. President, I introduce today legislation to designate the comprehensive Missouri River Basin development program as the Pick-Sloan Missouri Basin program. I am proud to say that I introduce this on behalf of Senators ALLOTT and DOMINICK of Colorado, MILLER of Iowa, DOLE of Kansas, MCCARTHY of Minnesota, SYMINGTON of Missouri, CURTIS and HRUSKA of Nebraska, YOUNG of North Dakota, MCGOVERN of South Dakota, HANSEN of Wyoming, and METCALF of Montana.

This cosponsorship includes Senators from every one of the 10 States representing the so-called Missouri River Basin. This is the area covered by the main stem of the Missouri River and the various tributaries in the 10 States of the Missouri River Basin. With this 100-percent endorsement from the States affected I hope we will see speedy action by both the Public Works Committee and the Senate in making this desirous name change.

Mr. President, I believe we all are familiar with the background of the Missouri River development from a practical standpoint, but, unfortunately, over the years the contributions of two men, Lewis A. Pick and W. Glen Sloan, have been neglected. And yet, without the genius and cooperative spirit of these two individuals, the tremendous network of dams and reservoirs might never have been brought to fruition and certainly not as early.

In addition, the Missouri River Basin development program is something which in its magnitude was unique in American history because it brought together in happy harmony on a major project for virtually the first time, two great agencies of the Government, the U.S. Army Corps of Engineers and the Bureau of Reclamation.

During the summer of 1943, based primarily upon the disastrous consequence of the 1943 Missouri River flood, there was a tremendous upsurge of interest among Missouri Basin citizens to develop some method of preventing for all time a recurrence of floods.

I can remember flying over the flood damaged areas that cost the basin so much in wealth and in life. It was clear to me that some plan of action was necessary.

Col. Lewis A. Pick was at the time the Missouri River division engineer of the Corps of Engineers. He developed a program which consisted of a series of reservoirs on the Upper Missouri coupled with bank stabilization and other channel control features on the river from a point below Yankton, S. Dak., to the mouth.

The report of the Corps of Engineers on flood control was sent to Congress in February 1944. In April 1944 the Secretary of the Interior submitted a plan which the Bureau of Reclamation, under W. Glen Sloan, then Assistant Regional Director of the Bureau, had been developing at the same time the Corps was working on its program.

The Bureau plan, however, was based primarily upon requirements of reclamation and power development. Because of the differences between the plans, and because neither satisfied both upstream and downstream interests, legislation to authorize the projects was stalled at dead center. It became increasingly obvious that the two plans would have to be coordinated if there was to be any hope of congressional approval.

Senate Commerce Committee hearings in May 1944, marked the beginning of references in Congress to the Bureau's plan as the "Sloan plan." This came as a result of Sloan's appearance before the committee and his explanation of the engineering details.

The Commerce Committee also discussed the Corps of Engineers program during this time and as had happened with the Sloan plan, the Corps project soon was termed the "Pick plan."

Col. Miles Reber, Deputy Chief, Legislative and Liaison Division, Office of the Chief of Staff of the War Department, perhaps is the one who pinned the two together with his statement later in the hearings when he referred to "an overall plan for the Missouri River today, the Pick plan and the Sloan plan."

In October 1944, representatives of the Interior Department and the Corps of Engineers formally agreed on the combined program and legislation implementing the basic agreement between the Bureau and Corps was contained in H.R. 4485, which became the Flood Control Act of 1944, or Public Law 534, 78th Congress, second session, and H.R. 3961, which did not become law in 1944, but which ultimately became the Rivers and Harbors Act of 1945, Public Law 14, 79th Congress, first session.

By this time, the combined program was being called the Pick-Sloan Missouri Basin program by citizens throughout the Missouri Basin. A reference to newspaper clippings of that day shows that the press used this term as the generic phraseology with which to describe the program.

Over the years, the term "Pick-Sloan" slipped out of common usage. I believe, Mr. President, the time has come to restore it to its proper place and in so doing, honor these two men who not only conceived this monumental project, but were responsible for much of the construction of this comprehensive program.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 1100) to designate the comprehensive Missouri River Basin development program as the Pick-Sloan Missouri Basin program, introduced by Mr. MUNDT, for himself and other Senators, was received, read twice by its title, and referred to the Committee on Public Works.

S. 1102—INTRODUCTION OF HOT WAR GI BILL

Mr. PROUTY. Mr. President, today I submit for appropriate reference a bill which amends title II of the National Defense Education Act, the insured loan program of title IV of the Higher Education Act, and the health professions student loan program of the Public Health Service Act to allow loan cancellation based on service in the Armed Forces of the United States.

If enacted, this legislation would permit forgiveness of loans of college students who leave school in order to fight for their country. The necessity for such legislation is very great.

GI benefits have recently been increased and liberalized to the extent that a veteran returning from service to school is now eligible for more than one type of grant, fellowship, or loan. This provision, incorporated in the Higher Education Amendments of 1968 will undoubtedly make it possible for many veterans with families to return to school.

What, however, of the veterans who incurred debts in order to partially or completely finish their education and then went into the service? Many thousands of young men return from Vietnam saddled with large debts. Some of them will wish to return to school, but feel impelled to work instead to pay off existing obligations. My bill, Mr. President, would remedy this situation.

Veterans under the provisions of my bill would be allowed to cancel 25 percent of the total amount of the money borrowed under the acts amended for each year of service in the Armed Forces. A full 100 percent of the loans could be forgiven for 4 consecutive years of service.

For example, a young man might go to school for several years, financing his education through NDEA loans, then

leave to serve in the Army for 4 years. When he returns, he might wish to return to school, but he would be canceled due to his 4 years of service, and he could reconvene his education with a clean slate.

In addition, veterans who later become teachers would have an additional opportunity under the provisions of my bill to cancel 50 percent of their loan debts. For example, a veteran with 2 years of service who became a teacher could have 50 percent of his loan canceled immediately, and from 10 to 15 percent up to 50 percent canceled for each year he taught.

Mr. President, this bill, which I have entitled the "Hot War GI Bill" is neither new to this body nor without ample precedent.

During the last session of Congress, former Senator Wayne Morse and I introduced a measure identical to this one. The substance of the bill, S. 2334 was incorporated into the Higher Education Amendments of 1968, and approved by this body. Unfortunately, however, the provisions were deleted in the conference committee.

Senator Morse in introducing S. 2334 noted that under the many imperfections of the Selective Service System some men are drafted while others are not. Those who went into debt to commence a college education and are drafted before being able to finish are unduly penalized. They may secure assistance in completing their education, but not aid in repaying previous debts. As the draft calls for Vietnam continue to escalate, more and more students may find themselves in this predicament. The need for this bill has increased rather than diminished during the past year.

Mr. President, we have made provision in the past for teachers, nurses, and others to receive loan forgiveness as a result of service to the Nation.

There is a 50 percent "forgiveness" clause in the NDEA student loan program for those who become the teachers of our children. It provides that college graduates who become teachers in public or private nonprofit elementary or secondary schools or in institutions of higher learning may cancel up to half the amount of their loan at the rate of 10 percent for every year that they teach. Those who teach in poverty areas or in schools for the handicapped may cancel out their entire NDEA loan at the rate of 15 percent per year.

The Nurse Training Act of 1964 contains a clause providing for the cancellation of one-half of the total obligation for graduate nurses at the rate of 10 percent for each year of service in any public or nonprofit institution.

Finally, under the health professions student loan program, students of medicine, dentistry, osteopathy, optometry, pharmacy, and podiatry may earn up to 50-percent cancellation of the amounts of their loans at a 10-percent rate for each year the graduate practices in an area in which there is a shortage of such professions.

These forgiveness clauses, Mr. President, have become incentives for young college graduates to teach or practice in areas of vital need.

Should we not also provide the veteran who will risk his life in service to this country with an incentive to return home and recommence his education or begin employment without having to worry about repayment of his education debt incurred previously? Enactment of this bill will give deserved recognition of the services being rendered by young men and women serving our Nation in the armed services. I hope, Mr. President, that this proposal, cosponsored by my colleagues, Mr. JAVITS, of New York; Mr. MURPHY, of California; Mr. YARBOROUGH, of Texas; Mr. RANDOLPH, of West Virginia; and Mr. PELL, of Rhode Island, will be quickly endorsed and enacted by the Senate.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 1102) to amend the National Defense Education Act of 1958 and the Public Health Service Act in order to provide for cancellation of loans pursuant to such acts for service in the Armed Forces, and to amend the Higher Education Act of 1965 in order to provide for payments for such service on loans insured or made pursuant to agreements under such act, introduced by Mr. PROUTY (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

S. 1103—INTRODUCTION OF BILL TO REPEAL THE FREEZE ON FEDERAL PARTICIPATION IN THE AFDE PROGRAM

Mr. CASE. Mr. President, I introduce for appropriate reference a bill to eliminate the provisions of the 1967 Social Security Amendments limiting Federal financial participation in the aid to families with dependent children—AFDC—program.

The limitation, or "freeze," on Federal participation in the AFDC program was incorporated, at the insistence of the House of Representatives, in the social security amendments approved by the Congress in 1967. Under the "freeze" provision, the number of children under age 18 who are eligible for AFDC because of a parent's "absence from home" in any State could not exceed for Federal matching purposes the proportion of AFDC children to all children in the State as of January 1968.

In 1967 and again last year the Senate voted to eliminate this provision. I was glad to cosponsor legislation last year to repeal the freeze and am happy to note that both Governor Hughes, of New Jersey, and Governor Rockefeller, of New York, have joined in a cooperative effort to urge the Congress to remove this provision.

Originally scheduled to become effective July 1, 1968, the freeze was postponed during the last session of Congress for 1 year to July 1, 1969. Unless the Congress acts again to postpone the effective date of the amendment, or to repeal it outright, as I believe should be done, many States will be forced to assume an even greater share of welfare costs next July than they do now.

While I appreciate the concern of the House over the rapidly increasing welfare rolls, surely we cannot leave the States in their present situation. Should the Congress fail to act, a State which has experienced a disproportionate increase in the number of needy children compared to the total number of children will face two alternatives.

It may reduce payments to all recipients so that State spending would remain approximately the same, or it may assume the total costs for all needy children who, under the freeze, no longer will be eligible for Federal assistance. The first alternative is unthinkable; the second is unfair to the States.

Since, under the law, States must provide assistance to all eligible recipients, limiting the Federal Government's participation in the AFDC program at this time will not help reduce welfare rolls. It simply shifts to already overburdened State and local governments the responsibility for assuming a larger share of the costs of caring for the Nation's poor.

Welfare is a national problem whose causes and effects are not confined to State and local boundaries. Certainly, much needs to be done, both in the immediate future and for the long range, to improve the whole welfare system.

A number of thoughtful proposals have been offered and some experimental studies are underway. The results of these studies should be helpful in arriving at effective and efficient long-range solutions.

In the meantime, it is essential that the AFDC freeze be removed.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 1103) to amend title IV of the Social Security Act to repeal the provisions limiting the number of children with respect to whom Federal payments may be made under the program of aid to families with dependent children, introduced by Mr. CASE, was received, read twice by its title, and refered to the Committee on Finance.

S. 1108—INTRODUCTION OF BILL TO PERMIT THE STATE OF NEVADA TO PURCHASE CERTAIN PUBLIC DOMAIN LANDS

Mr. BIBLE. Mr. President, on behalf of myself and my colleague, Senator CANNON, I introduce for appropriate reference a bill to waive the acreage limitations of the Recreation and Public Purposes Act of 1926 to permit the State of Nevada to purchase the public domain lands necessary to round out the State's plans for the development of the Valley of Fire State Park in Clark County, Nev.

The Federal Government owns and controls over 87 percent of the land area of our State—some 60 million acres. The lands needed for the Valley of Fire State Park—a very attractive recreational resource—amounts to some 30,000 acres lying in southern Nevada. This relatively small tract is desert land, and has no value for agricultural or industrial purposes. As part of the Valley of Fire, it would serve the thousands of annual visitors who desire to view the southwestern desert area as it has existed since the beginning of time.

Through it chairman, Col. Thomas W. Miller, the Nevada State Park Advisory Commission has indicated its desire to acquire and pay for these lands, as required by the Recreation and Public Purposes Act.

A transfer of these lands will relieve the Federal Government of the cost of managing the area and will, at the same time, allow the State of Nevada to move ahead with a comprehensive State recreational facility that will be a credit to its entire system of parks.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 1108) to waive the acreage limitations of section 1(b) of the act of June 14, 1926, as amended, with respect to conveyance of lands to the State of Nevada for inclusion in the Valley of Fire State Park, introduced by Mr. BIBLE (for himself and Mr. CANNON), was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

S. 1130—INTRODUCTION OF BILL TO PROVIDE MEDALS COMMEMORATING THE 100TH ANNIVERSARY OF THE FOUNDING OF THE AMERICAN FISHERIES SOCIETY

Mr. MAGNUSON. Mr. President, I introduce today a bill to provide for the striking of medals in commemoration of the 100th anniversary of the founding of the American Fisheries Society. The primary purpose of the bill is to honor the founding of America's oldest natural resources conservation organization, established December 20, 1870, in New York City, and to authorize the Secretary of the Treasury to strike medals to commemorate this occasion.

When founded, the society was named "American Fish Culturist Association." Its primary objectives were to promote the cause of fish culture, to gather and disseminate information bearing upon its practical success, and the uniting and encouraging of the individual interests of fish culturists. In 1878 the name was changed to "American Fish Cultural Association," and later in 1884 the name was changed to "The American Fisheries Society."

The society was incorporated on December 16, 1910, in the District of Columbia.

The American Fisheries Society has long filled the role of leading public thought in the field of fisheries since the day it first urged the Congress of the United States to establish the first Federal fish hatchery. The society, under the leadership of one of the founders of the organization, Spencer F. Baird, first U.S. Fish Commissioner, petitioned the Congress to build two Federal fish hatcheries, one for salmon on the west coast, one for shad on the east coast.

The present-day objectives of the society, which have been modified from time to time, are as follows:

First. To promote the educational, scientific, and technological development and advancement of all branches of fishery science and practice, including aquatic biology, engineering, economics, fish culture, limnology, oceanography, and technology.

Second. To gather and disseminate technical and other information on fishes, fishing, fisheries, and all phases of fishery science and practice.

Third. To hold meetings for the presentation, exchange, and discussion of information, findings, and experiences on all subjects and techniques related to fishes, fishing, fisheries, and all phases of fishery science and practice.

Fourth. To encourage teaching of all phases of fishery sciences and the training of fishery workers in accredited colleges and universities; and

Fifth. To promote conservation, development, and wise utilization of fisheries.

The American Fisheries Society has expanded into an international association which draws its more than 5,000 memberships mainly from the United States and Canada, and to a lesser degree from more than 60 other countries throughout the world. Although membership is not limited to professional biologists and the allied fields associated with the field of fisheries, approximately 80 percent of the membership is of professional level. Lay conservationists interested in maintaining an adequate knowledge of the field also hold membership.

The society meets once a year usually in September in conjunction with the International Association of Game, Fish, and Conservation Commissioners. Annual meetings usually include a keynote address coupled with a plenary session and a series of technical sessions. Frequently, a technical session involves a symposium on some subject in the field of fisheries.

The official scientific journal, the Transactions of the American Fisheries Society, has been published since 1870 and now is in the form of a quarterly. It is now in the 97th volume and is a principal reference source for scientific reports on various subjects on fisheries and aquatic resources of North America and other global regions.

The society maintains a national office in Washington, D.C.

The society will celebrate its centennial September 13–16, 1970, at the Waldorf Astoria Hotel, New York City.

A number of noted scientists have served society over the years, as Spencer F. Baird, George C. Embody, H. S. Davis, E. A. Birge, James A. Henshall, Barton W. Evermann, Jacob Reighard, R. W. Eschmeyer, Thaddeus Surber, J. G. Needham, Raymond C. Osborn, A. G. Huntsman, Percy Viosca, and E. C. Fearnow.

In recent years a number of leading conservation leaders have served as presidents, as Clarence Pautzke, Seth Gordon, John S. Gottschalk, W. Mason Lawrence, Edward Schneberger, H. S. Swingle, George J. Eicher, Ralph Hile, F. E. J. Fry, Albert S. Hazzard, and Elwood A. Seaman, the current president.

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

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

The bill (S. 1130) to provide for the striking of medals in commemoration of the 100th anniversary of the founding of the American Fisheries Society, introduced by Mr. MAGNUSON (for himself and Mr. JACKSON), was received, read twice by its title, referred to the Committee on Banking and Currency, and ordered to be printed in the RECORD, as follows:

S. 1130

Be it enacted by the Senate and House of Representatives of the United States of American in Congress assembled, That, in commemoration of the one hundredth anniversary of the founding of the American Fisheries Society on December 20, 1870, the Secretary of the Treasury is authorized and directed to strike and furnish to the American Fisheries Society not more than one hundred thousand medals with suitable emblems, devices, and inscriptions to be determined by the American Fisheries Society subject to the approval of the Secretary of the Treasury. The medals shall be made and delivered at such times as may be required by the American Fisheries Society in quantities of not less than two thousand, but no medals shall be made after December 31, 1970. The medals shall be considered to be national medals within the meaning of section 3551 of the Revised Statutes (31 U.S.C. 368).

SEC. 2. The Secretary of the Treasury shall cause such medals to be struck and furnished at not less than the estimated cost of manufacture, including labor, materials, dies, use of machinery, and overhead expenses, and security satisfactory to the Director of the Mint shall be furnished to indemnify the United States for the full payment of such costs.

SEC. 3. The medals authorized to be issued pursuant to this Act shall be of such size or sizes and of such various metals as shall be determined by the Secretary of the Treasury in consultation with the American Fisheries Society.

S. 1132—INTRODUCTION OF BILL TO AMEND TITLE II OF SOCIAL SECURITY ACT

Mr. METCALF. Mr. President, I reintroduce for appropriate reference, a bill amending title II of the Social Security Act so as to provide that the definition of the term "disability" shall be the same as that in effect prior to enactment of the Social Security Amendments of 1967. A bipartisan group of 40 other Senators have joined with me in sponsoring this bill. These cosponsors are Senators BAYH, BIBLE, BROOKE, BURDICK, BYRD of West Virginia, CANNON, CASE, CHURCH, EAGLETON, GOODELL, GRAVEL, HARRIS, HART, HARTKE, HUGHES, INOUYE, JACKSON, JAVITS, KENNEDY, MAGNUSON, MANSFIELD, MCCARTHY, MCGEE, MCGOVERN, MONDALE, MONTOYA, MOSS, MUSKIE, NELSON, PELL, PROUTY, RANDOLPH, RIBICOFF, SCOTT, SPARKMAN, STEVENS, TYDINGS, WILLIAMS of New Jersey, YARBOROUGH, and YOUNG of Ohio.

Prior to the 1967 amendments to the Social Security Act disability—except for certain cases of blindness—was defined as the inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which could be expected to result in death or which had lasted or could be expected to last for a continuous period of not less than 12 months.

In the first session of the 90th Congress, the House referred to the Finance Committee, H.R. 12080, the Social Secu-

rity Amendments of 1967. Section 156 of that bill redefined the definition of disability contained in section 223 of the Social Security Act so that in applying the basic definition—except for the special definition for the blind, and except for purposes of widow's or widower's insurance benefits on the basis of disability—an individual could be determined to be under a disability only if his impairment or impairments were so severe that he is not only unable to do his previous work but could not, considering his age, education and work experience, engage in any other kind of substantial gainful work which exists in the national economy, regardless of whether such work exists in the general area in which he lives, or whether a specific job vacancy exists for him, or whether he would be hired if he applied for work.

On November 17, 1967, I offered a floor amendment to the House bill. It was simply a request to return to existing law by removing the restrictive definition of disability contained in H.R. 12080. I offered that amendment because of the evidence compiled in opposition to this provision during the course of the Finance Committee hearings on the House-passed bill. Those who opposed the 1967 definition included George Meany, president of the AFL–CIO, John F. Edelman, president of the National Council of Senior Citizens, Robert M. Gettings, assistant for governmental affairs, National Association of Retarded Children, Dr. Malcolm L. Peterson, chairman of the Physicians Forum, Irvin P. Schloss, national president of the Blinded Veterans Association, the Governor of Vermont, the Honorable Philip H. Hoff, the American Foundation for the Blind, Inc., and the president of the Georgia Federation of the Blind, Ned Freeman.

On November 17, 1967, the restrictive definition of disability contained in the House bill was put to a rollcall vote on the floor of the Senate and by a substantial margin my colleagues voted in favor of my amendment to delete the House definition of disability. However, in conference, with one minor change the Senate conferees receded on this amendment as they did on just about everything else that the Senate passed both in committee and on the floor. That minor change was to define "work which exists in the national economy" as "work which exists in significant numbers either in the region where such individual lives or in several regions of the country."

On February 6, 1968, I reintroduced my amendment in bill form, S. 2935, in which I was joined by many of my colleagues as cosponsors. The bill which I reintroduce today again seeks to return to the definition that was in the law until the 1967 amendments. All I ask is to protect all those people who need to be protected simply because they are, in fact, disabled.

Under title II of the Social Security Act, even if a man's physical or mental impairment is such that nobody would hire him if he applied for work, even if there is no specific job vacancy available to him anywhere, the Secretary of Health, Education, and Welfare can say to him, under the law you are not disabled. I see no justification for the oppressive definition that is now law and hope that early hearings will be held and action taken on this legislation in this session of the 91st Congress.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD at this point.

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

The bill (S. 1132) to amend title II of the Social Security Act so as to provide that the definition of the term "disability," as employed therein, shall be the same as that in effect prior to the enactment of the Social Security Amendments of 1967, introduced by Mr. METCALF (for himself and other Senators), was received, read twice by its title, referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

S. 1132

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 223(d) of the Social Security Act is amended (1) by striking out paragraphs (2) through (4) thereof and (2) by redesignating paragraph (5) thereof as paragraph (2).

(b) The third sentence of section 216(i)(1) of such Act is amended by striking out "paragraphs (2)(A), (3), (4), and (5)" and inserting in lieu thereof "paragraph (2)".

SEC. 2. The amendments made by this Act shall be effective with respect to applications for disability insurance benefits under section 223 of the Social Security Act, and for disability determinations under section 216(i) of such Act, filed—

(a) in or after the month in which this Act is enacted, or

(b) before the month in which this Act is enacted if the applicant has not died before such month and if—

(1) notice of the final decision of the Secretary of Health, Education, and Welfare has not been given to the applicant before such month, or

(2) the notice referred to in paragraph (1) has been so given before such month but a civil action with respect to such final decision is commenced under section 205(g) of the Social Security Act (whether before, in, or after such month) and the decision in such civil action has not become final before such month.

S. 1144—INTRODUCTION OF BILL TO AMEND THE ADMINISTRATIVE CONFERENCE ACT BY REMOVING THEREFROM THE STATUTORY CEILING ON APPROPRIATIONS

Mr. KENNEDY. Mr. President, I introduce a bill to amend the 1964 legislation which established the Administrative Conference of the United States. Its purpose is to remove from that act the unduly restrictive and by now outdated ceiling of $250,000 on annual appropriations for that agency.

The Administrative Conference is a unique resource of the Government. Its sole function is to develop recommendations for improvements in the procedures by which Federal departments and agencies determine and enforce the rights of private persons and business interests through administrative investigation, adjudication, licensing, rulemaking, ratemaking, claims determinations, and other proceedings.

Under the terms of the 1964 act, we have succeeded in bringing together 45 top level Government officials and 37 of the most outstanding administrative law practitioners and scholars in the country. Of the full membership of 82, only the Chairman is on the payroll of the Conference; all others are contributing their time and talents.

Two temporary, experimental Conferences, the first in 1953, the second in 1961, established beyond question that an organization of this kind can develop recommendations resulting in substantial improvements in the machinery of government. Based on this experience, Congress established the Administrative Conference on a permanent basis.

The $250,000 appropriation limitation is based in cost factors which are now out of date. In my opinion that sum is clearly insufficient to make possible the full utilization of the talents of this extraordinary resource of government.

This, of course, is not an appropriation bill. All that it does is make it possible for the Administrative Conference to propose additional funds necessary for effective operation. Like any other agency, it will be required to justify its budget through the normal appropriation process.

In his opening remarks at the first plenary session of the Administrative Conference in May 1968, Judge E. Barrett Prettyman, who is often referred to as the father of the Administrative Conference because he chaired the temporary Conferences, had this to say:

> It is all very well to have theories, but I am devoted to the thesis that government is supposed to work. Our administrative system works pretty well, but in lots of cases it has substantial flaws: it costs too much; it takes too long; and the process is too cumbersome.
>
> This conference has the opportunity to make the administrative part of a democratic system of government work. You could not have a greater opportunity.

I have every confidence that the 91st Congress will give this new agency its full support. As chairman of the Subcommittee on Administrative Practice and Procedure of the Senate Judiciary Committee, I expect to hold early hearings on the bill. The Conference should be in a position to seek the additional appropriations this year that are necessary for it to carry out its important congressional mandate.

Mr. President, in a letter to the Chairman of the Conference, the administration has expressed its support for this bill, and I ask consent that a copy of this letter be placed in the RECORD, as well as the text of the bill and an explanation of its background and effect.

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

The bill (S. 1144) to amend section 576 of title 5, United States Code, pertaining to the Administrative Conference of the United States, to remove the statutory ceiling on appropriations, introduced by

Mr. KENNEDY, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

S. 1144

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 576 of Title 5, United States Code, pertaining to the Administrative Conference of the United States is amended by deleting therefrom the following language:

"There are authorized to be appropriated sums necessary, not in excess of $250,000, to carry out the purpose of this subchapter."

and substitute in lieu thereof:

"There are authorized to be appropriated such sums as may be necessary to accomplish the purpose of this subchapter."

The letter and explanation, presented by Mr. KENNEDY, are as follows:

THE WHITE HOUSE,
Washington, February 19, 1969.

Hon. JERRE WILLIAMS,
Chairman, Administrative Conference of the United States, Washington, D.C.

DEAR MR. CHAIRMAN: This is in reply to your letter of January 8, 1969, to President Nixon.

This Administration supports the efforts of the Conference to develop recommendations to improve the administrative practices of the various agencies of the Executive Branch in order to make them as efficient and burdenless as possible. We also support legislation to remove the limitation on appropriations for the Conference which, I understand, has been recently introduced in the House of Representatives and will shortly be introduced in the Senate.

I appreciate your letter, and I want to be kept informed of your progress.

Yours sincerely,

JOHN D. EHRLICHMAN,
Counsel to the President.

EXPLANATION OF PROPOSED AMENDMENT TO THE ADMINISTRATIVE CONFERENCE ACT (5 U.S.C. 576) TO REMOVE THE STATUTORY CEILING ON APPROPRIATIONS

Section 576, Title 5, United States Code, provides that the appropriations for carrying out the purposes of the Administrative Conference of the United States may not exceed $250,000. It is the view of the Administrative Conference that this limitation is so restrictive as to prevent it from carrying out in any meaningful way the important studies and programs Congress contemplated in creating the agency.

As initially introduced as S. 1664, 88th Congress, 1st Session, the bill which ultimately became the Administrative Conference Act, Section 7 pertaining to appropriations contained the language now being sought by this amendment. The bill passed the Senate without any statutory limitation on appropriations.

When the bill came up for hearing before Subcommittee No. 3 of the Committee on the Judiciary, 88th Congress, 2nd Session, March 5, 1964, the question was raised as to approximately how much it would cost to finance the operations of the Conference. The only experience then available upon which to predicate an estimate were the expenses of the temporary Administrative Conference of 1961–62. During its 18-month life the temporary Conference spent $223,517.20. That figure however did not include any funds for the salary of the Chairman, Judge E. Barrett Prettyman, the salary of the Director of the Office of Administrative Procedure, Department of Justice, or the full-time professional and clerical staff of that office which served the Conference. In addition, it did not include the costs of the services of a number of young lawyers in other government agencies who were assigned to work with the Conference and paid by their agencies. Thus as appear at page 50 of the House hearings the $223,000 was used almost entirely for the employment of intermittent consultants, travel, per diem, printing and duplicating.

Based on this 1961–62 experience and with salaries of a small professional staff in mind, (House Committee hearings (pp. 50–54)) Judge Prettyman advised that approximately $256,500 would be the estimated cost of the proposed Conference at that time. The bill was subsequently amendment to include the statutory limit of $250,000.

In this connection, however, it should be emphasized that the salary of the Chairman at that time was estimated at $20,500 whereas the comparable salary today is $30,000. This kind of substantial increase across the board in salaries and other expenses between 1962 and 1968 form the basis for our request to seek this amendment to our statute.

Of the $250,000 appropriated to the Conference for fiscal 1969, approximately $200,000 will be required for fixed charges; salaries for a staff of 9, including the Chairman, communications, stenographic reporting, duplicating and office supplies and equipment. Every effort has been made to keep all expenditures in this area to a bare minimum in order to make available as large amount as possible for general Conference purposes.

The result is that only about $50,000 will be available in fiscal 1969 for the employment of consultants to assist Committees, to pay travel and per diem of members and consultants for Committees and to cover costs of plenary sessions of the Conference. The Conference is composed of the Chairman (the only full-time paid member), 10 Presidential appointees who comprise the Council, 45 high-level government officials representing 34 Executive departments and agencies, and 32 prominent lawyers, law school professors, and others highly knowledgeable in administrative law.

In the event Congress removes the statutory limitation on expenditures, the Conference will show the need for and justification of a modest increase in its appropriation to the appropriate Committees of Congress. We wish to emphasize that we would not seek to increase the size of the full-time permanent staff of the Conference. Rather, we wish to be able to retain intermittent consultants and experts to make substantial studies of problems in administrative law and to develop recommendations therefrom for procedural reforms. We wish to be able to pay travel and per diem for committee meetings and plenary sessions of the Conference. In other words, we wish to be in a position to take the fullest advantage of the prominent group of persons who are donating their time and talent to the Conference in order to carry out our statutory mandate to improve the procedures by which government agencies deal with the public.

REPORT OF THE ADMINISTRATIVE CONFERENCE

Mr. KENNEDY. Mr. President, the Administrative Conference of the United States, under the able chairmanship of Jerre S. Williams, recently issued an interim report covering its activities from the time when this independent agency was created in January 1968, through December 31, 1968.

Included in this report are the texts of the recommendations approved at the second plenary session of the Conference on December 10–11, 1968. The Administrative Practice and Procedure Subcommittee, of which I am chairman, will carefully study each and every one of the eight recommendations, with a view toward improving the Federal administrative process. Of special interest are recommendations No. 4—urging that a consumer bulletin be established—and No. 5—recommending the creation of a "People's Counsel."

I ask unanimous consent to insert, at this point in the RECORD, the report and recommendations of the Administrative Conference of the United States.

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

INTERIM REPORT OF THE ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

FOREWORD

This Interim Report of the Administrative Conference of the United States covers the period from the time when the organization of this new independent agency was begun in January 1968 through December 31, 1968.

It briefly explains the background and describes the organization, membership and activities of the Conference.

The texts of the recommendations approved at the Second Plenary Session of the Conference on December 10–11, 1968, are set forth in full. The recommendations and full texts of the supporting committee reports will be published in the Annual Report of the Administrative Conference for fiscal year 1969.

THE ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

On August 30, 1964, President Lyndon B. Johnson signed Public Law 88–499, 5 U.S.C. 571–576, which authorized the establishment of the Administrative Conference of the United States as a new independent Federal agency. The agency is comprised of a sizable deliberative body of top-level Government officials and persons of national reputation in law and government drawn from the private sector. Its mission is to work on a continuing basis toward the development of improvements in the Federal administrative process—that vast complex of legal procedures which the Federal Departments and agencies use to determine the rights, privileges, and obligations of individual citizens and private businesses.

There are some thirty departments and agencies which conduct the bulk of administrative proceedings affecting private rights. These proceedings are of infinite variety. They range from the grant of a television license worth millions of dollars to the processing of applications for amateur or citizen band licenses; from the processing of an application to merge railroads of the magnitude of the New York Central and the Pennsylvania to authorizing truck transportation of a particular commodity over a particular route; or from the approval of a prospectus for a major new corporation to permitting cattle to graze on Federal lands. Because of this steady flow of Federal agency determinations affecting our natural resources, transportation, power, finance, communications, commerce, securities, taxation, labor, credit, advertising, housing, veterans benefits, the supply, quality, and price of food and fibers, public health, immigration, social welfare programs, drug control, and countless other areas of activity, the administrative process, in one way or another, continuously exerts its influence upon every citizen in his personal and business affairs.

For a number of years the adequacy of the governmental processes through which these programs are administered has been a matter of increasing concern, both public and private. The rising volume of proceedings has resulted in some paralyzing backlogs, and in many areas excessive delays in official action have severely prejudiced private undertakings and perhaps slowed the national economy generally. Frequently, attempts at across-the-board solutions have not adequately taken into account the variety of private interests affected, with resulting unfairness to many. At times, limitations on the access to public information have brought into question the

integrity of particular actions. And the expense of official processes, to the Government and to the private interests involved, has been staggering.

Development of the idea of an Administrative Conference as the best means to improve agency procedures spans almost 20 years. During this period two temporary, experimental Administrative Conferences were held, the first on the call of President Eisenhower in 1953, the second in 1961 by President Kennedy. Both Conferences were chaired by Judge E. Barrett Prettyman of the United States Court of Appeals for the District of Columbia Circuit. Both Conferences recommended that a permanent Administrative Conference authorized by statute be created. Legislation for this purpose was introduced in the 88th Congress, and was duly enacted.

Organization and membership

On October 14, 1967, President Johnson nominated Jerre S. Williams of the faculty of the University of Texas Law School to be the first Chairman of the Administrative Conference, an appointment that was confirmed by the Senate on October 19, 1967. The organization of the new agency began on January 8, 1968, when the Chairman arrived in Washington to establish offices, although his formal swearing-in took place on January 25, 1968.

On February 7, 1968, the President announced his appointment of the other ten members of the Council, the executive board of the Conference. Five of these appointees were from Government and five from outside of Government.

The Act provides that the Administrative Conference shall consist of not more than 91 nor less than 75 members. Excluding the Council, 60% to two-thirds of the members must be Government representatives from the departments and agencies. The remaining members are private citizens who contribute their time and effort to working with the departments and agencies to improve their procedures.

On April 24, 1968, the White House designated the Executive Departments and agencies to have membership in the Assembly of the Conference. The twelve Cabinet Departments were so designated, plus ten agencies, which together with the agencies participating under the terms of the Administrative Conference Act and those represented in the Council membership, brought the total number of agencies participating to thirty-four. At the same time, the White House announced the names of the 32 persons who were to be members from the private sector, appointed by the Chairman of the Conference with the approval of the Council. Shortly thereafter each of the departments and agencies which had been designated to participate announced the names of the officials who would serve as members.

The membership of the Conference as now constituted appears as Appendix A.

ACTIVITIES OF CONFERENCE

The Conference held its first plenary session on May 27, 1968, It was addressed by the Attorney General of the United States, Ramsey Clark, and by Judge E. Barrett Prettyman. The session was largely of an organizational nature. Bylaws were adopted. Ten Standing Committees to study particular areas of the administrative process were established and a Chairman was appointed to each. Each committee was provided the services of a law professor to work with it toward the development of recommendations for Conference consideration.

By late fall enough proposed recommendations had been developed to justify a second plenary session which was held on December 10–11, 1968. The Assembly was addressed by Associate Justice Tom C. Clark, Director of the Federal Judicial Center.

The Assembly adopted eight recommendations, the texts of which appear as Appendix B.

At this second meeting of the Assembly, the Chairman of each of the ten Standing Committees made a report on pending and proposed projects. Among the more significant studies to be undertaken in the future are the evaluation of the important role of hearing examiners; elimination of delay through enlarged delegation of final decision-making authority; greater use of rule-making as a substitute for adjudication on the record; development of new techniques to speed licensing procedures; use of discovery in adjudicatory proceedings; publication of a manual on the trial of protracted cases; and greater uniformity and simplicity in judicial review procedure.

The Third Plenary Session of the Administrative Conference is tentatively scheduled for the late spring of 1969.

In his opening remarks at the first plenary session of the Administrative Conference, May 27, 1968, Judge E. Barrett Prettyman said:

"It is all very well to have theories, but I am devoted to the thesis that government is supposed to work. Our administrative system works pretty well, but in lots of cases it has substantial flaws: it costs too much; it takes too long; and the process is too cumbersome.

"This conference has the opportunity to make the administrative part of a democratic system of government work. You could not have a greater opportunity."

The opportunity to make the administrative machinery work is a challenge which the Administrative Conference accepts and will endeavor to fulfill.

APPENDIX A

MEMBERS OF THE CONFERENCE

Jerre S. Williams, Chairman.

COUNCIL

Frank M. Wozencraft, Vice Chairman, Assistant Attorney General, Office of Legal Counsel, Department of Justice.

Manuel F. Cohen, Chairman, Securities and Exchange Commission.

Willard Deason, Commissioner, Interstate Commerce Commission.

Walter Gellhorn, Professor, Columbia Law School.

William W. Golub, McGoldrick, Dannett, Horowitz & Golub, New York, New York.

Rosel H. Hyde, Chairman, Federal Communications Commission.

Joe M. Kilgore, McGinnis, Lochridge, Kilgore, Byfield, Hunter & Wilson, Austin, Texas.

Leonard H. Marks, Director, United States Information Agency.

Harold L. Russell, Gambrell, Russell, Moye & Killorin, Atlanta, Georgia.

Whitney North Seymour, Sr., Simpson, Thacher & Bartlett, New York, New York.

Carolyn E. Agger (Miss), Arnold & Porter, Washington, D.C.

C. Paul Barker, Dodd, Hirsch, Barker & Meunier, New Orleans, Louisiana.

St. John Barrett, Deputy General Counsel, Department of Health, Education, and Welfare.

Frank A. Bartimo, Assistant General Counsel (M&RA), Department of Defense.

Charles F. Brannan, General Counsel, National Farmers Union, Denver, Colorado.

Charles W. Bucy, Assistant General Counsel, Department of Agriculture.

J. W. Bullion, Thompson, Knight, Simmons & Knight, Dallas, Texas.

Clark Byse, Professor, Harvard Law School, Cambridge, Massachusetts.

John T. Chadwell, Chadwell, Keck, Kayser, Ruggles & McLaren, Chicago, Illinois.

Harold J. Cohen, General Attorney, American Telephone & Telegraph Company, New York, New York.

Donald C. Cook, President, American Electric Power Company, Inc., New York, New York.

Arthur H. Courshon, Chairman of the Board, Washington Federal Savings and Loan Association of Miami Beach, Miami Beach, Florida.

John H. Crooker, Jr., Chairman, Civil Aeronautics Board.

William J. Curtin, Morgan, Lewis & Bockius, Washington, D.C.

Kenneth Culp Davis, Professor, University of Chicago Law School, Chicago, Illinois.

Paul Rand Dixon, Chairman, Federal Trade Commission.

Charles Donahue, Solicitor of Labor, Department of Labor.

David C. Eberhart, Director of the Federal Register, General Services Administration.

Norman A. Flaningam, Attorney at Law, Washington, D.C.

Thomas J. Flavin, Judicial Officer, Department of Agriculture.

Jefferson B. Fordham, Dean, University of Pennsylvania Law School, Philadelphia, Pennsylvania.

Robert P. Forrestal, Assistant Secretary, Federal Reserve System.

Warner W. Gardner, Shea & Gardner, Washington, D.C.

William T. Gennetti, Acting General Counsel, Small Business Administration.

Howard A. Glickstein, Acting Staff Director, U.S. Commission on Civil Rights.

George A. Graham, Executive Director, National Academy of Public Administration, Washington, D.C.

Robert W. Graham, Bogle, Gates, Dobrin, Wakefield & Long, Seattle, Washington.

Dale W. Hardin, Commissioner, Interstate Commerce Commission.

John Harllee (Admiral), Chairman, Federal Maritime Commission.

Patricia Harris (Mrs.), Professor, Howard University Law School, Washington, D.C.

Ferrel Heady, President, University of New Mexico, Albuquerque, New Mexico.

Lewis B. Hershey (General), Director, Selective Service System.

Arthur E. Hess, Deputy Commissioner of Social Security, Department of Health, Education, and Welfare.

S. Neil Hosenball, Deputy General Counsel, National Aeronautics and Space Administration.

Richard H. Keatinge, Keatinge & Sterling, Los Angeles, California.

John T. Koehler, Butler, Koehler & Tausig, Washington, D.C.

John W. Kopecky, Deputy Associate General Counsel, Department of Housing and Urban Development.

Jim C. Langdon, Chairman, Texas Railroad Commission, Austin, Texas.

Sol Lindenbaum, Executive Assistant to the Attorney General, Department of Justice.

Charlotte Tuttle Lloyd (Mrs.), Assistant General Counsel, Department of the Treasury.

Philip A. Loomis, Jr., General Counsel, Securities & Exchange Commission.

J. Edward Lyerly, Deputy Legal Adviser for Administration, Department of State.

Frank W. McCulloch, Chairman, National Labor Relations Board.

Ross L. Malone, Vice President and General Counsel, General Motors Corporation, New York, New York.

Malcolm Mason, Associate General Counsel, Office of Economic Opportunity.

Wilson Matthews, Director, Hearing Examiners Office, U.S. Civil Service Commission.

Timothy J. May, General Counsel, Post Office Department.

James B. Minor, Assistant General Counsel for Regulation, Department of Transportation.

Alan J. Moscov, General Counsel, Federal Home Loan Bank Board.

Nathaniel L. Nathanson, Professor, North-

western University School of Law Chicago, Illinois.

C. Roger Nelson, Purcell & Nelson, Washington, D.C.

Leonard Niederlehner, Acting General Counsel, Department of Defense.

Nathan Ostroff, Chairman, Appeals Board, Department of Commerce.

Max D. Paglin, Executive Director, Federal Communications Commission.

Samuel R. Pierce, Jr., Battle, Fowler, Stokes & Kheel, New York, New York.

James T. Ramey, Commissioner, U.S. Atomic Energy Commission.

Emmette S. Redford, Professor of Government, University of Texas, Austin, Texas.

George Robinson, Deputy Assistant Secretary for Administration, Department of the Interior.

William P. Rogers, Royall, Koegel, Rogers & Wells, Washington, D.C.

Merritt Ruhlen, Hearing Examiner, Civil Aeronautics Board.

Howard Schnoor, Director, Government Organization Staff, Bureau of the Budget.

Bernard G. Segal, Schnader, Harrison, Segal & Lewis, Philadelphia, Pennsylvania.

Ashley Sellers, Sellers, Conner & Cuneo, Washington, D.C.

Fred B. Smith, General Counsel for the Treasury, Department of the Treasury.

Daniel Steiner, General Counsel, Equal Employment Opportunity Commission.

A. W. Stratton, Deputy Administrator of Veterans Affairs, Veterans Administration.

Starr Thomas, Vice-President, Law, Santa Fe Railway, Chicago, Illinois.

Thomas H. Wall, Dow, Lohnes & Albertson, Washington, D.C.

Edward Weinberg, Solicitor, Department of the Interior.

Howard C. Westwood, Covington & Burling, Washington, D.C.

Lee C. White, Chairman, Federal Power Commission.

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APPENDIX B

RECOMMENDATIONS OF SECOND PLENARY SESSION, DECEMBER 10–11, 1968, WASHINGTON, D.C.

RECOMMENDATION NO. 1—ADEQUATE HEARING FACILITIES

Administrative hearings of the Federal government should be conducted in dignified, efficient hearing rooms, appropriate as to size, arrangement, and furnishings. At the present time no central body is responsible for providing or planning the needed facilities. As a particular consequence, administrative hearings often have been conducted in surroundings unsuitable to the seriousness of these governmental proceedings. The General Services Administration could advantageously arrange for the service and the space needed by departments and agencies in which administrative hearings occur.

Recommendation

1. The General Services Administration should develop a set of four hearing room classifications explicitly identifying the features required with standards meeting at least the following minimum requirements. Such classifications should be developed in conjunction with representatives of the agencies, the bar, and examiners. The minimum requirements should be:

Type A: A formal conference room with table space for as many as 16 principals and additional seating for up to 20 other persons.

Type B: A small hearing room with a raised dais, a witness box, a reporter's table, table space for as many as 6 counsel, and additional seating for up to 30 others. The design and furnishings should be appropriate to a hearing which is judicial in nature and should include wherever possible an auxiliary room in which counsel may confer with their clients, witnesses may be sequestered, etc.

Type C: A large hearing room accommodating as many as 30 counsel at tables and up to 70 witnesses and spectators. This room should have the design and furnishings which are appropriate to formal hearings of a judicial nature.

Type D: An auditorium suitable for hearings of general public interest which might attract over 100 principals and spectators.

An essential requirement of each of the four types of hearing rooms should be a small, near-by room available to the examiner as his office and for such other uses as he designates.

2. The General Services Administration should prepare and maintain on a current basis an inventory which (a) identifies available hearing facilities throughout the country, classified under the system recommended in 1 above, including hearing rooms permanently assigned to particular agencies as well as courtrooms (local, state, and Federal), (b) identifies the GSA regional offices, local building managers, and others through whom such space can be obtained, and (c) provides information concerning the procedures to be followed to obtain space through the GSA for the conduct of hearings.

3. The General Services Administration should establish procedures for determining the frequency and location of administrative hearings which require facilities of each type within the system of classification recommended above in order to determine, by city, whether a permanent hearing room for multiagency use can be justified. A permanent hearing room should be considered justified wherever there is a continuing need of approximately one-fourth of the available working days.

4. The General Services Administration should provide for the administration and scheduling of permanent multi-agency hearing facilities under the direction of GSA's Washington headquarters, but subject to such decentralization as the functions of inventorying, procuring, and planning may require.

5. The General Services Administration should establish a procedure for the systematic reporting, to the respective agency and to GSA, of deficiencies in assigned facilities discovered by presiding officers, and for the investigation and correction of such deficiencies.

6. The General Services Administration should establish an advisory committee of members of the bar and other interested professional associations, agency representatives, and members of the public to facilitate the evaluation of present and future needs and to report annually to the Administrative Conference on its activities.

7. Permanent multi-agency hearing rooms and hearing rooms permanently assigned to individual Federal agencies should be identified as "Federal Administrative Hearing Rooms."

8. The Chairman of the Administrative Conference should encourage the cooperation of state and local judges in the procurement of courtroom space for Federal administrative hearings.

9. The Judicial Conference of the United States should encourage the cooperation of Federal judges in the procurement of courtroom space for Federal administrative hearings.

10. Federal agencies should budget funds to provide for the payment of charges for the use of appropriate space when such space is not available on a free basis.

11. Federal agencies which conduct administrative hearings should designate an official to work with the General Services Administration in the procurement and planning of hearing facilities.

RECOMMENDATION NO. 2—U.S. GOVERNMENT ORGANIZATION MANUAL

The Manual at present falls short of its goal because the narrative text submitted by some of the agencies is outdated, unrevealing, cumbersome, or otherwise deficient. The text should be rewritten at a high level of competence.

Recommendation

1. Each agency covered by 5 U.S.C. 552 should assign the writing of material for the *United States Government Organization Manual* to an office having the competence to achieve the brevity, clarity, and general excellence of presentation required to serve the purpose of this handbook and to reflect credit on our government.

2. Included in the description of each agency should be information concerning the means by which more detailed knowledge of the agency's organization and functions may be obtained.

RECOMMENDATION NO. 3—PARALLEL TABLE OF STATUTORY AUTHORITIES AND RULES (2 CFR CH. I)

The Parallel Table of Statutory Authorities and Rules (2 CFR Ch. I) should be an accurate and complete listing of United States Code provisions cited as rulemaking authority in executive agency documents which prescribe general and permanent rules. The present Parallel Table is deficient. Agencies have not given sufficient time and attention to citing proper authorities and to keeping them current. Moreover, the Table's present method of preparation leads to omission of relevant references.

Recommendation

1. Each agency covered by 5 U.S.C. 552 should review all of its rules published in the Code of Federal Regulations to determine if the cited rulemaking authorities are complete, accurate, and current. The Conference requests that formal documents correcting deficient citations be submitted to the Office of the Federal Register for publication in the daily *Federal Register*.

2. The Office of the Federal Register should take the steps necessary to broaden the coverage of the Table to include pertinent citations in preambles and in codified text as well as those in the formal statements of authority.

RECOMMENDATION NO. 4—CONSUMER BULLETIN

Most Americans are probably unaware of the multitude of day-to-day Federal activities reflected in proposed, revised, and recently promulgated rules, regulations, or determinations which substantially affect the price, quantity, quality, labeling, safety, and other aspects of products and services available to the public. A bulletin of general distribution containing an easily understood summary of current information about administrative activities in areas of consumer interest could serve a widespread public need which is not now met by the *Federal Register* or by agency and private publications of a more specialized nature.

Recommendation

1. A consumer bulletin should be established on an experimental basis. It should extract and paraphrase in popular terms the substance of Federal agency actions of significant interest to consumers. Initially, the bulletin should concentrate on items published in the *Federal Register*, but as it gains public acceptance, it should be broadened to include materials secured from other sources. It should indicate expressly that the bulletin does not constitute official notice of government action.

2. The Office of the Consumer Counsel in the Department of Justice appears at this

time to be the agency best prepared to publish such a bulletin. If the bulletin were undertaken by that Office, it could not only disseminate information, but also stimulate public response, thus aiding the effective discharge of the duties of the Consumer Counsel.

3. Initial circulation should include the press, consumer organizations, public and scholastic libraries, and individuals who request to be put on the mailing list. Format, subscription costs, frequency of publication, and related matters should be the subject of study during the experiment.

4. After a reasonable period of time, the effectiveness of and interest in the bulletin should be evaluated to determine whether it should be continued and, if so, in what form.

RECOMMENDATION NO. 5—REPRESENTATION OF THE POOR IN AGENCY RULEMAKING OF DIRECT CONSEQUENCE TO THEM.

Recommendation

A. Agency efforts

1. Federal agencies should engage more extensively in affirmative, self-initiated efforts to ascertain directly from the poor their views with respect to rulemaking that may affect them substantially. For this purpose, agencies should make strong efforts, by use of existing as well as newly devised procedures, to obtain information and opinion from those whose circumstances may not permit conventional participation in rulemaking proceedings. The "rulemaking" referred to is that defined by the Administrative Procedure Act, § 2(c), 5 U.S.C. 551 (4) and (5).

2. Agencies should employ as many of the following procedures as are feasible, practicable, and necessary to assure their being fully informed concerning the relevant interests of the poor:

(a) Agencies should seek to inform the poor of all rulemaking proposals that may affect them substantially and should provide opportunities for the poor to submit their views concerning these and related proposals.

(b) Agencies should hold formal public hearings or informal conferences in close geographic proximity to the poor substantially affected by contemplated rulemaking.

(c) Agencies should take care to invite individuals constituting a representative cross-section of the poor to submit their views orally or in writing as to proposed rules substantially affecting the poor.

(d) Agencies should conduct field surveys among the poor to discover their attitudes concerning particular government policymaking substantially affecting them.

(e) Agencies should use advisory committees made up of representatives of the poor as continuing consultants for all programs having a substantial effect on such persons.

(f) When necessary to assure adequate representation for the poor, agencies should pay the personal expenses and wage losses incurred by individuals incident to their participation in rulemaking hearings. Congress should support agency requests for funds and for authority, where none exists, to make discretionary payments for this purpose. Agencies already authorized to make such payments in whole or in part should use their existing authority and should allocate funds accordingly.

In deciding whether the use of any one or more of the above devices is feasible, practicable, or necessary in a given situation, agencies should resolve doubts in favor of utilizing them; but their enumeration should not exclude or discourage the development and use of other devices to achieve the same result.

In carrying out paragraphs 1 and 2 of this Recommendation, agencies should consult with and coordinate their efforts with other Federal agencies having responsibilities in this area and should make maximum feasible use of the facilities of such other agencies for communicating with and obtaining expressions of the views of the poor.

3. Agencies should be encouraged in appropriate circumstances to determine that the exemptions in 5 U.S.C. 553(a)(2) should not be applied with respect to rulemaking which may have a substantial impact on the poor.

B. People's Counsel

4. (a) An organization should be authorized by statute to employ a staff to act as "People's Counsel." The People's Counsel should represent the interests of the poor in all Federal administrative rulemaking substantially affecting the poor.

(b) The People's Counsel should be charged with assuring that the views of significant separable minority interests among the poor are represented in such Federal administrative rulemaking.

(c) The People's Counsel should be required to disseminate to all interested poor people's organizations pertinent information concerning rulemaking substantially affecting the poor.

(d) The People's Counsel should be authorized to participate suitably in its own name to represent the interests of the poor in any Federal agency proceedings in which the poor have a substantial interest.

(e) The People's Counsel should be authorized to provide representation for organizations and groups of the poor who seek judicial review of administrative action substantially affecting their interests. This recommendation is not to alter the kinds of agency action amenable to judicial review, the requirements of standing to seek review, or the scope of that review.

(f) As an incident to its main responsibilities the People's Counsel should be empowered to recommend to Congress or the President or to both such legislation or other action as it deems appropriate to correct deficiencies in or otherwise improve Federal programs having a substantial impact on the poor.

5. (a) Congress should provide for an appropriate body to perform the functions outlined in Section 4. Deserving of consideration as such body would be a new single-purpose corporation, to be created by Congress, modeled on the Corporation for Public Broadcasting, Pub. Law 90–129, 81 Stat. 368 (1967), 47 U.S.C. (Supp. III) 396, and to be known as the People's Counsel Corporation. In the event this form of organization is adopted, the following considerations should apply:

(1) The People's Counsel Corporation should be made tax exempt and authorized to accept grants of private funds. Gifts to the Corporation should be made deductible as charitable contributions for Federal income tax purposes.

(2) Federal financing of the Corporation should be made available to the extent necessary to assure its effective operation.

(3) The governing board of the People's Counsel Corporation should be constituted to give the poor meaningful representation thereon. Such body should be constituted to ensure close communication with the poor and effective representation of the viewpoints of the poor.

6. All Federal agencies should be required by Executive order to notify the People's Counsel of all proposed rules which would have a substantial impact on the poor. Agencies also should be required by that Executive order to give the People's Counsel an opportunity to present the views of the poor with respect to such proposed rules. Exceptions to these obligations should be permitted only "when the agency for good cause finds (and incorporates the finding and a brief statement of reasons therefor in the rules issued) that [such] notice and . . . [an opportunity for the People's Counsel to represent its views] are impracticable, unnecessary, or contrary to the public interest." (See 5 U.S.C. 553(b)(B).) In these exceptional cases, agencies should be required to notify the People's Counsel as soon as practicable of any consummated rulemaking substantially affecting the poor, and should be required to give the Counsel as soon as practicable an opportunity to communicate to the agency its views concerning the desirability of further action with respect to such rulemaking.

Without prejudice to creating or empowering any other appropriate body to perform the general functions outlined in paragraphs 4, 5, and 6, any special provision therefor should be so structured as to take maximum advantage of the capabilities in this field of non-government organizations, and of other public bodies, including notably the Office of Economic Opportunity.

SEPARATE STATEMENTS CONCERNING RECOMMENDATION NO. 5—REPRESENTATIVE OF THE POOR IN AGENCY RULEMAKING

JOHN H. CROOKER, JR. The majority position with respect to Recommendation No. 5 is that "Federal agencies" *should* make strong efforts to ascertain from the poor their views regarding rulemaking "that may affect them substantially." I believe that (a) the major independent agencies are seldom involved in rulemaking affecting the poor except insofar as the poor are members of the public generally; and (b) it was the intent of the Congress, in establishing the Administrative Conference, to have studies conducted and information collected and interchanged, so that administrative agencies might improve and expedite their general procedures.

Therefore, I doubt that the Congress, in enacting section 5 of the Administrative Conference Act, 5 U.S.C. 574, intended that the Conference should address itself to the matters treated in Recommendation No. 5. My dissent is not, in any way, directed to the wording of the recommendation.

PAUL RAND DIXON. I disagree with the adoption of paragraphs 4, 5, and 6 of Recommendation No. 5 developed by the Committee on Rulemaking respecting the creation of a People's Counsel to represent the poor generally before Federal administrative bodies. I am fully aware of and sympathetic with the plight of the poor in our society. I recognize it as one of the primary problems that must be solved if our democratic way is to survive. However, I am fully of the opinion that this is a problem that should be debated and resolved by Congress. I find nowhere in the legislative history leading to the creation of the Administrative Conference of the United States any thought that the Administrative Conference would delve into this social problem. Even if I could bring myself to the thought that it was rightfully within the purview of the duties of the Administrative Conference to deal with the plight of the poor, I still would question the wisdom of creating a Poor People's Counsel as the sole, if not principal, protector of the rights of the poor. The plight of the poor needs everyone's protection, not just the protection of a People's Counsel.

So that my position will not be misunderstood, I want it clearly known that I stand in the forefront of those who deem it necessary to do more to protect those low-income people in our society who are generally classified as poor.

JOE M. KILGORE (joined by Richard H. Keatinge, Jim C. Langdon, Norman A. Flaningam,[1] Ross L. Malone, Starr Thomas, Harold L. Russell). We did not support paragraphs 4, 5, and 6 of Recommendation No. 5. We do support encouraging the formation of and recognition of a People's Counsel,

[1] Mr. Flaningam joins in this statement noting that the term "rulemaking" as used therein refers to Federal agency processes for formulation, amendment, or repeal of rules of general applicability.

as a private entity, to represent the public interest in the area of rulemaking in Federal agencies; with such Counsel being oriented to represent most fully those of the public whose interests would otherwise be un-represented or under-represented; and with such People's Counsel being eligible to receive Federal grants as required to permit its function.

This dissent from the majority view is dictated by:

1. The concern that this proposed function should be restricted, at least until experience might dictate otherwise, to the rulemaking function.

2. The belief that the proposed representation should not be limited to any segment of the public, even though its principal thrust would be so directed.

MALCOLM S. MASON. I support the purposes of this recommendation. When a People's Council is constituted, however, it is important to make a distinction between two kinds of advocacy, so different that they cannot be directly conducted by the same organization. There is first of all adversary advocacy, owing an attorney's complete loyalty to a specific client. In this sense, there cannot be *a* People's Counsel for *the* poor, because the poor are many and different and must be able to speak with many voices. This kind of advocacy is needed. It must be aggressive and hard-hitting. If it is conducted directly by a Government or Government-controlled agency, its independence may be impaired. For this kind of advocacy an appropriate model is suggested by the Legal Services Program conducted by many separate private local organizations: funded by OEO, but free, and indeed encouraged, to act fully on behalf of an actual client without limiting its vigor by reason of relationship to OEO. This, I believe, will also be the pattern of the new HEW Legal Services Program.

There is also cooperative advocacy: unaggressive, quiet, nonadversary, seeking to foster an awareness, a concern and a more lively recognition that poor people are affected by proposed administrative action. This kind of advocacy can be conducted by a Government or quasi-Government organization without inconsistency and with benefit to the effectiveness of its work. An appropriate model is suggested by such accomplishments as new rules on loans to demonstration cooperatives of poor farmers (achieved by mutual agreement of the Department of Agriculture and OEO); new clarification of Government security regulations, removing barriers to the employment of hard-core unemployed with a criminal record (achieved by joint action of the Department of Defense, Department of Labor and OEO); a new consensus on the wider use of policy advisory boards in programs affecting the poor (resulting in part from encouragement of this kind of action by OEO).

I urge that the Conference Recommendation be implemented. In its implementation, contributions already made in this field should be recognized and used as a basis for expanded activity. The distinction between the two different types of advocacy should also be reflected in the choice of appropriate structure. Both are needed.

NATHANIEL L. NATHANSON. I would like to explain why I voted in favor of the recommendation for a People's Counsel, as amended during the debate, because I believe that my interpretation of the final action taken may have been shared by others who also voted in favor of the proposal and is therefore entitled to some consideration in efforts to secure its implementation.

While I was deeply troubled by some of the arguments advanced against the proposal, particularly by the misgivings expressed concerning the arrogance of a government agency or public corporation undertaking to determine the interests of the poor in particular agency action, I felt that this concern could be met by emphasis upon the representative character of the People's Counsel and a requirement that specific, identifiable interests be represented, rather than hypothetical interests which might be imagined by the People's Counsel. This requirement could appropriately be implemented by the further requirement that those interests be identified in the form of particular groups or associations who could determine their own interests and make their own wishes or basic positions known to the People's Counsel. This view was certainly made explicit in the amendment, proposed by the Judicial Review Committee and accepted by the Rulemaking Committee, to paragraph 4(e) and it is also consistent with the final language of paragraph 4(d) as amended in the course of the debate so as to substitute "participate suitably" for the original word "intervene." This left a large measure of discretion to each agency in allowing participation by the People's Counsel in a particular proceeding, including the requirement of a showing that the concern or position which the People's Counsel undertook to present was in fact shared by an identifiable group of people who were at least informed of the position which the People's Counsel was taking. I also doubt that the leaders of the Poor People's movement who were quoted by Professor Bonfield as favorable to the proposal envisaged a People's Counsel who would not be in any way answerable to the people he undertook to represent.

I appreciate that this interpretation, emphasizing as it does the representation of identifiable groups who may exercise some control over the People's Counsel, may not be entirely acceptable to the original proponents of the proposal, particularly those who accepted the amendments with some reluctance. Nevertheless, they did accept the amendments, presumably for the purposes of mollifying the opposition and with some appreciation of the fact that the reasons for the amendments were more than technical. Particularly in view of the closeness of the vote on the final approval of paragraphs 4, 5, and 6, the original proponents are hardly now in a position to insist upon the rejection of a reasonable interpretation which may have been decisive in the approval of the recommendation. They may also take some comfort in the fact that the current requirements for standing to participate in both administrative and judicial proceedings by groups indirectly affected by governmental action will scarcely inhibit the activities of a People's Counsel anxious and resourceful enough to find out what the people he purports to represent really want.

ROBERT W. GRAHAM. May I respectfully record my dissent from the recommendations of the Conference embodied in paragraphs 4, 5, and 6 of Recommendation No. 5. No one can disagree with the stated objectives of these recommendations, and I do not. However, I do not conceive that these recommendations are appropriate within the mission of the Administrative Conference in its efforts to seek improvement of administrative procedures. Furthermore, I consider unsound attempts to fractionate the public interest which is properly the concern of our Federal administrative agencies.

RECOMMENDATION NO. 6—DELEGATION OF FINAL DECISIONAL AUTHORITY SUBJECT TO DISCRETIONARY REVIEW BY THE AGENCY

Recommendation

1. In order to make more efficient use of the time and energies of agency members and their staffs, to improve the quality of decision without sacrificing procedural fairness, and to help eliminate delay in the administrative process, every agency having a substantial caseload of formal adjudications should consider the establishment of one or more intermediate appellate boards or the adoption of procedures for according administrative finality to presiding officers' decisions, with discretionary authority in the agency to affirm summarily or to review, in whole or in part, the decisions of such boards or officers.

2. Section 8 of the Administrative Procedure Act, 5 U.S.C. 557, should be amended as necessary to clarify the authority of agencies to restructure their decisional processes along either of the following lines:

(a) Intermediate appellate boards

(1) Whenever an agency deems it appropriate for the efficient and orderly conduct of its business, it may, by rule or order:

(A) establish one or more intermediate appellate boards consisting of agency employees qualified by training, experience, and competence to perform review functions.

(B) authorize these boards to perform functions in connection with the disposition of cases of the same character as those which may be performed by the agency.

(C) prescribe procedures for review of subordinate decisions by such boards or by the agency, and

(D) restrict the scope of inquiry by such boards and by the agency in any review, without impairing the authority of the agency in any case to decide on its own motion any question of procedure, fact, law, policy, or discretion as fully as if it were making the initial decision.

(2) Any order or decision of an intermediate appellate board, unless reviewed by the agency, shall have the same force and effect and shall be made, evidenced, and enforced in the same manner as orders and decisions of the agency.

(3) A party aggrieved by an order of such board may file an application for review by the agency within such time and in such manner as the agency shall prescribe, and every such application shall be passed upon by the agency.

(4) In passing upon such applications for review, an agency may grant, in whole or in part, or deny the application without specifying any reasons therefor. No such application shall rely upon questions of fact or law upon which the intermediate appellate board has been afforded no opportunity to pass.

(5) An agency, on its own initiative, may review in whole or in part, at such time and in such manner as it shall determine, any order, decision, report, or other action made or taken by an intermediate appellate board.

(6) If an agency grants an application for review or undertakes review on its own motion, it may affirm, modify, reverse, or set aside the order, decision, report or other action of the intermediate appellate board, or may remand the proceeding for reconsideration.

(7) The filing of an application for agency review shall be a condition precedent to judicial review of any order of an intermediate appellate board.

(8) Agency employees performing review functions shall not be responsible to or subject to the supervision or direction of any employee or agent engaged in the performance of investigative or prosecuting functions for any agency.

(b) Discretionary review of decisions of presiding officers

(1) When a party to a proceeding seeks administrative review of an initial decision rendered by the presiding officer (or other officer authorized by law to make such decision), the agency may accord administrative finality to the initial decision by denying the petition for its review, or by summarily affirming the initial decision, unless the party seeking review makes a reasonable showing that:

(A) a prejudicial procedural error was committed in the conduct of the proceeding, or

(B) the initial decision embodies (i) a

finding or conclusion of material fact which is erroneous or clearly erroneous, as the agency may by rule provide, (ii) a legal conclusion which is erroneous, or (iii) an exercise of discretion or decision of law or policy which is important and which the agency should review.

(2) The agency's decision to accord or not to accord administrative finality to an initial decision shall not be subject to judicial review. If the initial decision becomes the decision of the agency, however, because it is summarily affirmed by the agency or because the petition for its review is denied, such decision of the agency will be subject to judicial review in accordance with established law.

RECOMMENDATION NO. 7—ELIMINATION OF JURISDICTIONAL AMOUNT REQUIREMENT IN JUDICIAL REVIEW

Recommendation

Title 28 of the United States Code should be amended to eliminate any requirement of a minimum jurisdictional amount before United States district courts may exercise original jurisdiction over any action in which the plaintiff alleges that he has been injured or threatened with injury by an officer or employee of the United States or any agency thereof, acting under color of Federal law. This amendment is not to affect other limitations on the availability or scope of judicial review of Federal administrative action.

RECOMMENDATION NO. 8—JUDICIAL REVIEW OF INTERSTATE COMMERCE COMMISSION ORDERS

Recommendation

Judicial review of orders of the Interstate Commerce Commission in cases where at present a special three-judge District court is used under 28 U.S.C. 2325 should be by petition to review in the United States Courts of Appeals in the same general manner as review of agency orders under the Judicial Review Act of 1950, 28 U.S.C. (Supp. II, 1967) 2341–2352.

S. 1146—INTRODUCTION OF BILL TO ESTABLISH A NATIONAL COMMISSION ON LIBRARIES AND INFORMATIVE SCIENCE

Mr. NELSON. Mr. President, today I am introducing legislation to help the Nation's libraries keep pace with the rapid changes in communication and education needs.

We must establish the means for a comprehensive examination of the Nation's library needs from the smallest rural school to the largest municipality.

This bill will create a National Commission on Libraries and Informative Science to assess the adequacies and deficiencies of all libraries, stimulate research and development in informative sciences, and encourage the maximum utilization of library resources to serve economically and culturally deprived citizens.

The resources of existing public libraries should be made available to people in all neighborhoods through storefront library substations and bookmobiles. The increasing demands of today's job market require a good reading ability based on good instruction in the schools and an opportunity for continued reading away from school.

Not only must we strengthen the community library system but there is even a more severe problem in our elementary and secondary schools where more than 36,000 schools serving millions of children have no libraries.

In addition, many existing school libraries are far below the recognized standards for libraries. These standards include a minimum number of books per pupil and recommended annual expenditures for books, periodicals, and audiovisual materials.

This is a period of history when libraries should be able to offer recording facilities, microfilms, slides, magnetic, and video tapes along with the usual selection of books, maps, and charts.

We should determine what role Federal, State, and local governments can play in maintaining and strengthening community library systems across the country.

In October 1968, the National Advisory Commission made five basic recommendations as a result of its 2-year special study. These recommendations included:

First. The establishment of a National Commission on Libraries as a continuing Federal planning agency.

Second. The recognition and strengthening of the role of the Library of Congress as the National Library of the United States.

Third. The establishment of a Federal Institute of Library Information Services as the principal center for basic and applied research.

Fourth. The recognition and full acceptance of the critically important role that the U.S. Office of Education currently plays in meeting needs for library services.

Fifth. The strengthening of State library agencies to overcome deficiencies in fulfilling their current functions.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 1146) to establish a National Commission on Libraries and Informative Science, introduced by Mr. NELSON, was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

S. 1147—INTRODUCTION OF A BILL TO CREATE A CLOTHING STAMP PROGRAM

Mr. WILLIAMS of New Jersey. Mr. President, in recent days we have heard much about the chronic hunger and malnutrition existing in the United States. There can be no question that food is the most basic of all human needs. I was glad to support the budget of the Select Committee on Nutrition and Human Needs chaired by the able Senator from South Dakota (Mr. MCGOVERN) in order that a complete inquiry can be made into this area.

One wonders, however, what happens to the other human needs. Surely they, too, must be met if one is to have any hope of leading a healthy and productive life. What do the poverty-stricken families do about clothing, for example—a need which has to be among the basic three?

Mr. President, these families have so many expenses pressing upon them that clothing purchases are made only when money can be snatched away from some other use. A man's shirt, a cotton dress, a child's shoes do not have money earmarked for them in poverty families. Instead, they are pushed aside until they cannot be stalled any longer.

We are already committed to the war on poverty and, indeed, we have made great strides toward the amelioration of poverty. We have a Food Stamp Act, and in the last Congress, a comprehensive housing bill which will greatly benefit low-income families was enacted. But this is not enough. If our efforts are to be successful, we must simultaneously wage the war on all fronts. It is not enough to feed the poor so that they can go to school to learn and leave them without clothes to wear to school. Realizing that the attack must be a multipronged one, I am introducing legislation today to authorize the Secretary of Health, Education, and Welfare to establish a clothing stamp program.

Under my bill, the Secretary of Health, Education, and Welfare would be authorized to establish a clothing stamp program which would operate similarly to the food stamp program. The program would be administered in close concert with the several States but where a State for some reason refuses to participate in the program, the Secretary could establish and operate the program himself, or through a nonprofit organization or agency.

The basic thrust of the bill is to provide low-income families with an opportunity to buy basic items of clothing through the issuance of a coupon allotment. The coupon allotment would cost approximately what these families normally spend for clothing, but would have a value which would permit these families to dress decently, if modestly, for the first time.

The families could use their additional purchasing power to buy such basic items as pants, shirts, dresses, winter coats, rainwear, and socks and shoes for young children to wear to school. Blankets, sheets, pillow cases, and other basic items made of cloth which are necessary around the home would also be included.

Mr. President, I ask unanimous consent that the full text of the bill be printed in the RECORD at the close of my remarks.

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

(See exhibit 1).

Mr. WILLIAMS of New Jersey. Mr. President, the poverty epidemic has not discriminated in the selection of its victims. White and black alike have fallen to its disabling and often fatal blows. In the city of Newark, N.J., for example, 38 percent of the population in 1966 had family incomes of less than $5,000. When confined to just the hard-core ghetto area, this figure increases to more than 50 percent. Roughly 17 percent of Newark's households reported incomes of less than $3,000 per year, while this figure was almost 25 percent for the hard-core area. When you combine this with the fact that 83 percent of the children in the elementary school grades are Negro, then the problem becomes obvious. But this is not unique with New

Jersey. Every State, both urban and rural, has been affected.

The dilemma of rural poverty, while not as obvious and which does not receive as much public attention, is also very pressing despite the fact that the convulsive conditions of the cities can be traced, at least in part, to the quieter, but more deep-seated crises in our rural areas. One-fifth of a Southern State's 5 million people, for example, live in poverty; one-half of these live in rural areas; and two of every three rural families in the State are white.

I believe that my bill will add a significant link in the war against poverty. I am particularly concerned about the large number of children who are ill clothed. I have no doubt that a great number of them do not go to school primarily because they do not have clothes to wear. I suppose, also, that a large number of schoolchildren miss days in school to work so that they might have money with which to buy clothes.

Mr. President, there is no doubt that a need for this type of legislation exists. I believe that my bill is a reasonable approach toward the satisfaction of the need, and I ask all Members of Congress to support it.

The bill (S. 1147) to authorize the Secretary of Health, Education, and Welfare to provide basic wearing apparel, adequate footwear and other articles of clothing for needy, distressed, and low-income families through a cooperative Federal-State clothing stamp program, and for other purposes, introduced by Mr. WILLIAMS of New Jersey, was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

EXHIBIT 1

S. 1147

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Clothing Stamp Act of 1969."

DECLARATION OF POLICY

SEC. 2. It is hereby declared to be the policy of the Congress to promote the general welfare of this nation by employing its wealth, as provided in this Act, to assist the several states in their political subdivisions to insure that the needy, distressed, and low-income families of this country have adequate footwear, wearing apparel and other articles of clothing, and household items made of cloth. To effectuate the policy of Congress and the purposes of this Act, a clothing stamp program, which will permit those households with low incomes to obtain basic and adequate clothing, is herein authorized.

DEFINITIONS

SEC. 3. As used in this Act—

(a) The term "Secretary" means the Secretary of Health, Education, and Welfare.

(b) The term "clothing" means wearing apparel, footwear, and rainwear.

(c) The term "household items made of cloth" includes bedclothes such as sheets, pillow cases, blankets, bedspreads and other articles of cloth used in the household, but does not include window dressings.

(d) The term "retail dry-goods stores" means an authorized establishment, including a recognized department thereof, which sells clothing and household items made of cloth, directly to consumers.

(e) The term "wholesale clothing concern" means an establishment which sells clothing and household items made of cloth, to retail dry-goods stores for resale to consumers.

(f) The term "coupon" means any coupon, stamp, or type of certificate issued pursuant to the provisions of this Act.

(g) The term "coupon allotment" means the total value of coupons to be issued to a household during each month or other time period.

(h) The term "household" means a group of related or non-related individuals, who are not residents of an institution or boarding house, but are living as one economic unit and whose clothing is purchased with resources from a common fund. The term "household" shall also include a single individual living alone.

(i) The term "State Agency" means the agency of the State government which has responsibility for the administration of the federally aided public assistance programs.

(j) The term "bank" means member or non-member banks of the Federal Reserve System.

(k) The term "State" includes the fifty States, the District of Columbia, Puerto Rico, Guam, American Samoa, the trust territory of the Pacific Islands and the Virgin Islands.

(l) The term "Clothing Stamp Program" means any program promulgated pursuant to the provisions of this Act.

ESTABLISHMENT OF PROGRAM

SEC. 4. (a) The Secretary is authorized to formulate and administer a clothing stamp program under which, at the request of an appropriate State agency, eligible households within the State shall be provided with an opportunity to obtain basic clothing and household items which are made of cloth, through the issuance to them of a coupon allotment which shall have a greater monetary value than their normal expenditures for clothing. The coupons so received by such households shall be used only to purchase clothing or household items made of cloth from retail dry goods stores which have been approved for participation in the clothing stamp program. Coupons issued and used as provided for in this Act shall be redeemable at face value by the Secretary through the facilities of the Treasury of the United States.

(b) The Secretary shall issue such regulations, not inconsistent with this Act, as he deems necessary or appropriate for the effective and efficient administration of the clothing stamp program.

ELIGIBLE HOUSEHOLDS

SEC. 5 (a) Participation in the clothing stamp program shall be limited to those households whose income is determined to be a substantial limiting factor in obtaining adequate clothing and necessary household items made of cloth.

(b) In complying with the limitation on participation set forth in subsection (a) of this section, each State agency shall establish standards to determine the eligibility of applicant households. Such standards shall include maximum income limitations consistent with the income standards used by the State agency in administering its federally aided public assistance programs. Such standards also shall place a limitation on the resources to be allowed eligible households. The standards of eligibility to be used by each State for the clothing stamp program shall be subject to the approval of the Secretary.

COUPONS

SEC. 6 (a) Coupons shall be printed in such denominations as may be determined to be necessary, and shall be issued only to households which have been duly certified as eligible to participate in the clothing stamp program.

(b) Coupons issued to eligible households shall be used by them only to purchase clothing and household items made of cloth in retail dry goods stores which have been approved for participation in the clothing stamp program at prices prevailing in such stores: *Provided,* that nothing in this Act shall be construed as authorizing the Secretary to specify the prices at which clothing and household items made of cloth may be sold by wholesale clothing concerns or retail dry goods stores.

(c) Coupons issued to eligible households shall be simple in design and shall include only such words or illustrations as are required to explain their purpose and define their denominations. The name of any public official shall not appear on such coupons.

VALUE OF COUPONS AND CHARGES TO BE MADE

SEC. 7. (a) The face value of the coupon allotment which State agencies shall be authorized to issue to households certified as eligible to participate in the clothing stamp program shall be in such amount as will assist such households with an opportunity to obtain at prices they can reasonably afford to pay, adequate clothing and necessary household items made of cloth to protect their health and welfare: *Provided,* That nothing in this Act shall be interpreted as precluding the issuance of stamps free of charge.

(b) Eligible households shall be charged such portion of the face value of the coupon allotment issued to them as may be determined by the Secretary to be equivalent to, but in no case shall this amount be greater than, their normal expenditures for clothing and household items made of cloth.

(c) The value of the coupon allotment provided to any eligible household which is in excess of the amount charged such households for such allotment shall not be considered to be income or resources for any purpose under any Federal or State laws including, but not limited to, laws relating to taxation, welfare, and public assistance programs.

(d) Funds derived from the charges made for the coupon allotment shall be promptly deposited in a manner prescribed in the regulations issued pursuant to this Act, in a separate account maintained in the Treasury of the United States for such purpose. Such deposits shall be available, without limitation to fiscal years, for the redemption of coupons.

APPROVAL OF RETAIL DRYGOODS AND WHOLESALE CLOTHING CONCERNS

SEC. 8. (a) Regulations issued pursuant to this Act shall provide for the submission of applications, for approval, by retail dry-goods stores and wholesale clothing concerns which desire to be authorized to accept and redeem coupons under the clothing stamp program and for the approval of those applicants whose participation will effectuate the purposes of the clothing stamp program. In determining the qualifications of retail drygoods stores and wholesale clothing concerns there shall be considered among such other factors as may be appropriate, the following: (1) the nature and extent of the retail or wholesale business conducted by the applicant; (2) the volume of coupon business which may reasonably be expected to be conducted by the applicant retail dry-goods store or wholesale clothing concern; and (3) the business integrity and reputation of the applicant. Approval of any applicant shall be evidenced by the issuance to such applicant of a nontransferable certificate of approval.

(b) Regulations issued pursuant to this Act shall require an applicant retail drygoods store or wholesale clothing concern to submit information which will permit a determination to be made as to whether such applicant qualifies, or continues to qualify, for approval under the provisions of this Act

or the regulations issued pursuant to this Act. Regulations issued pursuant to this Act shall provide safeguards which restrict the use or disclosure of information obtained under the authority granted by this subsection to purposes directly connected with administration and enforcement of the provisions of this Act or the regulations issued pursuant to this Act.

(c) Any retail dry-goods store or wholesale concern which has failed upon application to receive approval to participate in the clothing stamp program may obtain a hearing on such refusal as provided in section 12 of this Act.

REDEMPTION OF COUPONS

SEC. 9. Regulations issued pursuant to this Act shall provide for the redemption of coupons accepted by retail dry-goods stores through approved wholesale concerns or through banks, with the cooperation of the Treasury Department.

ADMINISTRATION OF CLOTHING STAMP PROGRAM

SEC. 10. (a) All practicable efforts shall be made in the administration of the clothing stamp program to insure that participants use their increased clothing purchasing power to obtain those basic clothes and household items made of cloth most needed to protect their health and welfare. In addition to such steps as may be taken administratively, the voluntary cooperation of existing Federal, State, local, or private agencies which carry out informational and educational programs for consumers shall be enlisted.

(b) The State agency of each participating State shall assume responsibility for the certification of applicant households and for the issuance of coupons: *Provided*, That the State agency may, subject to State law, delegate its responsibility in connection with the issuance of coupons to another agency of the State government. There shall be kept such records as may be necessary to ascertain whether the program is being conducted in compliance with the provisions of this Act. Such records shall be available for inspection and audit at any reasonable time, not in excess of three years, as may be specified in the regulations.

(c) In the certification of applicant households for the clothing stamp program there shall be no discrimination against any household by reason of race, religious creed, national origin or political beliefs.

(d) Participating States or participating political subdivisions thereof shall not decrease welfare grants or other similar aid extended to any person or persons as a consequence of such person's or persons' participation in benefits made available under the provisions of this Act, or the regulations issued pursuant to this Act.

(e) The State agency of each State desiring to participate in the clothing stamp program shall submit for approval a plan of operation specifying the manner in which such programs will be conducted within the State, the political subdivisions in the State in which the State desires to conduct the program, and the effective dates of participation by each such political subdivision. In addition, such plan of operation shall provide, among such other provisions, as may by regulation be required, the following: (1) the specific standards to be used in determining the eligibility of applicant households; (2) that the State agency shall undertake the certification of applicant households in accordance with the general procedures and personnel standards used by them in the certification of applicants for benefits under the federally aided public assistance programs; (3) safeguards which restrict the use or disclosure of information obtained from applicant households to persons directly connected with the administration or enforcement of the provisions of this Act or the regulations issued pursuant to this Act; (4) for the submission of such reports and other information as may from time to time be required. In approving the participation of the subdivisions requested by each State in its plan of operation, the Secretary shall provide for an equitable and orderly expansion among the several States in accordance with their relative need and readiness to meet their requested effective dates of participation: *Provided*, That if a State does not desire to participate in the clothing stamp program or if a State agency is disqualified from participating under subsection (f) of this section, the Secretary may after determining that a definite need for the program exists in the State or subdivision served by the disqualified State agency, establish and operate the program himself or through a public or private nonprofit agency or organization, which agency shall be subject to the same rights and regulations, where possible and reasonable, as if it were a State agency.

(f) If the Secretary determines that in the administration of the program there is a failure by a State agency to comply substantially with the provisions of this Act, or with the regulations issued pursuant to this Act, or with the State plan of operation, he shall inform such State agency of such failure and shall allow the State agency a reasonable period of time for the correction of such failure. Upon the expiration of such period, the Secretary shall direct that there be no further issuance of coupons in the political subdivisions where such failure has occurred until such time as satisfactory corrective action has been taken.

(g) If the Secretary determines that there has been gross negligence or fraud on the part of the State agency in the certification of applicant households, the State shall, upon request of the Secretary, deposit into the separate account authorized by section 6 of this Act, a sum equal to the amount by which the value of any coupons issued as a result of such coupons under section 6(b) of this Act.

DISQUALIFICATION OF RETAIL DRYGOODS STORES AND WHOLESALE CLOTHING CONCERNS

SEC. 11. Any retail drygoods store or wholesale concern may be disqualified from further participation in the clothing stamp program on a finding, made as specified in the regulations, that such store or concern has violated any of the provisions of this Act, or the regulations issued pursuant to this Act. The action of disqualification shall be subject to review as provided in section 12 of this Act.

DETERMINATION AND DISPOSITION OF CLAIMS

SEC. 12. The Secretary shall have the power to determine the amount of and settle and adjust any claim and to compromise or deny all or part of any such claim or claims arising under the provisions of this Act or the regulations issued pursuant to this Act.

ADMINISTRATIVE AND JUDICIAL REVIEW

SEC. 13. Whenever—

(a) an application of a retail drygoods store or wholesale clothing concern to participate in the clothing stamp program is denied, or

(b) a retail dry-goods store or a wholesale clothing concern is disqualified under the provisions of Section 10 of this Act, or

(c) all or part of any claim of a retail clothing store or wholesale concern is denied under the provisions of Section 11 of this Act, notice of such administrative action shall be issued to the retail dry-goods store or wholesale concern involved. Such notice shall be delivered by certified mail or made by personal service. If such store or concern is aggrieved by such action, it may, in accordance with regulations promulgated under this Act, within ten days of the date of delivery or service of such notice, file a written request for an opportunity to submit information in support of its position to such person or persons as the regulations may designate. If such a request is not made or if such store or concern fails to submit information in support of its position after filing a request, the administrative determination shall be final. If such a request is made by such store or concern, such information as may be submitted by the store or concern, as well as such other information as may be available, shall be reviewed by the person or persons designated, who shall, subject to the right of judicial review hereinafter provided, make a determination which shall be final and which shall take effect fifteen days after the date of the delivery or service of such final notice of determination. If the store or concern feels aggrieved by such final determination it may obtain judicial review thereof by filing a complaint against the United States in the United States District Court for the district in which it is located or is engaged in business, within thirty days after delivery or service upon it of the final notice of determination, requesting the court to set aside such determination. The copy of the summons and complaint required to be delivered to the official or agency whose order is being attacked shall be sent to the Secretary or such person or persons as he may designate to receive service of process. The suit in the United States District Court shall be without regard to jurisdictional amount and shall be a trial *de novo* by the court in which the court shall determine the validity of the questioned administrative action in issue. If the court determines that such administrative action is invalid it shall enter such judgment or order as it determines is in accordance with the law and evidence. During the pendency of such judicial review, or any appeal therefrom, the Administrative action under review shall be and remain in full force and effect, unless an application to the court on not less than ten day's notice, and after hearing thereon and a showing of irreparable injury, the court temporarily stays such administrative action pending disposition of such trial or appeal.

VIOLATIONS AND REINFORCEMENTS

SEC. 14. (a) Notwithstanding any other provision of this Act the Secretary may provide for the issuance or presentment for redemption of coupons to such person or persons, and at such times and in such manner, as he deems necessary or appropriate to protect the interests of the United States to ensure enforcement of the provisions of this Act or the regulations issued pursuant to this Act.

(b) Whoever knowingly uses, transfers, acquires, or possesses coupons in any manner not authorized by this Act or the regulations issued pursuant to this Act shall, if such coupons are of the value of $100 or more, be guilty of a felony and shall, upon conviction thereof be fined not more than $10,000 or imprisoned for not more than five years, or both, or, if such coupons are of a value of less than $100, shall be guilty of a misdemeanor and shall, upon conviction thereof, be fined not more than $5,000 or imprisoned for not more than one year, or both.

(c) Whoever presents, or causes to be presented, coupons for payment or redemption of the value of $100 or more, knowing the same to have been received, transferred, or used in any manner in violation of the provisions of this Act shall be guilty of a felony and shall, upon conviction thereof, be fined not more than $10,000 or imprisoned for not more than five years, or both, or, if such coupons are of a value of less than $100, shall be guilty of a misdemeanor and shall, upon

conviction thereof, be fined not more than $5,000 or imprisoned for not more than one year, or both.

(d) Coupons issued pursuant to this Act shall be deemed to be obligations of the United States within the meaning of Section 8 of Title 18 of the United States Code.

COOPERATION WITH STATE AGENCIES

SEC. 15. (a) Each State shall be responsible for financing, from funds available to the State or political subdivisions thereof, the costs of carrying out the administrative responsibilities assigned to it under the provisions of this Act. Except as provided for in subsection (b) of this section, such costs shall include, but shall not be limited to, the certification of households; the acceptance, storage, and protection of coupons after their delivery to receiving points within the States; and the issuance of such coupons to eligible households and the control and accounting therefor.

(b) The Secretary is authorized to cooperate with State agencies in the certification of households which are not receiving any type of public assistance so as to insure the effective certification of such households in accordance with the eligibility standards approved under the provisions of Section 4 of this Act. Such cooperation shall include payments to State agencies for part of the cost they incur in the certification of such households. The amount of such payment to any one State agency shall be 50 per centum of the sum of: (1) the direct salary costs (including the cost of such fringe benefits as are normally paid to its personnel by the State agency) of the personnel used to make such interviews and such post-interview field investigations are as necessary to certify the eligibility of such households, and of the immediate supervisor of such personnel, for such periods of time as they are employed in certifying the eligibility of such households; (2) travel and related costs incurred by such personnel in post-interview field investigations of such households; and (3) an amount not to exceed 25 per centum of the costs computed under (1) and (2) above.

APPROPRIATIONS

SEC. 16. (a) To carry out the provisions of this Act, there is hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act. Such portion of any such appropriation as may be required to pay for the value of the coupon allotments issued to eligible households which is in excess of the charges paid by such household for such alotments shall be transferred to and made a part of the separate account created under Section 6(d) of this Act.

(b) In any fiscal year, the Secretary shall limit the value of those coupons issued which is in excess of the value of coupons for which households are charged, to an amount which is not in excess of the portion of the appropriation for such fiscal year which is transferred to the separate account under the provisions of subsection (a) of this section. If in any fiscal year the Secretary finds that the requirements of participating States will exceed the limitation set forth herein, the Secretary shall direct State agencies to reduce the amount of such coupons to be issued to participating households to the extent necessary to comply with the provisions of this subsection.

(c) If the Secretary determines that any of the funds in the separate account created under Section 6(d) of this Act are no longer required to carry out the provisions of this Act, such portion of such funds shall be paid into the miscellaneous receipts of the Treasury.

S. 1152—INTRODUCTION OF BILL TO AMEND THE INTERNAL REVENUE CODE OF 1954

Mr. MILLER. Mr. President, I introduce for printing and appropriate reference a bill to amend the Internal Revenue Code of 1954 to exclude from gross income amounts received under insurance contracts for increased living expenses necessitated by damage to or destruction of an individual's residence. I ask unanimous consent that the bill be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. MILLER. Mr. President, the legislation I am introducing today is designed to correct a serious inequity in the Internal Revenue Code. Under present law, as interpreted by the Internal Revenue Service and by the courts, a person who has the misfortune of having his home damaged or destroyed by fire, tornado, hurricane, or other casualty-type incident, and who must temporarily find another residence while his home is being repaired, must declare any insurance payments covering the additional living expenses caused by this situation as taxable income.

It seems to me that these insurance payments should not be required to be included in gross income. The situation giving rise to such payments is completely beyond the control of the taxpayer—just as much as illness and accident. Benefits received under health and accident insurance policies and workmen's compensation payments are excludable from gross income. Insurance payments for additional living expenses ought to be excludable also, at least to the extent they are actually expended for additional living expenses. The bill I am introducing would do just that. My bill would allow the exclusion only to the extent the insurance received and actually paid out exceeds the normal living expenses which would have been incurred by the taxpayer and members of his household during the period for which the amounts are received. Thus, the traditional prohibition of the code against the deduction of personal expenses is maintained except in the case where expenses higher than normal are necessitated by a casualty.

Mr. President, much of my State of Iowa is subject to tornadoes. Last May one of the most devastating tornadoes in Iowa history struck the north central and northeastern parts of my State. Total damage was in the millions of dollars. Many homes in the area were either totally destroyed or damaged so extensively that they were uninhabitable until repaired. These homeowners were burdened not only with the loss of their homes but with the additional expenses of living somewhere else. For those who received additional living expense insurance payments, the fact that they had to pay income taxes on those payments only compounded their tragedy.

I urge the early consideration of this bill.

The bill (S. 1152) to amend the Internal Revenue Code of 1954 to exclude from gross income amounts received under insurance contracts for increased living expenses necessitated by damage to or destruction of an individual's residence, introduced by Mr. MILLER, was received, read twice by its title, referred to the Committee on Finance, and ordered to be printed in the RECORD.

EXHIBIT 1

S. 1152

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) part III of subchapter B of chapter 1 of the Internal Revenue Code of 1954 (relating to items specifically excluded from gross income) is amended by renumbering section 123 as 124, and by inserting after section 122 the following new section:

"Sec. 123. Amounts received under insurance contracts for certain living expenses

"(a) GENERAL RULE.—In the case of an individual whose residence is damaged or destroyed by fire, storm, or other casualty, gross income does not include amounts received by such individual under an insurance contract which are paid to compensate or reimburse such individual for living expenses incurred for himself and members of his household resulting from the loss of use or occupancy of such residence.

"(b) LIMITATION.—Subsection (a) shall apply only to the extent such amounts do not exceed

"(1) the actual living expenses incurred during such period for himself and members of his household resulting from the loss of use or occupancy of their residence, over and above

"(2) the normal living expenses which would have been incurred for himself and members of his household during such period."

(b) The table of sections for such part III is amended by striking out the last item and inserting in lieu thereof the following:

"Sec. 123. Amounts received under insurance contracts for certain living expenses

"Sec. 124. Cross references to other Acts"

(c) The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act, and notwithstanding any other law or rule of law, to amounts received in any prior taxable year with respect to which, at the time claim for credit or refund is made, the period of limitations for making such claim has not run.

S. 1167—INTRODUCTION OF HUMAN INVESTMENT ACT

Mr. PROUTY. Mr. President, I introduce, for appropriate reference, the Human Investment Act of 1969, a bill providing an incentive to American business to invest in the improvement of the Nation's human resources by hiring, training, and employing presently unemployed workers lacking needed job skills and upgrading of the job skills of and providing new job opportunities for workers presently employed.

My distinguished colleagues are familiar with the provisions of this legislation and are aware of the constant revisions made to this legislation in the past. The bill I introduce today does not revise the Human Investment Act

I introduced February 17, 1969. Rather, the bill I submit today merely corrects certain inadvertent errors made in preparing S. 998.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 1167) to amend the Internal Revenue Code of 1954 to allow a credit against income tax to employers for the expenses of providing job training programs, introduced by Mr. PROUTY, was received, read twice by its title, and referred to the Committee on Finance.

S. 1170—INTRODUCTION OF BILL TO AUTHORIZE THE DEPARTMENT OF COMMERCE TO MAKE SPECIAL STUDIES

Mr. MAGNUSON. Mr. President, at the request of the Department of Commerce, I am introducing a bill to authorize the Department of Commerce to make special studies, to provide services, and to engage in joint projects, and for other purposes.

I ask unanimous consent that the letter of transmittal, the statement of purpose and need, and the bill be printed in the RECORD at this point.

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

The bill (S. 1170) to authorize the Department of Commerce to make special studies, to provide services, and to engage in joint projects, and for other purposes, introduced by Mr. MAGNUSON, by request, was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

S. 1170

Be it enacted by the Senate and House of Representatives of the United States of America assembled, That the Secretary of Commerce is authorized, upon the request of any person, firm, organization, or others, public or private, to make special studies on matters within the authority of the Department of Commerce; to prepare from its records special compilations, lists, bulletins, or reports; to perform the functions authorized by section 2 of the Act of September 9, 1950 (64 Stat. 823; 15 U.S.C. 1152); and to furnish transcripts or copies of its studies, compilations, and other records; upon the payment of the actual or estimated cost of such special work.

In the case of nonprofit organizations, research organizations, or public organizations or agencies, the Secretary may engage in joint projects, or perform services, on matters of mutual interest, the cost of which shall be apportioned equitably, as determined by the Secretary, who may, however, waive payment of any portion of such costs by others, when authorized to do so under regulations approved by the Bureau of the Budget.

SEC. 2. All payments for work or services performed or to be performed under this Act shall be deposited in a separate account or accounts which may be used to pay directly the costs of such work or services, to repay or make advances to appropriations or funds which do or will initially bear all or part of such costs, or to refund excess sums when necessary: *Provided,* That said receipts may be credited to a working capital fund otherwise established by law, and used under the law governing said funds, if the fund is available for use by the agency of the Department of Commerce which is responsible for performing the work or services for which payment is received. Acts appropriating funds to the Department of Commerce may include provisions limiting annual expenditure from said account or accounts.

SEC. 3. The following laws, or parts of laws, are hereby repealed: (a) That proviso in the Act of March 1, 1919 (ch. 86, sec. 1, at 40 Stat. 1256), which reads as follows: *"Provided further,* That all moneys hereafter received by the Bureau of Foreign and Domestic Commerce in payment of photographic and other mechanical reproduction of special statistical compilations from its records shall be covered into the Treasury as a miscellaneous receipt."

(b) The Act of May 27, 1935 (ch. 148, 49 Stat. 292; 15 U.S.C. 189a, 192, 192a).

(c) The proviso in the Act of May 15, 1936 (ch. 405, sec. 1, at 49 Stat. 1335 (15 U.S.C. 189), which reads as follows: *"Provided,* That the Secretary of Commerce may make such charges as he deems reasonable for lists of foreign buyers, special statistical services, special commodity news bulletins, and World Trade Directory Reports, and the amounts collected therefrom shall be deposited in the Treasury as miscellaneous receipts."

(d) The Act of December 19, 1942 (ch. 780, 56 Stat. 1067; 15 U.S.C. 1520).

(e) The proviso in section 3 of the Act of September 9, 1950 (64 Stat. 823; 15 U.S.C. 1153), which reads as follows: *"Provided,* That all moneys hereafter received by the Secretary in payment for publications under this Act shall be deposited in a special account in the Treasury, such account to be available, subject to authorization in any appropriation Act, for reimbursing any appropriation then current and chargeable for the cost of furnishing copies of reproductions as herein authorized, and for making refunds to organizations and individuals when entitled thereto: *And provided further,* That an appropriation reimbursed by this special account shall, notwithstanding any other provision of law, be available for the purposes of the original appropriation."

(f) The proviso in title III of the Act of Otcober 22, 1951 (ch. 533, title III, section 301 at 65 Stat. 586, 15 U.S.C. 1153a) which reads as follows: *"Provided,* That moneys hereafter received by the Secretary pursuant to section 3 of said Act of September 9, 1950, for publications provided thereunder, shall be available for reimbursing any appropriation as provided by said section."

SEC. 4. Except as to those laws expressly repealed herein, nothing in this Act shall alter, amend, modify, or repeal any existing law prescribing fees or charges or authorizing the prescribing of fees or charges for services performed or for any publication furnished by the Department of Commerce, or any of its several bureaus or offices.

The letter and statement, presented by Mr. MAGNUSON, are as follows:

THE SECRETARY OF COMMERCE,
Washington, D.C., January 9, 1969.

HON. HUBERT H. HUMPHREY,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed are four copies of a draft bill "To authorize the Department of Commerce to make special studies, to provide services, and to engage in joint projects, and for other purposes," together with a statement of purpose and need in support thereof.

The Department of Commerce recommends enactment by the Congress of this bill which is included in the legislative program of the Department for the 91st Congress.

We were advised by the Bureau of the Budget on December 31, 1968 that from the standpoint of the Administration's program there would be no objection to the submission to the Congress of this legislation.

Sincerely yours,

C. R. SMITH,
Secretary of Commerce.

STATEMENT OF PURPOSE AND NEED FOR LEGISLATION TO AUTHORIZE THE DEPARTMENT OF COMMERCE TO MAKE SPECIAL STUDIES, TO PROVIDE SERVICES AND TO ENGAGE IN JOINT PROJECTS, AND FOR OTHER PURPOSES

This legislation would provide more uniform authority for the Secretary of Commerce to undertake upon request special studies of matters falling within the province of the Department of Commerce, to prepare from records of the Department special tabulation and reports, and to furnish transcripts or copies of Department records, upon payment of the cost of such work. Funds received would be deposited in a special acount and used to pay the costs of performing the requested work. A proviso in Section 2 preserves present legal authority to deposit such funds directly into existing working capital funds. In the case of nonprofit organizations, research organizations, or government agencies, the Secretary would be authorized to perform services or undertake joint projects with costs shared as determined by the Secretary, or waived under criteria approved by the Bureau of the Budget.

The bill is similar to S. 3370 introduced in the 89th Congress and S. 2656 and H.R. 17501 in the 90th Congress. Several modifications included in S. 2656 and H.R. 17501 were made as a result of comments made on S. 3370 by the Comptroller General of the United States in his letter of August 11, 1966, B–134944, to the Honorable Warren G. Magnuson, Chairman, Committee on Commerce, United States Senate. Section 1 of the bill was amended to eliminate the phrase "falling within the province of the Department of Commerce," which the Comptroller General objected to, and substituting the phrase "within the authority of the Department of Commerce."

The Comptroller General also objected to the provision in S. 3370 giving the Secretary very general authority to waive payment of costs in connection with joint projects or services furnished selected non-profit and governmental organizations. Regulations of the Bureau of the Budget now provide for waiver of costs when the furnishing of the service without charge is an appropriate courtesy to a foreign country or international organization; when the recipient is engaged in a non-profit activity designed for the public safety, health or welfare; or when payment by a State, local government, or nonprofit group would not be in the interest of the program. We propose to follow these Bureau of the Budget guidelines and the last sentence of Section 1 was modified to so provide.

As suggested by the Comptroller General, Section 2 of S. 3370 was deleted since P.L. 89–473 now makes available to all agencies the provisions proposed by this section. A sentence was also added at the end of the new Section 2, authorizing the Congress to limit annual expenditures under this Act whenever they feel it is desirable to do so, to meet the objections expressed by the Comptroller General to Section 3 of S. 3370.

These changes are also included in the present draft which is identical to S. 2656 and H.R. 17501.

The Department of Commerce now has authority under a number of different statutes to perform such services with respect to certain areas of the Department's work. These statutes are conflicting or overlapping and vary as to the extent to which payment may be required for the services and the use of the funds received in payment for such services. The proposed legislation would repeal

a number of these statutes and substitute for them the general uniform authority described above.

The first paragraph of Section 1 of the proposed legislation combines the language of several existing statutory authorities and also includes a reference to the statute authorizing the activities of the Clearinghouse for Federal Scientific and Technical Information. Thus, the first paragraph authorizes the continuance of existing activities with the assistance of reimbursement authority. Joint projects and performance of services under the second paragraph of Section 1 will be limited in availability to non-profit or research organizations or government agencies, and in applicability to matters of material interest to the Department and the cooperating group.

The services and projects which would be performed under this proposed legislation with the assistance of reimbursement authority cover a wide range of Department activities. Among the more significant are:

1. Making available to the public a large amount of unpublished data of the Office of Business Economics. Special compilations of this data could be made in the form most usable by the requesting agency. At present such data in special forms can be compiled only with difficulty because of the restraint imposed by limitations upon the use of appropriated funds. In addition, joint analytical studies of the raw data undertaken in cooperation with non-profit research organizations would greatly enhance the knowledge available on the workings of our economy.

2. Promotion of tourism. The authority to engage in joint projects with non-profit organizations would be most helpful to our efforts in this field since it would facilitate joint preparation with non-profit organizations and State and local governments of travel promotion materials and films and in conducting cooperative research programs.

3. Making available copies of records, charts and other services of the Environmental Science Services Administration on a reimbursable basis. The authority to conduct joint operations and research with government agencies would be particularly valuable in the development of improved geodetic and meteorological information systems.

4. Provision of direct service to friendly countries and their institutions with respect to standard reference materials, samples of highly characterized materials sold by the National Bureau of Standards for such scientific uses as checking chemical analyses, temperature, color, viscosity, heat of combustion and various basic properties of materials. Special measurement services could be provided to other nations to assist in the correlation of our national measurements system with that of other nations.

The following laws or portions of laws would be repealed by the proposed legislation:

The proviso in the appropriation act of 1919 which refers to moneys received by the Bureau of Foreign and Domestic Commerce and provides for coverage of charges into the Treasury as miscellaneous receipts (40 Stat. 1256). Although the law appears to have been impliedly repealed by the Act of May 27, 1935, it should be removed from the books.

The Act of May 27, 1935 (49 Stat. 292; 15 U.S.C. 189a, 192, 192a) which authorizes the Department to make special studies and prepare statistical compilations and to deposit the moneys received in a special account. However, the provisions relating to use of funds to employ persons who are neither officers nor employees of the United States are no longer pertinent under Civil Service laws and regulations.

The proviso in the appropriation act of May 15, 1936 (49 Stat. 1335; 15 U.S.C. 189) which authorizes the Secretary of Commerce to charge for lists of foreign buyers and other services and to deposit the moneys collected into miscellaneous receipts.

The act of December 19, 1942 (56 Stat. 1067; 15 U.S.C. 1520) which authorizes the Secretary to establish schedules of reasonable fees or charges for services or publications, except services performed for or publications furnished to the Federal Government, State Governments and the District of Columbia. The Act further provides that moneys collected shall be deposited into miscellaneous receipts.

Those provisions of the Act establishing a clearinghouse for technical information (64 Stat. 823; 15 U.S.C. 1153) which authorize the Secretary to establish fees or charges for services performed or for documents or publications furnished under the Act, and the proviso in the Act of October 22, 1951 (65 Stat. 586; 15 U.S.C. 1153a) authorizing use of such funds to reimburse the applicable appropriation. Replacing the above provisions with the reimbursement provisions of this legislation will enable the Department to recover more of the costs of clearinghouse services. Present authority to recover costs has been interpreted restrictively by the Comptroller General (34 Comp. Gen. 58).

In the drafting of this proposal consideration was given to the repeal of other provisions relating to the collection of fees (13 U.S.C. 8(b), 13 U.S.C. 8(d), 15 U.S.C. 273, and 15 U.SC 275(a)), which concern the Bureau of the Census and the National Bureau of Standards, but it was decided not to recommend repeal since those provisions are part of their organic acts.

In the case of Bureau of the Census, although the draft legislation is nearly identical to the authority available to the Bureau of the Census under 13 U.S.C. 8(b) and 13 U.S.C. 8(d), these sections are interwoven with the confidentiality provisions of the basic Census data and the Census studies and surveys conducted under their organic act. Since the provisions are so nearly identical, it is believed that no purpose would be achieved in repealing the Census law. Modifications of the Census organic act would have to be very carefully worded to protect the confidentiality of Census information.

In the case of the National Bureau of Standards, the sections 15 U.S.C. 273 and 275(a) are cross-referenced through the Bureau's organic act to other special provisions of law therein. These provisions have fund implications involving the use of the NBS Working Capital Fund, the requiring of advance payments for services, and the special authority regarding equipment and property utilized by the Bureau of Standards in the conduct of its work. Accordingly it would be undesirable to repeal these provisions.

The draft legislation would permit the Department to make more widely available the valuable data, statistics and other material collected by it without additional appropriations. Similarly the authority to conduct joint projects on a cost-sharing basis would enable us to expand our basic knowledge in important fields with less appropriations than would otherwise be required.

The Department of Commerce therefore urges early enactment of the proposed draft legislation.

S. 1171—INTRODUCTION OF BILL TO PERMIT TACKING OF CITIZEN OWNERSHIP OF VESSELS FOR TRADE-IN PURPOSES

Mr. MAGNUSON. Mr. President, at the request of the Department of Commerce, I am introducing a bill to permit tacking of citizen ownership of vessels for trade-in purposes.

I ask unanimous consent that the letter of transmittal, the statement of purpose and provisions, and the bill be printed in the RECORD at this point.

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

The bill (S. 1171) to permit tacking of citizen ownership of vessels for trade-in purposes, introduced by Mr. MAGNUSON, was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

S. 1171

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 510(a)(1) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1160(a)(1)), is amended as follows:

(a) By striking out of subdivision (C) the words "is owned" and inserting in lieu thereof the words "has been owned".

(b) By striking out of subdivision (C) the words "and has been owned by such citizen or citizens".

(c) By changing the colon after the word "hereunder" where it first appears to a period and striking out all thereafter.

The letter and statement, presented by Mr. MAGNUSON, are as follows:

THE SECRETARY OF COMMERCE,
Washington, D.C., December 18, 1968.

Hon. HUBERT H. HUMPHREY,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed are four copies of a draft bill "to permit tacking of citizen ownership of vessels for trade-in purposes," together with a statement of purpose and need in support thereof and a comparative print showing changes the bill would make in existing law.

The Department of Commerce recommends enactment by the Congress of this bill which is included in the legislative program of the Department for the 91st Congress.

We were advised by the Bureau of the Budget on December 6, 1968 that from the standpoint of the Administration's program there would be no objection to the submission to the Congress of this legislation.

Sincerely yours,

C. R. SMITH,
Secretary of Commerce.

STATEMENT OF THE PURPOSES AND PROVISIONS OF THE DRAFT BILL TO PERMIT TACKING OF CITIZEN OWNERSHIP OF VESSELS FOR TRADE-IN PURPOSES

To be eligible for trade in under the provisions of section 510, a vessel must meet the requirements of the definition of an "obsolete vessel" contained in that section.

One of the requirements of that definition is that the vessel must be owned by a citizen or citizens of the United States and must have been owned by such citizen or citizens for at least three years before the date the vessel is traded in. This requires that the vessel must be owned by the same citizen owner for the three years prior to trade in.

Because of this requirement, if an operator sells his vessel to a citizen instead of trading it in to the United States but must repossess the vessel for non-payment of the purchase price the vessel is ineligible for trade in until three years after the repossession.

The draft bill would remedy this situation by permitting the tacking of citizen ownership to meet the three year requirement. This will encourage operators to sell their vessels in the commercial market instead of trading them in to the United States.

The draft bill also deletes a proviso in

the section which by its terms expired on June 30, 1964.

Comparative text showing the changes in the Merchant Marine Act, 1936, that would be made by the draft bill to permit tacking of citizen ownership of vessels for trade-in purposes (deletions are enclosed in black brackets; new material is shown in italic):

"SEC. 510. (a) When used in this section—

"(1) The term 'obsolete vessel' means a vessel or vessels, each of which (A) is of not less than one thousand three hundred and fifty gross tons, (B) is not less than seventeen years old and, in the judgment of the Commission, is obsolete or inadequate for successful operation in the domestic or foreign trade of the United States, and (C) [is owned] *has been owned* by a citizen or citizens of the United States [and has been owned by such citizen or citizens] for at least three years immediately prior to the date of acquisition hereunder. [:*Provided*, That until June 30, 1964, the term 'obsolete vessel' shall mean a vesesl or vessels, each of which (A) is of not less than one thousand three hundred and fifty gross tons, (B) is not less than twelve years old, and (C) is owned by a citizen or citizens of the United States and has been owned by such citizen or citizens for at least three years immediately prior to the date of acquisition hereunder.]"

S. 1172—INTRODUCTION OF BILL TO AMEND THE FEDERAL AVIATION ACT OF 1958

Mr. MAGNUSON. Mr. President, at the request of the Civil Aeronautics Board, I am introducing a bill to amend the Federal Aviation Act of 1958 so as to authorize the Civil Aeronautics Board to regulate the depreciation accounting of air carriers.

I ask unanimous consent that the letter of transmittal, the statement of purpose and need, and the bill be printed in the RECORD at this point.

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

The bill (S. 1172) to amend the Federal Aviation Act of 1958 so as to authorize the Civil Aeronautics Board to regulate the depreciation accounting of air carriers, introduced by Mr. MAGNUSON, by request, was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

S. 1172

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 407 of the Federal Aviation Act of 1958 (49 U.S.C. 1380) is amended by redesignating subsection (e) thereof as subsection (f), and by inserting therein a new subsection (e) reading as follows:

"DEPRECIATION ACCOUNTING

"(e) The Board may prescribe for air carriers the classes of property for which depreciation charges may properly be included under operating expenses, the method of depreciation accounting, the rate or rates of depreciation which shall be charged, the depreciation period and the residual value, with respect to each of such classes of property, classifying the air carriers as it may deem proper for this purpose. The Board may, when it deems necessary, modify the classes and rates so prescribed. To the extent that the Board shall have exercised its authority under the foregoing provisions of this subsection, air carriers shall not charge to, or in any form include under, operating expenses any depreciation charges other than those prescribed by the Board, or employ a method of depreciation, depreciation period, or residual value other than those prescribed by the Board."

The letter and statement, presented by Mr. MAGNUSON, are as follows:

CIVIL AERONAUTICS BOARD,
Washington, D.C., January 16, 1969.

Hon. HUBERT H. HUMPHREY,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: The Civil Aeronautics Board recommends to the Congress for its consideration the enclosed draft of a proposed bill "To amend the Federal Aviation Act of 1958 so as to authorize the Civil Aeronautics Board to regulate the depreciation accounting of air carriers."

The Board has been advised by letter from the Bureau of the Budget dated January 13, 1969, that there is no objection to the transmission of the draft bill to the Congress from the standpoint of the Administration's program.

Sincerely,

JOHN H. CROOKER, Jr.,
Chairman.

STATEMENT OF PURPOSE AND NEED FOR A DRAFT BILL TO AMEND THE FEDERAL AVIATION ACT OF 1958 SO AS TO AUTHORIZE THE CIVIL AERONAUTICS BOARD TO REGULATE THE DEPRECIATION ACCOUNTING OF AIR CARRIERS

In common with other regulatory acts, section 407(d) of the Federal Aviation Act directs that the Board shall prescribe a system of accounts to be kept by air carriers. However, it has been held that the Board lacks the authority (possessed by the other regulatory agencies with respect to the persons subject to their jurisdiction) to regulate the depreciation accounting of air carriers. Consequently, the legislation vests this ancillary power in the Board.

Under the authority of section 407(d) to "prescribe the forms of any and all accounts," the Board has proceeded, since its establishment, to prescribe the uniform system of accounts required to be kept by all certificated air carriers. The controlling purpose of such a uniform system of accounts is to provide the Board with financial statements which fairly reflect the financial condition of the air carrier on the one hand, and the operating results of the carrier for a given period of time on the other. The purpose of the system of accounts is to prescribe uniform practices which will provide, in general substance, comparable information in respect to each of the various carriers subject to the accounting regulations. Financial statements would, of course, be useless to the Board unless they fairly reflected the actual condition of the carriers and the actual operating results of the services performed for the period reported.

Since the enactment of the Civil Aeronautics Act in 1938, the Board has, in general, prescribed rates of depreciation as a part of its subsidy rate-making process. While air carriers continued to be dependent upon subsidy, their books were conformed with the depreciation rates prescribed by the Board. The depreciation rates thus established were used both for accounting and rate-making purposes and few problems involving the lack of uniformity of depreciation accounting practices developed. However, with the emergence of a large part of the industry from dependence upon subsidy, the determinations by the Board of depreciation for rate-making purposes were less frequently adopted by the carriers for accounting purposes. This tended to undermine the value of the Uniform System of Accounts and reports filed with the Board thereunder because they no longer reflected the depreciation determinations by the Board. The lack of conformance with the Board's determinations of depreciation rates and the lack of uniformity of depreciation practices for accounting purposes among different carriers seriously undermined the value of the reports filed by the carriers for regulatory purposes.

In recognition of this need, and in connection with the establishment of an adequate uniform system of accounts, the Board undertook to prescribe the depreciation accounting practices of air carriers by the issuance of appropriate regulations (E.R. 224, adopted November 18, 1957). The courts held that the Board lacked authority to prescribe depreciation accounting practices. *Alaska Airlines, et al.* v. *C.A.B.*, 257 F. 2d 229 (C.A.D.C., 1958), *cert. denied*, 358 U.S. 881. Consequently, in order that the Board may effectively carry out its functions with respect to the depreciation accounting practices of air carriers, legislation is essential. Reliable and comparable financial data from which to appraise the true financial condition and operating results of the various air carriers are necessary to effective regulation. This cannot be readily obtained under the Court's interpretation of the Act which permits the carriers full liberty to account for depreciation in accordance with any method they elect.

The bill would bring the powers of the Board in the area of depreciation accounting in line with powers expressly given to the Interstate Commerce Commission, the Federal Power Commission, and the Federal Communications Commission (see 49 U.S.C. sec. 20(4), sec. 220(c) and sec. 913(d); 15 U.S.C. 171h(a); 16 U.S.C. 825a(a); and 47 U.S.C. 220(b)).

S. 1173—INTRODUCTION OF BILL TO AUTHORIZE THE SECRETARY OF COMMERCE TO EMPLOY CERTAIN ALIENS

Mr. MAGNUSON. Mr. President, at the request of the Department of Commerce, I am introducing a bill to authorize the Department of Commerce to employ aliens in a scientific or technical capacity where qualified citizens are not available.

I ask unanimous consent that the letter of transmittal, the statement of purpose and need, and the bill be printed in the RECORD at this point.

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

The bill (S. 1173) to authorize the Secretary of Commerce to employ aliens in a scientific or technical capacity, introduced by Mr. MAGNUSON, by request, was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

S. 1173

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Commerce to the extent he determines to be necessary, and subject to adequate security investigations and such other investigations as he may determine to be appropriate, and subject further to a prior determination by him that no qualified United States citizen is available for the particular position involved, is authorized to

employ and compensate aliens in a scientific or technical capacity at authorized rates of compensation without regard to statutory provisions prohibiting payment of compensation to aliens.

The letter and statement, presented by Mr. MAGNUSON, are as follows:

THE SECRETARY OF COMMERCE,
Washington, D.C., January 2, 1969.

Hon. HUBERT H. HUMPHREY,
President of the Senate,
U.S. Senate, Washington, D.C.

DEAR MR. PRESIDENT: Enclosed are four copies of a draft bill "To authorize the Secretary of Commerce to employ aliens in a scientific or technical capacity," together with a statement of purpose and need in support thereof.

The Department of Commerce recommends enactment by the Congress of this bill which is included in the legislative program of the Department for the 91st Congress.

We were advised by the Bureau of the Budget on December 23, 1968, that from the standpoint of the Administration's program there would be no objection to the submission to the Congress of this legislation.

Sincerely yours,

JOSEPH W. BARTLETT,
Acting Secretary of Commerce.

STATEMENT OF PURPOSE AND NEED

The proposed legislation would authorize the Secretary of Commerce to employ aliens in a scientific or technical capacity without regard to statutory provisions prohibiting the payment of compensation to aliens. Such employment would be subject to adequate security investigations and to a prior determination that no qualified U.S. citizen is available for the particular position involved.

On various occasions, agencies of the Department of Commerce engaged in scientific or technical work have found that the only persons qualified and available for certain highly specialized positions are not citizens of the United States. However, in many cases these individuals cannot be employed by the Department due to provisions in appropriation legislation which prohibit, with certain stated exceptions, the compensation of aliens from appropriated funds. The current prohibition is contained in section 502 of the Public Works for Water and Power Resources Development and Atomic Energy Commission Appropriation Act, 1969, approved August 12, 1968 (P.L. 90–479) and applies to all appropriations for the current fiscal year.

The need to utilize the services of these talented foreigners is due in part to the general shortage of scientists and engineers in this country. More significant, however, is the fact that some of the Department's technical programs are outside the popular or currently fashionable areas of modern science, and, therefore, are not particularly attractive to American students and scientists. In many such fields, the supply of talent is much more plentiful abroad.

For example, the National Bureau of Standards (NBS) has experienced great difficulty in recent years in recruiting physicists trained in atomic spectroscopy. At the same time, the demands upon NBS for precise data on atomic properties, obtainable through spectroscopic studies, have increased sharply. Such information is essential in interpreting astrophysical data associated with the space program, in measuring and understanding plasmas such as those involved in thermonuclear fusion research, and in understanding the physical processes involved in rocket propulsion.

Though American universities have been producing few trained personnel in this field, spectroscopy has continued to be an active field of study and research abroad. Among the major producers of atomic spectroscopists is Sweden; however, Swedish nationals may not be employed by NBS under the present statute.

A similar situation exists with respect to applied mathematics, where the general shortage of trained mathematicians is aggravated by the lack of individuals interested and qualified in certain specialized branches of mathematics. The Bureau of the Census, for example, recently was denied the services of an exceptionally well qualified statistical consultant with extensive experience in censuses and surveys because the individual was a citizen of Sweden. NBS has been unable to recruit persons skilled in numerical analysis. This is a relatively new mathematical field in the United States, but is increasingly important because of the applicability of these techniques to the analysis of extremely complex problems in science and technology. One of the most valuable sources of trained personnel in this field is Switzerland, but NBS is precluded from the employment of Swiss nationals.

The varied programs of the Weather Bureau of this Department's Environmental Science Services Administration frequently require unique combinations of talent that are extremely rare. For example, the Weather Bureau recently needed physicist-meteorologists with specialized experience in the measurement and analysis of atmospheric ozone. Two well qualified candidates were found to be available—one from Switzerland and one from India. Neither could be employed under the present statute. Sweden, which has produced world renowned meteorologists and has an International Institute of Meteorology, also is "out of bounds" for recruitment to fill the highly specialized needs of the Weather Bureau.

Numerous other cases might be cited, ranging from a Swedish specialist on the rheological properties of paper, who would have been ideally suited to a position at NBS, to an Egyptian oceanographer, who had exceptional qualifications for general circulation research with the Weather Bureau. The proposed legislation would enable the Department to take full advantage of such unique and long-sought combinations of talent and experience from abroad whenever suitably qualified U.S. citizens are not available.

Authority similar to that here sought was granted by the 88th Congress to the Smithsonian Institution. In earlier action, the Congress exempted the National Aeronautics and Space Administration and the Department of Defense from the prohibitions against employment of noncitizens. The Department of Agriculture, the Immigration and Naturalization Service, and the Public Health Service also are among the various agencies authorized by the Congress to employ aliens for certain necessary purposes.

S. 1174—INTRODUCTION OF BILL TO CLARIFY POWERS OF THE CIVIL AERONAUTICS BOARD

Mr. MAGNUSON. Mr. President, at the request of the Civil Aeronautics Board, I am introducing a bill to amend the Federal Aviation Act of 1958 so as to clarify the powers of the Civil Aeronautics Board in respect of consolidation of certain proceedings.

I ask unanimous consent that the letter of transmittal, the statement of purpose and need, and the bill be printed in the RECORD at this point.

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

The bill (S. 1174) to amend the Federal Aviation Act of 1958 so as to clarify the powers of the Civil Aeronautics Board in respect of consolidation of certain proceedings, introduced by Mr. MAGNUSON, by request, was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

S. 1174

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 401(c) of the Federal Aviation Act of 1958 (49 U.S.C. 1371) is amended by:

(1) Amending the heading of such section to read as follows: "Notice of Application; Contemporaneous Consideration"; and

(2) Inserting "(1)" immediately after "(c)" and by adding at the end thereof the following new paragraph:

"(2) Contemporaneous consideration of applications may, in the Board's discretion, be afforded by assigning applications for consolidated hearings and decisions or by assigning such applications for separate hearings followed by simultaneous decision: *Provided,* That applicants excluded from a particular hearing are allowed to participate therein as intervenors, adduce evidence, and cross-examine adverse witnesses: *Provided further,* That contemporaneous consideration is not required in a proceeding for the consideration of applications for a particular type of service within a defined area or over a described route segment where applications (or portions of applications) not proposing service of such type within such area or over such segment are excluded by the Board and new authorizations granted in such proceeding provide for a mandatory stop at any point marking the boundary of the defined area or common to any application (or portion thereof) which is excluded. Direction or refusal by the Board to consolidate any application for hearing with any other application, or otherwise to provide contemporaneous consideration thereof, shall not be subject to review prior to the issuance of an order granting such other application in whole or in part. The Board shall not be required to hold, prior to a hearing on any application, a preliminary hearing on the question of whether any other application filed pursuant to this section should be heard together with the application noticed for hearing, or whether such other application should otherwise be afforded contemporaneous consideration. The burden of establishing that applications should be consolidated for hearing or given contemporaneous consideration shall be on the person making request therefor. As used in this subsection, the term 'application' shall include an investigation instituted by the Board upon petition or complaint or upon its own initiative to alter, amend, modify or suspend a certificate pursuant to section 401(g)."

SEC. 2. Section 1006(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1486) is amended by adding at the end thereof a sentence reading as follows: "Orders of the Board directing or refusing consolidation or contemporaneous consideration of applications filed under section 401 of this Act shall be subject to review only at the time prescribed in section 401(c)(2) of this Act."

SEC. 3. That portion of the table of contents contained in the first section of the Federal Aviation Act of 1958 which appears under the heading "Sec. 401. Certificate of public convenience and necessity." is amended by striking out "(c) Notice of application." and inserting in lieu thereof "(c) Notice of application; contemporaneous consideration."

The letter and statement, presented by Mr. MAGNUSON, are as follows:

CIVIL AERONAUTICS BOARD,
Washington, D.C., Dec. 31, 1968.

Hon. HUBERT H. HUMPHREY,
President of the Senate,
U.S. Senate
Washington, D.C.

DEAR MR. PRESIDENT: The Civil Aeronautics Board recommends to the Congress for its consideration the enclosed draft of a proposed bill "To amend the Federal Aviation Act of 1958 so as to clarify the powers of the Civil Aeronautics Board in respect of consolidation of certain proceedings."

The Board has been advised by letter from the Bureau of the Budget dated December 23, 1968, that there is no objection to the transmission of the draft bill to the Congress from the standpoint of the Administration's program provided the draft legislation is submitted prior to January 20, 1969.

Sincerely,

JOHN H. CROOKER, Jr.,
Chairman.

STATEMENT OF PURPOSE AND NEED FOR A DRAFT BILL TO AMEND THE FEDERAL AVIATION ACT OF 1958 SO AS TO CLARIFY THE POWERS OF THE CIVIL AERONAUTICS BOARD IN RESPECT OF CONSOLIDATION OF CERTAIN PROCEEDINGS

One of the most persistent problems the Board has encountered, particularly in large area route proceedings, has been the contention of applicants at the consolidation stage, based on the doctrine of *Ashbacker Radio Corp.* v. *F.C.C.*, 326 U.S. 327 (1945), that they are entitled as a matter of legal right to consolidation of particular applications. Such an applicant usually asserts that the grant of an application which the Board proposes to hear will preclude a subsequent grant of its own application, and that the Board therefore must also hear its application in the proceeding and accord it comparative consideration. In many instances in the past, a refusal by the Board to consolidate has resulted in an appeal to the courts from the consolidation order, with a request that the court stay further procedural steps in the Board proceeding pending disposition of the petition for review. The bill is designed, *inter alia*, to resolve these problems.

This matter has been the subject of consideration and recommendation by the Administrative and Judicial Conferences of the United States. The Administrative Conference recommended (Recommendation No. 20) in its final report in 1962 that the Federal Aviation Act be amended so as to provide that (1) contemporaneous consideration of applications, when required, may be accomplished by assigning various of the applications for separate evidentiary hearings and then consolidating them for simultaneous decision by the Board, provided that applicants excluded from a particular hearing are allowed to participate therein as intervenors, adduce evidence, and cross-examine adverse witnesses, (2) contemporaneous consideration of applications is not required when the Board conducts a proceeding to consider applications for a particular type of service within a defined area or over a described route segment and excludes applications (or portions of applications) not proposing service of the particular type within the area or over the segment so described, provided that new authorizations granted in any such proceedings are subject to a mandatory stop at any point common to any application (or portion of an application) excluded from the proceeding, and (3) the Board is not required to hold a preliminary hearing on the issue of consolidating applications. Subsequently, the Judicial Conference of the United States also endorsed the recommendation of the Administrative Conference (see Report of the Proceedings of the Judicial Conference of the United States, September 22–23, 1965 (H. Doc. No. 356, 89th Cong., 2d Sess., p. 68)).

The legislation amends section 401(c) of the Federal Aviation Act of 1958, relating to certificate proceedings, so as to reflect in substance these recommendations of the Administrative and Judicial Conferences, and makes a technical amendment to section 1006(a) of the Act, relating to judicial review of Board orders.

S. 1175—INTRODUCTION OF BILL TO WAIVE BONDS RELATED TO CERTAIN CONTRACTS ENTERED INTO BY THE SECRETARY OF COMMERCE

Mr. MAGNUSON. Mr. President, at the request of the Department of Commerce, I am introducing a bill to amend the act of April 29, 1941, to authorize the waiving of the requirement of performance and payment bonds in connection with certain contracts entered into by the Secretary of Commerce.

I ask unanimous consent that the letter of transmittal, the statement of purpose and provisions, and the bill be printed in the RECORD at this point.

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

The bill (S. 1175) to amend the act of April 29, 1941, to authorize the waiving of the requirement of performance and payment bonds in connection with certain contracts entered into by the Secretary of Commerce; introduced by Mr. MAGNUSON, by request, was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

S. 1175

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of April 29, 1941 (55 Stat. 147) as amended (40 U.S.C. 270e), is hereby further amended by adding a new section 2 to read as follows:

"SEC. 2. The Secretary of Commerce may waive the Act of August 24, 1935 (49 Stat. 793–4), with respect to contracts for the construction, alteration, or repair, of vessels of any kind or nature, entered into pursuant to the Act of June 30, 1932 (47 Stat. 382, 417–8), as amended, the Merchant Marine Act, 1936, or the Merchant Ship Sales Act of 1946, regardless of the terms of such contracts as to payment or title."

The letter and statement, presented by Mr. MAGNUSON, are as follows:

THE SECRETARY OF COMMERCE,
Washington, D.C., December 18, 1968.

Hon. HUBERT H. HUMPHREY,
President of the Senate,
U.S. Senate, Washington, D.C.

DEAR MR. PRESIDENT: Enclosed are four copies of a draft bill "To amend the Act of April 29, 1941, to authorize the waiving of the requirement of performance and payment bonds in connection with certain contracts entered into by the Secretary of Commerce," together with a statement of purpose and need in support thereof.

The Department of Commerce recommends enactment by the Congress of this bill which is included in the legislative program of the Department for the 91st Congress.

We were advised by the Bureau of the Budget on December 6, 1968 that from the standpoint of the Administration's program there would be no objection to the submission to the Congress of this legislation.

Sincerely yours,

C. R. SMITH,
Secretary of Commerce.

STATEMENT OF THE PURPOSES AND PROVISIONS OF THE DRAFT BILL TO AMEND THE ACT OF APRIL 29, 1941, TO AUTHORIZE THE WAIVING OF THE REQUIREMENT OF PERFORMANCE AND PAYMENT BONDS IN CONNECTION WITH CERTAIN CONTRACTS ENTERED INTO BY THE SECRETARY OF COMMERCE

The Miller Act, 49 Stat. 793–4 (P.L. 74–321, 1st Sess.), 40 U.S.C. 270a, provides that any contractor constructing a "public work" in excess of $2,000 for the United States shall furnish a performance bond for the protection of the United States and a payment bond for the protection of persons furnishing materials and labor.

The Maritime Administration presently is required to obtain such bonds from the contractor in the following instances:

(1) when it constructs ships under the Economy Act, 47 Stat. 382, 417–8 (P.L. 72–212, 1st Sess.), as amended, 31 U.S.C. 686, for other Government agencies;

(2) when it constructs a vessel pursuant to section 502, Merchant Marine Act, 1936, whereby it concurrently contracts with the applicant for the purchase by the applicant of the vessel upon its completion;

(3) when it repairs a vessel, such as in the process of "breaking it out" from the national defense reserve fleet for operation under a general agency agreement, or in the process of making it available to any State maintaining a marine school, as is authorized by section 11 of the Merchant Ship Sales Act of 1946, or in the process of making a vessel available for charter under section 6 of that Act; and

(4) when it constructs, reconditions or remodels vessels under Title VII, Merchant Marine Act, 1936, in those cases where it has determined, and the determination is approved by the President, that the national policy and objectives set forth in the Act cannot be fully realized within a reasonable time under the provisions of Title V.

The Army, Navy, Air Force, and Coast Guard have been given the statutory authority in 69 Stat. 83 (P.L. 84–60, 1st Sess.), 40 U.S.C. 270e, to waive the bond provisions of the Miller Act.

The purpose of this bill is to obtain similar authority with respect to vessels constructed, altered, or repaired, by the Maritime Administration in the above-enumerated instances.

Requiring these bonds increases the cost of constructing the ships. When the risk involved does not require such bonds, the presently mandatory provisions of the Miller Act result in an unnecessary expense.

S. 1176—INTRODUCTION OF BILL TO AUTHORIZE APPROPRIATIONS TO CARRY OUT THE STANDARD REFERENCE DATA ACT

Mr. MAGNUSON. Mr. President, at the request of the Department of Commerce, I am introducing a bill to authorize appropriations to carry out the Standard Reference Data Act.

I ask unanimous consent that the letter of transmittal, the statement of purpose and need, and the bill be printed in the RECORD at this point.

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

The bill (S. 1176) to authorize appro-

priations to carry out the Standard Reference Data Act, introduced by Mr. MAGNUSON, by request, was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

S. 1176

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there are hereby authorized to be appropriated to the Department of Commerce such sums as may be necessary for the fiscal years 1970 and 1971, but not to exceed a total of $6 million, and such sums as may be necessary for succeeding fiscal years, to carry out the purposes of the Standard Reference Data Act (P.L. 90-396; 82 Stat. 339).

The letter and statement, presented by Mr. MAGNUSON, are as follows:

JANUARY 17, 1969.

Hon. HUBERT H. HUMPHREY,
President of the Senate,
U.S. Senate, Washington, D.C.

DEAR MR. PRESIDENT: Enclosed are four copies of a draft bill "To authorize appropriations to carry out the Standard Reference Data Act," together with a statement of purpose and need in support thereof.

The Department of Commerce recommends enactment by the Congress of this bill which is included in the legislative program of the Department for the 91st Congress.

We were advised by the Bureau of the Budget on January 13, 1969 that from the standpoint of the Administration's program there would be no objection to the submission to the Congress of this legislation and further that enactment of this legislation would be consistent with the Administration's objectives.

Sincerely yours,

C. R. SMITH,
Secretary of Commerce.

STATEMENT OF PURPOSE AND NEED

On July 11, 1968, the Standard Reference Data Act, which authorized and directed the Secretary of Commerce to provide or arrange for the collection, compilation, critical evaluation, publication and dissemination of standard reference data, was signed into law (P.L. 90-396; 82 Stat. 339). Section 7 of that Act authorized $1.86 million to be appropriated for fiscal year 1969 to carry out the Act. However, the same section also precluded appropriations for any fiscal year after fiscal year 1969 unless previously authorized by legislation. This bill, therefore, seeks an authorization for appropriations in the amount of $6 million to carry out the Standard Reference Data Act in fiscal years 1970 and 1971 and an authorization for such amounts as may be needed for the purpose of the Act in subsequent fiscal years.

The Standard Reference Data Act declared the policy of the Congress to make critically evaluated reference data readily available to scientists, engineers, and the general public. To carry out this policy, the Secretary of Commerce is directed to provide or arrange for the collection, compilation, critical evaluation, publication and dissemination of standard reference data. The Act also authorizes the Secretary to sell standard reference data and to allow the proceeds to be used by the National Bureau of Standards to offset part of the cost of the program. He may also obtain copyright on behalf of the United States as author or proprietor in standard reference data prepared or made available under that Act.

The requested authorization of $6 million includes a figure of $2.5 million for fiscal year 1970 and $3.5 million for fiscal year 1971. The $2.5 million figure constitutes an increase of $640,000 over fiscal year 1969 and the $3.5 million figure would constitute an increase of $1 million over the fiscal year 1970 amount. The specific amount sought by this bill for fiscal years 1970 and 1971 as well as those that may be needed in fiscal years beyond 1971 would permit continued support for ongoing efforts of the National Standard Reference Data System and orderly expansion of the program to meet national needs. The proposed expansion would include increases in existing data projects and initiation of new ones to fill gaps in important areas. In addition, effort would be initiated on generation of computerized standard reference data files, including facilities for remotely accessed computers and the development of an accounting system for such files. Finally, the funds would be used for activating the data file and inquiry service and for the initiation of studies on various problem areas associated with NSRDS information services.

The major portion of the increase in the authorization sought by this bill for fiscal years 1970 and 1971 would be used to expand the level of effort on several existing projects and to obtain, by contract or other arrangement, additional services of qualified scientists in academic institutions and other national laboratories. These people would perform the work of compiling and evaluating data, of writing critical reviews, and of setting up and operating specialized data centers.

The principal benefit expected from the increased effort in compiling and evaluating existing data will be an improved ability to supply reliable reference data to this country's scientists and engineers. By better meeting the user's needs for this information, the operation of the National Standard Reference Data System can contribute directly to the economy, efficiency and effectiveness of our national technological effort. In the past four years, representatives of science and industry have endorsed the concept of such a System, and have asked for more complete services than can now be supplied.

The greatest present need of the National Standard Reference Data System is to produce critical reviews and data compilations at a faster rate, and with coverage of more specific areas of science and technology than has been possible at the current level of effort. At the authorization level requested for fiscal years 1970 and 1971, the primary emphasis will continue to be placed on the broad fields of thermodynamics and transport properties and atomic and molecular properties. These fields have been emphasized since the beginning of the program, but have not yet developed sufficiently to warrant a shift of emphasis to other categories. Experiments are planned in remote access to data files using both academic and commercial computer systems. Studies of problem areas and activation of data services are planned to make the NSRDS information services more responsive and efficient, and to permit a more detailed appraisal of how the entire National Standard Reference Data System can market its products most effectively and best reach its intended user audience.

S. 1178—INTRODUCTION OF BILL TO IMPROVE SAFETY CONDITIONS OF PERSONS WORKING IN THE COAL MINING INDUSTRY

Mr. WILLIAMS of New Jersey. Mr. President, on February 19, 1969, on introduction of S. 1094, a bill relating to safety in the coal mining industry, I stated my belief that all legislative approaches to the grave questions of coal mine safety should be examined and analyzed in the hearing process by the Subcommittee on Labor. In further accord with that procedure, I now introduce a bill which has been submitted by the Legislative Department of the United Mine Workers.

Entitled "A Bill To Improve the Safety Conditions of Persons Working in the Coal Mining Industry of the United States," this bill will be made a part of the public hearing opening Thursday, February 27, 1969.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 1178) to improve the safety conditions of persons working in the coal mining industry of the United States, introduced by Mr. WILLIAMS of New Jersey, was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

SENATE JOINT RESOLUTION 52—INTRODUCTION OF JOINT RESOLUTION—PROPOSED AMENDMENT TO THE CONSTITUTION GRANTING REPRESENTATION IN THE CONGRESS TO THE DISTRICT OF COLUMBIA

Mr. MATHIAS. Mr. President, I introduce, for appropriate reference, a joint resolution proposing an amendment to the Constitution of the United States to grant representation in the Congress to the people of the District of Columbia.

I submit this joint resolution on behalf of myself, the Senator from Indiana (Mr. BAYH), the chairman of the Subcommittee on Constitutional Amendments, and the distinguished Senator from New York (Mr. JAVITS).

The VICE PRESIDENT. The joint resolution will be received and appropriately referred.

The joint resolution (S.J. Res. 52) proposing an amendment to the Constitution of the United States granting representation in the Congress to the District of Columbia, was received, read twice by its title, and referred to the Committee on the Judiciary.

Mr. MATHIAS. Mr. President, at the same time I wish to join Mr. BAYH as a cosponsor of the joint resolution which he is introducing with the same objective, the objective of securing for the people of our National Capital the representation in Congress which is so long overdue.

The prime purpose of establishing the District of Columbia was to insure that no State sovereignty would be interposed between the Federal City and the Federal Government. That purpose was attained when Maryland and Virginia ceded an approximate 10-mile square area to the Nation for its Capital. Since that constitutional plan has been fully executed, there is no reason, and no justification, for further allowing or continuing a different civil status of the people of the District of Columbia from that of the States.

The amendment which I have submitted is intended to end that difference and that exclusion from full citizenship.

It was not the intention of the Founding Fathers to deny the District's resi-

dents such rights as national representation and a full electoral vote. Yet such denial, the product of omission or oversight, has been perpetuated. The residents of the District of Columbia have and fulfill all of the obligations of citizenship. They pay Federal taxes. They are subject to the draft, and to all of the laws of the United States. Yet they have no voice at all in the levying of those taxes or the making of those laws.

Almost 200 years ago, the injustice of taxation without representation was one of the elements which drove Americans to revolt. It is highly ironic that the only place in America in which that injustice persists today is our National Capital.

Some progress has been made in this decade toward securing a vote and a voice in the political arena for Washington's residents. Since 1961 they have been able to vote for President and Vice President. The first elected School Board, chosen under the act which the last Congress approved, is now in office. But District of Columbia citizens have had no elected spokesman on Capitol Hill since 1873–75, when a Delegate served for 2 years under the short-lived territorial form of government. And they have never had a vote in either the Senate or the House of Representatives.

Let me emphasize that congressional representation for the District of Columbia should not be confused with home rule, or substituted for it. But representation in Congress is even more important for Washington in the absence of home rule, since the Congress serves both as the National Legislature and as the District's local legislature. A Senator or Representative from the District of Columbia would thus serve a dual role until a full measure of home rule can be obtained.

Mr. President, I believe that the people of the District of Columbia should have full representation in both Houses of Congress: two Senators, and as many Representatives as would be apportioned to the District, in the decennial apportionment, if it were a State. This is just in principle and fair in practice. Accordingly, the resolution which I am introducing today proposes to amend the Constitution to provide that full elected representation directly and immediately, with no intermediate steps or halfway stops.

The resolution introduced by the Senator from Indiana, which I am cosponsoring, is based on the same principle of full representation. However, that measure would establish a constitutional minimum of one Representative in the House, and permit the establishment of additional seats in either the Senate or House, or both, by subsequent act of Congress until full and equal representation is achieved.

It is vital to note that the Bayh resolution contains no barriers to full representation at all, but rather proposes a more gradual path to that goal. Some observers have suggested that this step-by-step approach is more practical and more capable of achievement than attempting to reach full representation in a single bound. Certainly I would not want tactical debates to stand in the way of any progress at all.

The District of Columbia is both our National Capital and a great American city, the home of over 800,000 Americans. It is time—and past time—for us to let those citizens exercise the right which all other Americans take for granted, the right to choose Senators and Representatives to speak and vote and work for them in the Congress. I trust that this year we can finally make progress toward that goal.

SENATE JOINT RESOLUTION 57—INTRODUCTION OF JOINT RESOLUTION DESIGNATING ADMIRAL NIMITZ DAY

Mr. TOWER. Mr. President, February 24, 1969, marked the 84th anniversary of the birth of the late Fleet Adm. Chester William Nimitz, one of our Nation's greatest military heroes. Admiral Nimitz died on February 20, 1966, just 4 days short of his 81st birthday.

Admiral Nimitz' service to his country spanned two of the most crucial periods in our Nation's history. He assumed command of an ex-Spanish gunboat, the *Panay*, in 1906, his first command. The brilliant career that followed, including command of the U.S. Pacific Fleet after the attack on Pearl Harbor, is history.

In order that my colleagues may have the opportunity to review some of this history, I shall ask that a short biography of Admiral Nimitz be printed in the RECORD immediately following my remarks.

First, however, I introduce a joint resolution designating February 24 of each year as Admiral Nimitz Day in memory of the courage and ability of this great man who engineered victory from discouragement and chaos. So great was his contribution to the Allies, his feats will be remembered as long as representative government is revered, and whenever men are called upon to defend it.

I ask that the text of the joint resolution be printed, followed by Mr. E. B. Potter's short biography from the July 1966 issue of the Proceedings of the U.S. Naval Institute.

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

The joint resolution (S.J. Res. 57) designating February 24 of each year as Admiral Nimitz Day, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

S.J. RES. 57

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That, in honor of Fleet Admiral Chester William Nimitz, who was born on February 24, 1885, February 24 of each year is hereby designated as Admiral Nimitz Day. The President is authorized and requested to issue a proclamation each year calling upon the people of the United States to observe Admiral Nimitz Day with appropriate ceremonies and activities.

The biography, presented by Mr. TOWER, is as follows:

CHESTER WILLIAM NIMITZ: 1885–1966

(By E. B. Potter)

Christmas morning, 1941. A steady rain pelted down from clouds hanging low over Pearl Harbor. To the northeast, a four-engine flying boat appeared bringing the newly appointed Commander-in-Chief of the U.S. Pacific Fleet, Admiral Chester W. Nimitz.

Through the haze, Nimitz could make out alongside Ford Island the sides, hulls, and crazily jutting tops of American battleships and other vessels sunk by Japanese carrier aircraft less than three weeks before. Hardly had his plane touched down in East Loch and come to a stop when an admiral's barge drew up alongside. Nimitz, in civilian clothes, stepped down into the barge and shook hands with Captains William W. Smith and Harold C. Train, chiefs of staff respectively to Admiral Husband E. Kimmel, who had been commander-in-chief at the time of the Pearl Harbor attack, and to Vice Admiral William S. Pye, Kimmel's temporary relief.

Admiral Nimitz, who had been out of touch with events since leaving Washington, at once inquired about the relief force that had been sent out to rescue the Marines under attack on Wake Island. When Smith told him that the force had been recalled Nimitz remained silent for some time.

"When you get back to your office," he said at length to Smith, "call Washington and report my arrival." After a few moments he spoke again: "This is a terrible sight, seeing all these ships down."

At the submarine base wharf, which the barge presently came alongside, Captain Train escorted Nimitz to the official car in which Admiral Pye was waiting to conduct him to his quarters on Makalapa Hill.

In conferences during the next few days, Nimitz was relieved to find no defeatism among the officers at Pearl Harbor. Their mood was rather one of chagrin, defiance, and cold anger.

Since the attack on the Fleet, Guam had fallen, and Thailand had been overrun. In Malaya, the Japanese were threatening Singapore. In the Gulf of Siam, Japanese aircraft had sunk HM battleship *Prince of Wales* and HM battle cruiser *Repulse*. On Luzon, enemy planes had wiped out American air power and smashed the Cavite Naval Base. Even now Japanese invading forces were advancing on Manila. From the Marshalls the Japanese had penetrated into the Gilberts. Whence they menaced the Ellices and Samoa.

At Wake Island, the Marines had held out for two weeks, thrusting a Japanese assault back into the sea. On 14 December, in one of his last acts as commander in chief, Admiral Kimmel had sent out the Wake relief force, including the carrier *Saratoga* (CV–3). Heavy seas had so delayed refueling of the force that it was still 600 miles from Wake when the Japanese resumed the assault, this time supported by planes from carriers returning to Japan from the Pearl Harbor strike. Admiral Pye, commander-in-chief *pro tem*, had thereupon recalled the relief force rather than risk further losses. After a gallant but hopeless defense, Wake had surrendered two days before Nimitz' arrival at Pearl.

Still, though the Japanese had sunk or damaged all the battleships at Pearl Harbor and killed 2,400 men, they had hit no carriers, for none had been in the harbor at the time of the attack. They had not, moreover, hit the tank farms, which contained fuel that could not have been replaced for months, nor had they severely damaged the repair facilities—facilities that would have most of the battered ships back in operation when they were most needed.

In some respects no less important, the attack had settled for the U.S. Navy the question of whether the carrier was a capital ship or a mere auxiliary. With the sinking of the battleships at Pearl Harbor, the big carriers—*Saratoga* (CV–3), *Lexington* (C–2), *Enterprise* (CV–6), *Yorktown* (CV–5), *Wasp* (CV–7), and *Hornet* (CV–8)—perforce became the queens of the Fleet. They were too swift in any event to have operated efficiently with the old, slow battleships that the Japanese had sunk. When the new fast battleships, *North Carolina* (BB–55), *Washington* (BB–56), *South Dakota* (BB–57) and the rest, arrived in the Pacific, they would at once be integrated into the carrier screens.

The sinking of the old battleships, though costly in lives, had freed many trained men as cadres around which new fighting teams should be formed for service in carrier and amphibious forces.

On the last day of 1941, Nimitz assumed command of the Pacific Fleet. Standing on the wharf at the submarine base, he spoke a few preliminary words. Then, as he opened his orders, he stepped across the wharf and read them from the deck of the submarine *Grayling* (SS–209), partly, no doubt, because the new commander-in-chief was an old submariner but also because few other decks were then available at Pearl Harbor.

Shortly afterward, Admiral Nimitz called together the officers of Admiral Kimmel's staff. As they filed into the room, they found the Admiral seated at a desk. His shoulders, they noted, were broad, his grey eyes penetrating; his light blond hair was just turning white. Except for his air of authority, there was nothing unusual about him. He had no salient features, no peculiarity of manner.

The Admiral's speech was quiet and courteous. He was apparently a man not easily ruffled. He had about him an air of serenity. Obviously confident, he inspired increased confidence in the men before him. He needed the benefit of their experience, he told them. "There will be no changes," he said. "I have complete confidence in you men. We've taken a terrific wallop, but I have no doubts as to the ultimate outcome."

The officers who left that meeting had a renewed spring in their step. Under the new leadership, they were ready and eager to tackle the job, to take the first steps on the long road back.

In the 13th century, the Germans expanded into the Duchy of Prussia on the Baltic Sea. Here in the valley of the River Niemen they encounted Slavs, who called the Germans *Niemiez*—their name for the river. Germanicized into *Nimitz*, the name was adopted by a fighting clan descended from the Teutonic knights.

A noble Nimitz served under the Swedish monarch Gustavus Adolphus and fell with him in the Battle of Lutzen, 1632. His son and grandson, both Ernst Freiherr von Nimitz, also served in the Swedish army, the former attaining the rank of major general. Karl Gustav, eldest son of the younger Ernst, was a tax collector in Hanover. Unable to meet the social demands of his inherited rank, he dropped the title *freiherr* and with it the *von* before his family name. Karl Gustav's grandson, Karl Heinrich Nimitz, by profession a supercargo in the German merchant marine, in 1843 emigrated to South Carolina to escape the harsh economic and political situation in Germany.

Karl Heinrich's youngest son and namesake, who anglicized his name to Charles Henry, was an adventuresome young man who had served in a merchantman at 14 and never lost his love of the sea. Desiring to strike out on his own, Charles Henry left South Carolina at the age of 20, joining a German group planning to establish a colony in Texas, which had recently been annexed to the United States. Here on the Pedernales River they founded the town of Fredricksburg, named in honor of Prince Frederick of Prussia.

After being employed in several capacities, including service with the Texas Rangers, Charles Henry, known generally as "Captain Nimitz," built the steamboat-shaped Nimitz Hotel, which became a Texas landmark. One of his 12 children, Chester Bernard, in March 1884 married Anna Henke, a local beauty; he died five months later. The following February, Anna gave birth to Chester Bernard's son, Chester Williams, the future fleet admiral.

For six years Anna and her little son lived at the Nimitz Hotel. Chester then and later was close to Captain Nimitz. The boy listened wide-eyed while the old gentleman recounted stories of his youthful experiences in the merchant marine. "The sea—like life itself—is a stern taskmaster," Captain Nimitz once said. "The best way to get along with either is to learn all you can, then do your best and don't worry—especially about things over which you have no control."

In 1890, Anna married William Nimitz, younger brother of her first husband. To Chester, William was truly his father, and he always thought of the offspring of his mother's second marriage, Otto and Dora, as his own brother and sister.

Chester's stepfather was assistant manager of the small St. Charles Hotel in Kerrville, not far from Fredericksburg. Here Anna took charge of the kitchen, and Chester and his half-brother did odd jobs. At school, where because of his extreme blondness he was nicknamed "Cottonhead," Chester received good grades. But, in view of his family's poverty, he had no prospect of pursuing his studies past high school. In 1900, when he was 15 years old, he made vague plans to seek employment as a surveyor's helper as a means of learning a trade.

That summer, however, occured an event that changed the whole direction of Chester's life. Battery K, Third Field Artillery, from Fort Sam Houston, came to camp in the brown hills close to Kerrville for training and gunnery practice. On their way to join Battery K, Second Lieutenants William M. Cruikshank and William I. Westervelt, both West Point graduates, stopped at the St. Charles Hotel. Chester was fascinated by their military bearing and their dashing new Army uniforms.

Fired with a sudden ambition to become an army officer, Chester applied to Congressman James L. Slayden to take the West Point examination. He was informed that all the congressman's appointments for the Military Academy were filled. "But," said Slayden, "I have an opening for the U.S. Naval Academy. Are you interested?"

Chester had never heard of the Naval Academy, but he swallowed his disappointment and determined to seize this opportunity to get an education. With the help of his mother, his stepfather, his high school principal, and a devoted teacher, Miss Susan Moore, he applied himself to algebra, geometry, history, geography, and grammar.

This was a rough period for Chester. He regularly arose at 3:00 a.m. and studied until 5:30. Then began his first stint as janitor and general handyman for the hotel—lighting fires, attending stoves, and calling early risers. After breakfast he went to school and remained until 4:00 p.m., when he resumed his janitorial duties, attending the lawn, raking leaves, splitting kindling, filling wood boxes, and tending a dozen stoves and fireplaces. After supper, he took his turn as desk clerk until 10:00 p.m., when he retired to his lodging, a cot set up in the ladies' parlor of the St. Charles Hotel.

At the local Naval Academy examination, held in April 1901, Chester won out over all competitors. Congressman Slayden accompanied him to Annapolis in July. Here Chester entered the Werntz Preparatory School for two months of further preparations for the late August national examinations, which he easily passed. On 7 September 1901, he was sworn in at the Naval Academy as a Naval Cadet, as the young student-officers were then called.

The years Chester Nimitz spent at the Naval Academy were happy and successful. He participated in crew and became a stroke. In his first class year he wore three stripes as Commander, 8th Company. In late 1904, the *Holland*, then the Navy's only commissioned submarine, based at the Naval Academy, and Nimitz was among the midshipmen who made their first submergence in it.

Cadet Nimitz was a fun-loving, gregarious young man who relished nothing so much as a roughhouse or a party with lots of good talk. In his first class year he moved into the first completed wing of Bancroft Hall, and he and his roommate had the happiness to discover that they could reach the roof of the unfinished building. Here, concealed from below, they and their friends held some fine beer parties, taking particular delight in heaving empty bottles over the side onto a heap of building stones and then watching the guards dash madly about endeavoring to discover the source of the falling glass.

The cadet who wrote up Cadet Nimitz for the *Lucky Bag*, the Naval Academy yearbook, was perceptive beyond his years in selecting a line from Wordsworth to characterize him: "A man he seems of cheerful yesterdays and confident tomorrows," and adding further: "Possesses that calm and steady-going Dutch way that gets to the bottom of things."

That Cadet Nimitz was not all fun and laughter is demonstrated by his embarrassed reaction to the notorious Sampson-Schley controversy, in which two leading naval officers of the Spanish-American War publicly questioned each other's military records, each claiming to be the victor in the naval Battle of Santiago. "I decided then," Nimitz said long afterward," that if ever I reached a position of high command, I would do my best to stifle any such family controversies before they reached the attention of the public." This resolve may be the root of Nimitz' later almost obscessive discretion. It doubtless played a significant part in his refusal to write his biography or to permit it to be written during his lifetime.

Because of the pressing need of junior officers in an expanding Fleet, Nimitz' class at the Naval Academy was graduated ahead of schedule, on 30 January 1905, with Nimitz standing seventh from the top in a class of 114. After graduation, Midshipman Nimitz headed for San Francisco for a cruise to the Orient in the USS *Ohio*, designated to serve as flagship on joining the Asiatic Fleet.

The following summer, when the *Ohio* was in Japanese waters (Nimitz was one of six midshipmen detailed to attend a garden party given by the Emperor to honor the Japanese Army and Navy for their victories in the recently concluded Russo-Japanese War. Toward the end of the party, the midshipmen, seated at a table near the exit, observed Admiral Heihachiro Togo, nemesis of the Russian Fleet, about to depart. They hurriedly elected Nimitz to intercept the Admiral and invite him to their table. Togo smilingly accepted came over and shook hands all around, sipped the captured Russian champagne being served, and chatted briefly in English. The victorious old sea dog made a deep impression on Nimitz. In 1934, while again serving in the Far East, Nimitz would attend Togo's public and also his family funeral.

In 1906, Nimitz, having completed the two years at sea then required, was commissioned ensign. He also received his first command, an ex-Spanish gunboat, the *Panay*—not to

be confused with the gunboat of the same name later sunk by the Japanese. He simultaneously served as commander of a tiny naval base at Polloc, Mindanao, in the Philippines, to which the *Panay* was attached. There were 31 men on board the gunboat and 22 Marines at the base. An isolated command, it provided Ensign Nimitz with a feeling of high adventure. There was no radio or mail, and no supplies reached them. The Marines and sailors maintained themselves by hunting and fishing. One seaman at length remarked that he "couldn't look a duck in the beak again."

This idyl came to a sudden end when President Theodore Roosevelt called the Japanese ambassador to the White House and said, "If your country wants war, we'll give it to you." The war scare shook the Asiatic Fleet into frantic activity that reached all the way to Polloc. The *Panay* was summoned to the big naval base at Cavite, where the commandant ordered Ensign Nimitz immediately, without time to change his white uniform or pick up his gear, to assume command of the USS *Decatur* (DD–5), an old rustbucket of a destroyer, long out of commission. He was to get her into drydock at Olongapo, 60 miles away, in 48 hours.

Nimitz, still superb in whites and sword, boarded the *Decatur,* which was swinging at a buoy, to be greeted by a couple of Filipino watchmen. There were no provisions aboard and no water or fuel. The engines and boilers were cluttered with junk.

A crew began to arrive, but no means for fitting out the ship. In his extremity, Nimitz cannily turned to some warrant officers at Cavite with whom he had played poker when the *Panay* was being readied for service. They promised to do what they could. Soon, bargeloads of equipment, coal, and water began to arrive at the *Decatur.* By laboring night and day, Nimitz and his scratch crew finally got steam in one boiler but had no time to test the engines.

Nimitz had planned to back away from the buoy, but when he rang up quarter speed astern, the destroyer moved forward. When he ordered full speed astern, she darted forward like a frightened jackrabbit. The engine telegraphs had been hooked up in reverse.

In due course, Nimitz got the *Decatur* safely to Olongapo, but his troubles with the old destroyer were not over. One dark night some time later in poorly chartered Batangas harbor, while she was proceeding at dead slow, the leadsman suddenly shouted: "We're not moving, sir!" It was soon apparent that the *Decatur* was aground on a mudbank. Attempts to back her down were fruitless. Here was a situation that could easily wreck a young officer's career.

Nimitz now displayed that quality of imperturbability for which he later became noted. "On that black night somewhere in the Philippines," he later said, "the advice of my grandfather, returned to me: 'Don't worry about things over which you have no control.' So I set up a cot on deck and went to sleep."

Not long after daylight a small steamer appeared, heaved a line to the *Decatur,* and pulled her off. There followed an investigation and Nimitz stood court-martial and was convicted, but he got off with a letter of reprimand for "hazarding a ship of the U.S. Navy."

Returning to the United States, Nimitz requested battleship duty, then considered the glamour of assignment of the Fleet. Instead, he was ordered to submarines, which were in those days, as he said. "a cross between a Jules Verne fantasy and a humpbacked whale." Nimitz was disappointed, but characteristically he threw himself wholeheartedly into his new assignment, commanding successively the USS *Plunger, Snapper, Narwhale,* and *Skipjack,* and making himself an expert in undersea warfare and diesel engines. In 1912, while commanding the *Skipjack,* Nimitz leapt overboard to rescue a seaman who had fallen in and could not swim. For this, he was awarded a Red Cross Life Saving Medal, which he thereafter always wore when in uniform.

"I also had the good sense and good fortune about this time," he afterward wrote, "to marry Catherine Vance Freeman, daughter of Mr. and Mrs. Richard R. Freeman of Wollaston, Massachusetts." It proved a thoroughly congenial union. Catherine, besides beauty and charm, possessed the stamina and the intellect to keep up with her fast-moving husband, and shared with him also his love of sports and classical music; whenever his duties permitted, they were to be seen at baseball and football games or at concerts.

Over the years she bore him four children: Catherine Vance, who married James T. Lay of the Naval Academy class of 1931; Chester, Jr., who graduated from the Academy in 1936 and during World War II made his name in submarines, particularly as skipper of the *Haddo* (SS–255); Anne Elizabeth (Nancy), a Russian expert with the RAND Corporation; and Mary Manson, who, sent to a convent school during the busy days of World War II, adopted the Catholic faith and became Sister M. Aquinas, who is now teaching biology at the Dominican Convent at San Rafael, California.

In the summer of 1913, the Navy sent Nimitz to Europe to complete his education in diesels. He visited plants in Germany and Belgium, storing quantities of data in his capacious memory. On his return, he supervised the building of the diesel engines for the Navy tanker *Maumee* (AO–2), later serving as her executive officer and engineer.

With the entry of the United States into World War I, Nimitz was ordered to the staff —and later became chief of staff—of Admiral Samuel S. Robison, Commander Submarine Force U.S. Atlantic Fleet. In his new capacity he found relations between British and American officers breaking down under the stiff weight of protocol. This, he decided, was an outdated way of doing things. He believed that the British would respond to simple friendliness and good performance and drilled this point of view into his junior officers and men. The idea worked, and Nimitz quickly established amicable teamwork between the allied commands in his area of operations.

Following World War I, Nimitz served a tour of duty in the Navy Department, with additional duty as Senior Member, Board of Submarine Design, then went to sea as executive officer of the USS *South Carolina.* He next commanded the USS *Chicago,* after which he received a year of instruction at the Naval War College, then returned to the staff of Admiral Robison, now Commander Battle Fleet and later Commander-in-Chief, United States Fleet. For Nimitz, Robison, was an ideal commander, whose performance he consciously imitated.

Commander Nimitz seems to have been a bit startled in 1926 to be ordered to the University of California as that school's first Professor of Naval Science. Here he was to test a new idea: making naval officers out of college students. Some of Nimitz' friends predicted that this "school-teaching duty" would be the end of the line for his career, but Nimitz cheerfully accepted the assignment and gave it all his energy. In his three years at Berkeley, he implemented the Naval Reserve Officers' Training Corps program that was to provide many outstanding officers for the Navy, a program that has been duplicated in 52 colleges and universities across the nation. Nimitz also developed in himself a deep interest in education and an abiding loyalty for the University of California.

In 1930, when Nimitz was commanding Submarine Division 20, he wrote in his Naval Academy class book:

"In looking backward at various phases of my life, I find it difficult to pick out any one activity as having been more attractive to me than any other. I have enjoyed every one of my assignments and believe that it has been so because of my making it a point to become as deeply immersed and as interested in each activity as it was possible for me to become. My life in the Navy has been very happy and I know of no profession for which I would forsake my present one. . . . My wife, my children, my profession as a naval officer, and good health combine to make me a happy man."

Nimitz next commanded the USS *Augusta* (CA–31), flagship of the Asiatic Fleet, and then served three years as Assistant Chief of the Bureau of Navigation—as the Bureau of Naval Personnel was then called. The latter duty suited Nimitz well, for his acquaintance was wide and discriminating. Ever alert to the needs of the Navy, he had filed away in his memory the special competences of each officer he had come to know.

It was during these years that Nimitz improved his skill at judging character and his ability to communicate clearly, simply, and directly to every sort of person with whom he had business or social intercourse. He further developed the decisiveness and the poise and serenity for which he was already noted. His manner was ever courteous except in the case of a sloppy performance. Then he could fix the culprit with steely grey eyes and make even the strongest of men wince with his measured words.

By no means all business, Nimitz was a genuinely friendly man, capable of deep affection. Except where official requirements or press of duties forbade, he liked to write letters in longhand in his clear, flowing script, never forgetting to add a message to his correspondent's family and, where applicable, including a warm greeting from Mrs. Nimitz.

Following his duty in the Bureau of Navigation, Captain Nimitz served as Commander Cruiser Division Two and then as Commander Battleship Division One, Battle Force. As always, he gave his duties everything he had, developing a reputation for efficiency that marked him for the highest levels of naval command.

In June 1939, Nimitz, now rear admiral, was appointed Chief of the Bureau of Navigation. He chafed a little at the confinement of desk and office, but worked off his excess energy by frequently walking home several miles after work with his good friend Captain Willis A. Lee. Each was alert for amusing stories with which to top the other during their long walks.

On the afternoon of Sunday, 7 December 1941, Nimitz was at home settling down to listen to a radio concert by Arthur Rodzinski and the New York Philharmonic Orchestra, when the program was interrupted by an announcement that the Japanese had bombed Pearl Harbor. He leaped from his chair and telephoned his assistant, Captain John F. Shafroth, who soon arrived, and the two officers immediately proceeded to the Navy Building.

At the Bureau, Nimitz found that the War Plans he needed to consult were in a safe with a time lock that would not open until Monday morning. He therefore went to the office of the Chief of Naval Operations to consult the War Plans there. From here he was called into the first of a series of conferences with Navy Secretary Frank Knox, Undersecretary James Forrestal, Assistant Secretary Ralph Bard, Chief of Naval Operations Harold Stark, and others. Among these men, Nimitz was a rather junior admiral, but his knowledge of the Navy's officers and their capabilities proved invaluable at the conferences

Moreover, from the first meeting, the members had come to respect Nimitz' suggestions and to trust his judgment.

Shortly after the attack, Knox made a quick trip out to Pearl Harbor to size up the situation for himself. On his return, he reassembled the council and stated his conviction that a new commander must be sent there. Then, turning to Nimitz, he asked, "How soon can you get ready to travel? You're going to take command of the Pacific Fleet."

Nimitz was startled. Nothing of the sort had occurred to him. After all, there were 28 flag officers senior to him. He did not relish relieving his old friend Admiral Kimmel. Besides, he had been hoping for a seagoing command.

Nimitz requested that, if Kimmel must be relieved, the Pacific Fleet be turned over to Admiral Pye instead of him. When that request was refused he asked for his orders. In line with the habits of a lifetime, he prepared to accept his new assignment and give it his best.

There were several more days of discussions and arrangements, with Admiral Ernest J. King of the Atlantic Fleet participating. Nimitz attended these conferences and also carried on the burgeoning duties of his own Bureau. He was sleeping little and eating almost nothing.

As a safety measure, Admiral Nimitz was sent to San Francisco by train and, to avoid speculation, he wore civilian clothes and traveled as "Mr. Wainwright." He was to be accompanied only by Lieutenant La Marr, whose assignment was to look after the Admiral, seeing that he got enough sleep and plenty to eat and, if possible, diverting his mind briefly from the stern duties ahead.

As it turned out, it was the Admiral who diverted the Lieutenant, for as soon as Nimitz boarded the train, he shucked his responsibilities, bounced back, enjoyed himself, told jokes, made bad puns, and tried unsuccessfully to teach La Marr cribbage. But La Marr could not forget that he had in his briefcase the first full report of the Pearl Harbor damage, which he had been instructed to keep from the Admiral for a couple of days.

Once the train had left Chicago, La Marr finally turned the report over to Nimitz, who at once became grave and devoted a large part of his time to studying and analyzing it. "It could have happened to anyone," he muttered once or twice. At San Francisco, he shook hands with La Marr, who returned to his duties at the Bureau of Navigation, while the Admiral set out by plane for Pearl Harbor and the greatest challenge of his career.

On assuming command of the Pacific Fleet, Admiral Nimitz had four immediate objectives: to restore morale; to divert Japanese strength away from the East Indies; to safeguard U.S. communications to Hawaii, Midway, and Australia; and to hold the line against further Japanese expansion in the Pacific. As Nimitz saw it, all these objectives might be obtained through offensive operations. In the circumstances, that could only mean carrier raids on Japanese bases.

When, in early January 1942, Nimitz put the matter before his force commanders and other officers at Pearl Harbor, several of whom until recently had been his seniors, many opposed the raids as too risky, a sure way to lose what was left of the Pacific Fleet. However, Vice Admiral William F. Halsey not only endorsed the idea but volunteered to carry out a strike against the Marshall Islands, the Japanese stronghold in the Central Pacific—a courageous reaction that permanently endeared him to his commander-in-chief.

On 1 February, Harley's *Enterprise* force bombed the Marshalls while Rear Admiral Frank Jack Fletcher's *Yorktown* force raided the nearby Gilberts. Halsey next struck Wake and then Marcus, the latter only a thousand miles from Japan, while Fletcher's *Yorktown* force joined the *Lexington* force, under Vice Admiral Wilson Brown, for an air attack on Japan's newly seized bases at Lae and Salamaua on the north coast of New Guinea. In mid-April, the *Hornet,* with 16 long-range Army B–25's lashed to her flight deck, joined the *Enterprise* under Halsey's command and, approaching Japan, launched the bombers for attacks on Tokyo and other Japanese cities.

The raids, though not extremely destructive, electrified the American public and armed forces, superbly achieving Nimitz' aim of raising morale. His seniors in Washington now awarded him an additional title, Commander in Chief Pacific Ocean Areas (CinCPOA), which gave him authority over all U.S. and allied military and naval forces in the Pacific theater, except those in General Douglas MacArthur's Southwest Pacific Area.

The Japanese, undeterred, proceeded with their conquests—the East Indies, Singapore, Burma, the north coast of New Guinea, the Bismarcks, the upper Solomons. Bataan had fallen, followed by the infamous Death March to prison camp of the Filipino and American defenders. Corregidor must soon surrender and, with it, the rest of the Philippines. Japan had thus attained access to ample East Indian oil for its war machine and set up a defense perimeter of air bases around its newly won empire.

These rapid, relatively cheap conquests emboldened the Japanese to plan further advances—into the Aleutians and Midway to complete their perimeter, and southeastward into New Caledonia, Fiji, and Samoa to establish bases for interception of shipping from the United States to Australia. To clear their flank for the southeastward advance, they prepared to make a seaborne assault on Port Moresby, the Australian base on the New Guinea south coast whence Allied bombers could reach the key Japanese base at Rabaul in the Bismarcks.

Now for the first time Nimitz was able to make use of his ultra-secret weapon, American possession through cryptanalysis of the main Japanese code. Decrypted radio intercepts having made him aware of the impending assault on Port Moresby, he alerted Fletcher's *Yorktown* force in the South Pacific and sent the *Lexington* force, now under Rear Admiral Aubrey Fitch, to join it in the Coral Sea. As soon as the *Enterprise* and *Hornet* forces returned from their raid on Japan, he dispatched these southward also, but they were not to arrive in time to see action.

In the Battle of the Coral Sea (4–8 May 1942), aircraft from the *Yorktown* and the *Lexington* searched out the Port Moresby occupation group in the Solomon Sea and sank the light carrier *Shoho,* obliging the rest of the group to turn back for lack of air cover. Meanwhile, two Japanese fleet carriers, the *Shokaku* and *Zuikaku,* detached from the force that had raided Pearl Harbor, had swung around eastward of the Solomons to entrap the American carriers. On the morning of the 8th, the opposing carrier forces located each other and launched simultaneous attacks in which the *Shokaku,* the *Yorktown,* and the *Lexington* were heavily damaged and many planes were shot down. On board the *Lexington,* ruptured fuel lines released gasoline vapors which at length exploded, setting off such uncontrollable fires that the carrier had to be abandoned and then sunk by her accompanying destroyers.

The Japanese could proclaim themselves the tactical victors, for their lossses were somewhat lighter than the American. But the Americans were clearly the strategic victors. For the first time the Japanese advance had been stopped and turned back. More important, damage to the *Shokaku* and heavy loss of aviators from the *Zuikaku* would keep these big carriers out of action for some time. Thus, at a critical moment, the six-carrier Japanese striking force lost a third of its air power.

Nimitz had little time to congratulate himself on the results of the Coral Sea battle, for evidence was piling up that the whole Japanese fleet was about to attack Midway and the Aleutians. This was an appalling situation, for the Japanese navy was immensely more powerful than American naval forces in the Pacific.

Nimitz could find no use for six slow old battleships at San Francisco, two of which had been at Pearl Harbor. He would have to depend on carrier forces, submarines, and land-based air. The *Wasp* was still in the Atlantic. The *Saratoga,* torpedoed in January, was now repaired but a screen had not yet been assembled for her. That left only the *Enterprise,* the *Hornet,* and the damaged *Yorktown.* These Nimitz ordered up from the South Pacific at top speed.

Decrypted intercepts of Japanese radio communications revealed a strange deconcentration of Japanese naval power. In fact, Admiral Isoroku Yamamoto, Commander-in-Chief, Japanese Combined Fleet, had his forces divided all over the western Pacific. His main objective in assaulting Midway was to draw out the U.S. Pacific Fleet for destruction, completing the job of his carrier raid on Pearl Harbor six months earlier. Knowing that the available American carriers were all in the South Pacific, he counted on surprise to enable him to mass his fleet before these or any other American ships could reach the Midway area. Nimitz, with the advantage of information based on the broken Japanese code, was determined to turn the Japanese deconcentration to American advantage.

Halsey's *Enterprise-Hornet* force arrived at Pearl Harbor from the south on 26 May, but Halsey himself was ill with a nervous rash from months of tension and had to be hospitalized. Now Nimitz' knowledge of American naval officers and their capabilities stood him in good stead. Without hesitation he turned the command over to Rear Admiral Raymond A. Spruance, Halsey's cruiser commander. Spruance had had no experience in commanding carriers, but Nimitz relied on his reputation for intelligence, decisiveness, and good judgment. He carefully briefed Spruance and his staff and set the *Enterprise-Hornet* force to cruise northeast of Midway, on the flank of the approach he expected the Japanese carrier striking force would make through a region of murky weather.

The battered *Yorktown* had arrived at Pearl Harbor on the 27th. In a round-the-clock effort, she was sufficiently repaired to sortie on the 30th. The following day, Japanese submarines took station west of Pearl Harbor to report and attack the forces that had already passed through those waters.

In the afternoon of 2 June, the *Yorktown* force made rendezvous with the *Enterprise-Hornet* force 350 miles northeast of Midway, and Admiral Fletcher, as senior officer present, assumed the tactical fleet command. Since the impending battle would also involve sub-surface forces and Midway-based aircraft, Admiral Nimitz retained the over-all tactical command in his own hands.

Though the American carrier forces were under radio silence, Nimitz and his staff were kept well informed of all operations and fleet movements by aircraft, especially scout planes from Midway, and by submarine contacts. Nevertheless, the following days were among the most trying of the war for Nimitz. He knew that he had sent a David out to do battle with a Goliath, and that defeat of his carrier forces would leave Pearl Harbor and all other Allied bases in the Pacific open to attack by the Japanese fleet.

On the morning of 3 June, reports came in

to Pearl Harbor that carrier aircraft had raided Dutch Harbor in the Aleutians, and that scout planes had sighted a large enemy force approaching Midway from the southwest. Nimitz, concluding that the first was a diversion and that the second was merely an occupation force, was gratified that the American carriers, adhering to his instructions, had not been drawn out of position by either of the reports.

Early on the 4th, Nimitz had his judgment confirmed by scouting PBYs. The Japanese carrier force was coming from under the cloud cover northwest of Midway and had launched an air attack against the island. The Japanese battleship force had not been seen and indeed was not at any time to be sighted by the Americans because, as Nimitz had reason to believe, it was several hundred miles away to the west.

For the next few hours only bad news came into Pearl Harbor. The air attack on Midway caused widespread damage and destroyed most of the fighter planes based there. Counterattacking bombers and torpedo planes from Midway were mostly shot down without achieving any apparent damage to the Japanese carrier force. Torpedo planes from the American carriers attacked with similar results.

Then at 1020 came the attack that changed the whole course of the war.

Dive bombers from the *Hornet* and the *Enterprise* had missed the Japanese carrier *Kaga*, which had turned northeast to attack the American carriers. The *Hornet* bombers turned toward Midway and so missed the battle, while the *Enterprise* bombers flew a square and approached the Japanese force from the southwest. At the same time the *Yorktown* bombers, launched later, had headed directly for the Japanese carriers and were approaching from the opposite direction. By an amazing coincidence, the two American air groups dived simultaneously without either being aware of the other's presence.

The American dive bombers caught the Japanese carriers in the most vulnerable condition possible. Their planes were being refueled for an attack on the American carriers, sighted shortly before. The planes had discarded bombs for torpedoes, and the bombs had not yet been returned to the magazines. The disastrous American torpedo-plane attack, just concluded, had drawn Zeke fighters and the attention of Japanese anti-aircraft gunners down to the surface. Nobody was looking up when the American bombers went into their dive.

Bombs ripped the decks of the carriers *Kaga, Akagi,* and *Soryu,* starting lethal fires and explosions in all three. The fourth Japanese carrier, the *Hiryu,* made a temporary escape to the north, but that afternoon bombers from the *Enterprise* found her also and with four direct hits set her fatally ablaze.

During the *Hiryu's* brief reprieve, her bombers and torpedo planes had followed the American planes back to their carriers, and the torpedo planes so damaged Fletcher's flagship, the *Yorktown,* that she took a dangerous list and was abandoned, whereupon Fletcher, shifting to a cruiser, turned the tactical command of the carriers over to Spruance on the *Enterprise.*

That night Spruance pulled back to the east, a move sharply criticized by some of Nimitz' staff. But, by his move, Spruance had frustrated an attempt by Yamamoto to retrieve the situation by a night attack with surface forces. At 0255, these forces having made no contact, Yamamoto with a heavy heart ordered a general retreat.

Through 5 June, Spruance unsuccessfully pursued the fleeing Japanese. On the 6th, his aviators succeeded in overtaking two collision-damaged Japanese cruisers, sinking one and heavily damaging the other. Then Spruance turned back east, again barely avoiding a night battle.

Once more Spruance had left himself open to criticism as being overcautious, but Nimitz, noting how precisely he had carried out his specific instructions regarding calculated risk, marked him for future important responsibilities. He would call Spruance to Pearl Harbor to serve as his chief of staff and to prepare him to assume command of a greater Pacific fleet, not yet off the ways in American shipyards.

The Japanese got in the last blow in the Battle of Midway. On 6 June, while the heavily listing *Yorktown* was under tow, a submarine fired a spread of torpedoes that sank a destroyer alongside and so further damaged the carrier that she sank the next morning.

To Chester Nimitz the victory of Midway was the high point of his career. Though its full significance would not be apparent for months, it was obvious that the tide had turned. The Japanese preponderance of power had been cut down; something like equality had been attained. No longer would the United States and its allies in the Pacific theater be forced into continuous retreat. For them a shift to the offensive had now become possible.

Outside his office, Admiral Nimitz had a pistol range set up, and adjacent to his living quarters a half mile away he laid out a horseshoe court. These he frequently visited to work off tension, especially at critical periods of the war. But the range and the horseshoe court also had a psychological purpose. He often invited journalists and other officers to join him at both places. "If the Old Man can give his attention to this sort of thing," they would say, "matters can't be too bad."

Most mornings Nimitz met with his staff, often opening the meeting or relaxing a tense discussion with a humorous story, of which he had a great store.

Over his desk he had three questions tacked up which he expected his subordinates to be prepared to answer about any problem:

1. Is the proposed operation likely to succeed?

2. What might be the consequences of failure?

3. Is it in the realm of practicability of material and supplies?

When major operations were being planned, the senior officers involved sat with Nimitz and his staff, together with any other officers in the area whose opinions Nimitz wanted to hear. In all such meetings he acted like a chairman of the board, guiding and being guided by others in reaching a meeting of minds. This does not mean that the war was being run like a town meeting. At his conferences Nimitz made the final decisions, sometimes despite plenty of contrary advice, but first he heard the advice and weighed it carefully. He knew that World War II was far too complex for any one man in any theater to do all the high-level thinking, keeping his council to himself and at last handing down Napoleonic decisions.

Plans made at Pearl Harbor were submitted to the Joint Chiefs of Staff at Washington, who would subject them to scrutiny and, if in agreement, issue a general directive which left Nimitz and his subordinates ample leeway for carrying out details. As the war wore on, the Joint Chiefs tended less and less to intervene in decisions made in the Pacific theater.

From time to time Admiral Nimitz met with Admiral King, now Commander-in-Chief, U.S. Fleet, and Chief of Naval Operations. Both chiefs and members of their staffs flew to these Cominch-CinCPac meetings, usually held on the West Coast. They were often exhausting experiences for Nimitz. Flying, which he disliked, tired him, and the conferences were long and wearing, with King demanding more and still more facts and figures. Yet, the meetings were vital for maintaining co-ordination between Washington and Pearl Harbor, and at them originated some of the most pregnant ideas of the war in the Pacific.

Nimitz was in fact the link and buffer between the imperious, often caustic King and his own strong-minded subordinates in the Pacific theater. These were men of firm convictions which they seldom hesitated to express in emphatic terms. Not for nothing did the press rechristen three of them "Bull" Halsey, "Terrible" Turner, and "Howling Mad" Smith. Nimitz molded these men into one of the finest fighting teams in history, all the while remaining patient and unruffled, like the calm at the eye of the storm.

Eleven o'clock most mornings was visiting hour at Nimitz' headquarters. Commanders of ships or forces reaching Pearl Harbor were expected to make a call. "Glad to have you with us," Nimitz would say, then motion the visitor a chair and begin asking penetrating questions. In fact, almost anyone with something to say could gain admittance to the Admiral. "Some of the best help and advice I've had," said he, "comes from junior officers and enlisted men."

Many evenings Nimitz had guests in for dinner at his living quarters, which he shared with Spruance, once he had joined his staff, and the fleet medical officer, Captain Elphege Alfred M. Gendreau. Included frequently were officers newly arrived from the United States or from forward operations, or civilians at Pearl Harbor on official business.

At the table, serious talk, with Nimitz contributing and also listening carefully, was mingled with laughter. After dinner Captain Gendreau usually suggested a walk. When the party returned to Nimitz' quarters, there were handshakes and good nights at the door, and the visitors departed.

Before going to bed, Nimitz relaxed by reading or listening to his fine collection of records. A rapid reader, he usually finished a book at one sitting. He read everything that could help him better understand the Japanese character. Among other books he particularly valued Douglas Southall Freeman's biography of Robert E. Lee. Like Lee, Nimitz picked good men and sent them to do a job with as little interference as possible. Nimitz was never present at a battle or an amphibious assault. His presence, he knew, would have an inhibiting effect upon his subordinates. They would feel that he was looking over their shoulders and might hesitate to act without first receiving assent.

As a result of their victory at Midway, the Americans prepared, with the help of New Zealand and Australian forces, to seize the initiative. Their objective was the Japanese base at Rabaul, which was within bombing range of the Australian base at Port Moresby. Forces under General MacArthur would advance on Rabaul via New Guinea and New Britain; those under Admiral Nimitz, via the Solomon Islands. To facilitate conduct of the Solomons campaign, Admiral King established in the South Pacific Area a separate command subordinate to Nimitz' Pacific Ocean Areas. As Commander South Pacific Area and South Pacific Forces, he named Vice Admiral Robert L. Ghormley, an officer of respected intellect and solid achievements.

The Solomons campaign began at dawn, 7 August 1942, when an expeditionary force commanded by Vice Admiral Fletcher landed the 1st Marine Division on Guadalcanal and nearby islets. The Japanese, taken by surprise, counterattacked with planes out of

Rabaul but achieved little destruction. They then pulled a surprise of their own in the Battle of Savo Island. An hour after midnight on 9 August, a Japanese force of seven cruisers from Rabaul entered the sound north of Guadalcanal undetected and ran through the Allied amphibious support forces, firing guns and torpedoes. Suffering only minor damage, the Japanese retired, leaving behind one Australian and three American heavy cruisers in a sinking condition.

The Navy was stunned. The loss of three scarce heavy cruisers, with another damaged, and a thousand men boded ill for the campaign. Admiral Nimitz was shocked at the bad news, but he is reported only to have said, "Well, that's not so good. Now we must get busy and revise our plans." There was some talk of a court-martial for Rear Admiral Richmond Kelly Turner, commander of the amphibious forces, and possibly others, but Nimitz concurred with an investigating commission appointed by the Secretary of the Navy that the blame for the Allied defeat was too evenly distributed for any particular officers to be held responsible.

Toward the end of August, in the carrier Battle of the Eastern Solomons, the *Enterprise* was heavily damaged, but the Americans forced the Japanese fleet to retire by sinking a light carrier and shooting down 90 planes. In the next few weeks in the southern approaches to Guadalcanal, submarines damaged the *Wasp*, the *Saratoga*, and the battleship *North Carolina*. The *Wasp*, afire, had to be sunk by a destroyer. The other two ships were out of action for months.

By October, there were nearly as many Japanese troops on Guadalcanal as there were American soldiers and Marines. Japanese aerial bombs and battleship and cruiser fire had destroyed most of the planes on the island and were making the airfield unusable. Capture of the field appeared imminent. Allied morale in the area plunged, and confidence was further undermanned by inter-command bickering that Ghormley seemed unable to check. There was even talk of abandoning Guadalcanal to the Japanese.

By this time Admiral Halsey, cured of his dermatitis, had returned to Pearl Harbor. Alerted by Nimitz to be ready to assume command of the carrier forces in the South Pacific, he left by seaplane to look over his new area of operations and meet the men he would work with. In his absence, Nimitz held a staff meeting to discuss what to do about the worsening situation in the South Pacific. As Halsey's plane came to a stop in Noumea Harbor, a whaleboat came alongside, and Admiral Ghormley's flag lieutenant handed Halsey a dispatch from Nimitz: "You will take command of the South Pacific area and South Pacific forces immediately."

Ghormley, understandably distressed at what amounted to public humiliation, on arrival at Pearl Harbor called on Admiral Nimitz for an explanation.

"Bob," said Nimitz, "I had to pick from the whole Navy the man best fitted to handle that situation. Were you that man?"

"No," said Ghormley. "If you put it that way, I guess I wasn't."

Not long afterward Nimitz secured Ghormley's appointment as Commandant 14th Naval District, in part at least to have him close at hand for consultation.

Halsey, exuding confidence and aggressiveness, tough as the situation required, quickly succeeded in restoring morale and good command relations in the South Pacific Area, although perhaps he was a little too daring in sending his two carrier groups north of the Solomon chain to tackle the most powerful battleship-carrier force the Japanese had assembled since the Battle of Midway. In the ensuing Battle of the Santa Cruz Islands, the *Hornet* was sunk and the *Enterprise* was again seriously damaged, leaving not a single serviceable American carrier in the whole Pacific.

The struggle for Guadalcanal reached a climax in November with a series of air and sea actions, including night surface slugging matches, which together are known as the Battle of Guadalcanal. When it was over, the Americans had lost two cruisers and five destroyers; the Japanese, two battleships, a cruiser, a destroyer, and nearly a dozen transports. The Japanese now wrote off Guadalcanal, merely holding on until they had built airfields in the Central Solomons. In January 1943, they evacuated the remnant of their half-starved Guadalcanal garrison.

When Halsey's South Pacific forces began advancing up the Solomons chain, they entered General MacArthur's Southwest Pacific Area and so came under the General's strategic control, though Nimitz continued to provide Halsey with ships, aircraft, and men. During the advance on Rabaul, the Americans, in several hot night battles involving cruisers and destroyers, with the aid of their newly developed CIC, gradually gained the ascendancy. By early 1944, Halsey and MacArthur had surrounded Rabaul and, with the help of carrier groups loaned by Nimitz, bombed the base into impotence. The Japanese, in their desperate defense, had expended their land-based aircraft and even stripped their Truk-based carriers of planes. Thus at another critical moment in the war the Japanese Combined Fleet was paralyzed for want of air power.

While by means of limited offensives, American, New Zealand, and Australian forces were clearing the Japanese out of the Solomons-eastern New Guinea area, and American and Canadian forces were ousting them from footholds in the Aleutians, Admiral Nimitz was assembling forces for an all-out offensive in the Central Pacific. His objective was to punch a hole straight across the center through Japan's island empire. MacArthur would continue his advance via New Guinea and the Philippines, but this roundabout route would be too long to bring the war against Japan itself. Over such a distance not enough shipping would be available to keep the attacking forces supplied.

In the spring of 1943, new fast carriers had begun arriving at Pearl Harbor together with newly completed support vessels of every type. These Nimitz organized into task forces and sent them out to raid enemy bases—Marcus, Tarawa, Wake, Rabaul. The carriers would spearhead a great new Fifth Fleet, which Nimitz appointed Spruance to command. "The Admiral thinks it's all right to send Raymond out now," remarked an officer at Cincpac headquarters. "He's got him to the point where they think and talk just alike." Rear Admiral Charles H. McMorris now became Nimitz' chief of staff.

The Central Pacific drive was originally to open with an invasion of the Marshalls, but Nimitz convinced the Joint Chiefs that the Gilberts should first be seized. Once the Gilberts were captured with support from aircraft based on the Ellices and other nearby islands, land-based air from the Gilberts could support the invasion of the Marshalls. Nimitz was not yet sure that the carriers alone could provide adequate air support for amphibious assault on a major enemy base.

In the Gilberts assault, which began 20 November 1943, speed was deemed essential, for the Americans, unaware that the Japanese fleet had been rendered helpless by the loss of carrier planes and pilots, expected it to sortie and give battle. The four days it took the 2nd Marine Division to conquer Tarawa, Japanese headquarters and strong point in the Gilberts, cost 3,000 casualties, including more than a thousand killed. The armed services and the American public were shocked at such heavy losses in so brief a period, but Nimitz and his commanders knew that the conquest of the Gilberts provided as valuable a jumping off place as the conquest of Guadalcanal, which had taken six months and cost far more American lives.

Original plans for the invasion of the Marshalls called for simultaneous landings on Maloelap and Wotje, the atolls nearest Pearl Harbor, and Kwajalein, the Japanese headquarters at the center of the archipelago. After the shock of Tarawa, Marine Major General Holland M. Smith, expeditionary troop commander, urged that the Marshalls be captured in two steps, Wotje and Maloelap to be captured first and developed into bases to support a later assault on Kwajalein. Spruance and Turner, commander of the amphibious force, were in hearty agreement with this suggestion. Nimitz startled them all by proposing instead that they bypass the outer islands altogether and attack Kwajalein alone. Spruance, supported by Smith and Turner, protested that this would leave strong enemy positions athwart their line of communications and that the Japanese could launch air attacks from the outer islands against the Americans on Kwajalein.

Plans were still unsettled when in the second week of December Admiral Nimitz called a conference of all the major commanders of the forthcoming expedition. They once more threshed over the question of whether they should go directly to Kwajalein or first seize the outer islands. At length Nimitz asked each commander his opinion.

To Spruance: "Raymond, what do you think now?"

"Outer islands."

"Kelly?"

"Outer islands."

"Holland?"

"Outer islands."

And so on around the room. The commanders unanimously recommended an initial assault on the outer islands. When the poll was completed, there were a few moments of silence. Then Admiral Nimitz said quietly, "Well, gentlemen, our next target will be Kwajalein."

As it turned out, the Japanese commander in the Marshalls had estimated that the Americans would do what Nimitz' subordinates wanted to do. Hence, he had strengthened the outer islands at the expense of Kwajalein. When the American assault came, Kwajalein was no pushover, but because Spruance was not obligated to commit his reserves, he pushed on with them and promptly captured Eniwetok also. The outer islands proved no menace after all, for American air power, at first from the carriers and then from the Gilberts and Kwajalein, easily kept them pounded down.

Convinced now that the carriers could support major assaults without the assistance of land-based air, Admiral Nimitz next planned a 1,000-mile leap to Saipan in the Marianas. The Saipan operation, which would see soldiers fighting shoulder-to-shoulders with Marines, required many meetings with Army and Navy commanders in close and sometimes heated conferences. At one such meeting, in which agreement seemed impossible to achieve, Nimitz cleared the atmosphere with a little story.

"This all reminds me," said he, "of the first amphibious operation—conducted by Noah. When they were unloading from the Ark, he saw a pair of cats come out followed by six kittens. 'What's this? he asked. 'Ha, ha,' said the tabby cat, 'and all the time you thought we were fighting'."

The invasion of Saipan in June, 1944, at last brought out the Japanese carrier fleet, with new planes but inadequately trained pilots. On 19–20 June, it fought the Battle of the Philippine Sea with Spruance's carrier

force, Task Force 58, which was covering the Saipan beachhead. Spruance refused to permit TF 58 to leave its covering position until the enemy was put to flight, for which he was again widely criticized as being too cautious. Nimitz, however, gave Spruance his complete support, and most military analysts have since agreed with them.

Had TF 58 advanced and attacked, a segment of the enemy fleet, at least theoretically, might have maneuvered between it and the beachhead. The American planes, moreover, would have had to pass through the heavy anti-aircraft fire of an advance Japanese force and then fly a hundred miles farther before reaching the enemy fleet carriers. As it was, the Japanese planes attacked TF 58 and were mostly shot down in the "Marianas Turkey Shoot." Meanwhile American submarines sank two of the big enemy carriers, after penetrating their screen, which had been weakened to provide the advance force. The next day, TF 58 planes overtook the Japanese fleet, which had taken to flight, and sank a third aircraft carrier.

Two innovations of the war in the Pacific proved vital to maintaining the strategic momentum of the Central Pacific drive. One was the mobile serivce squadrons that moved with the Fleet—ammunitions ships, tenders, repair ships, floating dry docks. These could enter the relatively calm lagoon of any atoll and convert it into a naval base. The other was the system of alternating fleet commands. After Saipan and nearby Tinian and Guam had been taken by the Americans, Spruance, Turner, and Smith returned to Pearl Harbor to rest and plan further operations, while Admiral Halsey and his subordinate commanders replaced them in the Fifth Fleet, which thereupon changed its name to Third Fleet.

Shortly after assuming the fleet command Halsey raided the central Philippines with carrier planes and discovered the defenses there to be so weak that he advocated invading at Leyte instead of Mindanao to the south. When Nimitz and MacArthur concurred, the Joint Chiefs ordered the change of plan. As soon as feasible, Nimitz turned over his available invasion troops to MacArthur and carried his amphibious and support forces to the small Seventh Fleet, "MacArthur's Navy," thereby stripping the Third Fleet virtually down to Task Force 38, the new title for Task Force 58.

On 20 October 1944, the much enlarged Seventh Fleet, under Vice Admiral Thomas C. Kinkaid, MacArthur's admiral, began putting troops ashore in Leyte Gulf, while Halsey's Third Fleet maneuvered to the east in distant support. Here for the first time the two fleets, with no over-all commander closer than the Joint Chiefs in Washington, operated in close co-operation against a major objective. Halsey had seen to it that a release clause was inserted into his own orders: "In case opportunity for destruction of major portion of the enemy fleet offer or can be created, such destruction becomes the primary task."

The Leyte invasion started the Japanese fleet in motion, thereby setting the stage for the great Battle for Leyte Gulf. By 24 October, two Japanese surface forces were threading their way through the Philippines—a Southern Force heading for Surigao Strait south of Leyte Gulf, and a more powerful Center Force heading for San Bernardino Strait, north of the Gulf. Through the day Halsey's carrier planes hammered at the Center Force, temporarily forcing it into retreat.

In mid-afternoon, Halsey radioed to his fleet a battle plan whereby four battleships and other surface vessels would withdraw from TF 38 "when directed by me" and form TF 34 to cover San Bernardino Strait. Later Halsey learned from scout planes that to the north was a third Japanese force, the Northern Force, including carriers. There were in the Northern Force altogether only 17 vessels, but of this fact Halsey was unaware. On learning that there were enemy carriers nearby, he cancelled all other objectives and headed his entire available fleet, 65 ships, north in hot pursuit.

Kinkaid, having intercepted Halsey's battle plan, thought that TF 34 had been formed and was off San Bernardino Strait. He therefore felt free to send all his gunnery vessels down into Surigao Strait, where that night they repulsed the Japanese Southern Force, inflicting heavy losses. To Halsey he reported the battle by radio, adding: "Is TF 34 guarding San Bernardino Strait?" At dawn he was dumfounded to receive in reply: "Negative. TF 34 is with carrier groups now engaging enemy carrier force."

Halsey was in fact in TF 34 himself, far to the north, forging out ahead of his carrier groups to finish off ships crippled by his carrier planes. He was thus doing exactly what the Japanese wanted him to do. The enemy carriers he was chasing were harmless. They had been stripped of planes in the Battle of the Philippine Sea and had not yet trained aviators to replace those lost. They had in fact been sent down from Japan as decoys to lure Halsey away so that the Southern and Center forces could converge without impediment on Leyte Gulf and smash the amphibious shipping there. The decoy force was not expected to survive.

During the night the Center Force had passed unchallenged through San Bernardino Strait. A little after sunrise, northeast of the entrance to Leyte Gulf it encountered and attacked a tiny Seventh Fleet escort carrier unit. There now flashed a whole series of radio message between Kinkaid and Halsey, the former demanding help, once in plain English, explaining that his gunnery vessels after their night battle were too low in ammunition to take on the Center Force. Halsey's Third Fleet, TF 34 and all, forged on to the north.

At Pearl Harbor all the Halsey-Kinkaid messages were being intercepted. Admiral Nimitz, watching the progress of the battle on the operations chart, was, as he later said, "on pins and needles." It was not clear to him whether Halsey had sent TF 34 back south or was retaining it with the carriers. CinCPac Assistant Chief of Staff Commodore B. L. Austin suggested that he inquire of Halsey by radio. At first Nimitz declined, not wishing to interfere with the commander on the scene. At length he authorized a message merely asking the location of TF 34, whereupon Austin dictated to a yeoman: "Where is (*repeat* where is) Task Force Thirty-four?", addressing the message to Admiral Halsey for action and, routinely, to Admiral King and Kinkaid for information. At the communications center an ensign communicator added padding, phrases at both ends of the message, from which it was separated by double letters—a precaution to increase the difficulty of cryptanalysis.

The message was received on board the *New Jersey*, Halsey's flagship, at about 1000. When it had been deciphered on the electric ciphering machine, a communicator examined the strip. He easily recognized the opening padding, "Turkey trots to water," for what it was and tore it off, but the closing padding, "The world wonders," looked so much like part of the message that he left it on and sent the strip by pneumatic tube to flag country. The message placed in Halsey's hands read as follows: "From Cincpac [Nimitz] action com third fleet [Halsey] info cominch [King] CTF seventy seven [Kinkaid] x where is rpt is task force thirty four RR the world wonders."

Halsey was enraged. To him the message, with its seemingly taunting ending, appeared to be an insult—which King and Kinkaid were called on to witness. At 1115 he ordered TF 34 to change course from due north to due south, attaching a carrier group from TF 38 as he passed it on the opposite course. When he arrived off San Bernardino Strait a little after midnight, the Center Force had already passed back through it. Almost miraculously, from the American point of view, it had broken off action with the little escort carrier unit that morning and had presently retired the way it had come.

Despite Halsey's 300-mile run to the north and then back to the south at the height of the Battle for Leyte Gulf, the battle was a great American victory. The Japanese fleet had been reduced to impotence. There would be no more stand-up naval battles in World War II.

Captain Ralph Parker, head of Nimitz' Analytical Section, in writing up the CinCPac report of the battle for submission to the Commander in Chief U.S. Fleet, criticized Halsey's maneuvers. Before signing the report, Nimitz sent it back with a note written on it. "What are you trying to do, Parker, start another Sampson-Schley controversy? Tone this down. I'll leave it to you."

The Third Fleet continued to support MacArthur's operations in the Philippines—the conquest of Leyte, the capture of Mindoro, the invasion of Luzon. During these operations, the Pacific Fleet amphibious forces came under increasingly heavy attack by kamikazes, which inflicted severe damage with heavy loss of life.

After the invasion of Luzon, Admiral Nimitz requested the return of his Pacific Fleet units for use in forthcoming operations against Iwo Jima, Okinawa, and Japan. Admiral Kinkaid was understandably loath, in view of his commitments, to see his Seventh Fleet reduced to its former starveling proportions. The situation might have led to acrimony, but in an exchange of restrained and courteous dispatches, Admiral Nimitz and General MacArthur reached an agreement that was workable, if not entirely satisfactory for either.

On 25 January 1945, the Third Fleet steamed into Ulithi lagoon, where Admiral Halsey was relieved by Admiral Spruance, and Third Fleet again became Fifth Fleet. For the Iwo Jima operation, Nimitz, recently promoted to fleet admiral, shifted from Pearl Harbor to new headquarters on Guam.

Preceding the assault on Iwo Jima in mid-February, Spruance led TF 58 to the shores of Japan and gave the Tokyo area the first naval bombing since the miniature raid from Halsey's carriers in early 1942. The Iwo assault, carried out by three Marine Corps divisions, proved far more costly in casualties than Admiral Nimitz and his subordinates had anticipated. No amount of aerial photography could have revealed all the concealed gun positions or the intricate tunneling by means of which the defenders were prepared to sell their island dearly. The conquest of Iwo, however, was worth almost any cost, for it provided airfields where Marianas-based B–29s could refuel and whence fighters could take off to accompany the long-range bombers over Japan.

When Winston Churchill proposed sending the British carrier fleet to the Pacific to participate in the final defeat of Japan. Nimitz was dismayed. With American ships reaching the Pacific from European waters, where they were no longer needed, and new construction coming off the ways, the CinCPac command had its hands full supplying and servicing its own ships. Nimitz, nevertheless, found a way to handle the problem, and integrated the British fleet into the Okinawa operation.

The landing on Okinawa on 1 April proved

unexpectedly swift and easy. The Americans did not know that this was because the Japanese had decided that defending the beaches under naval gunfire was futile and prohibitively costly. On Okinawa the defenders holed up in the hills and let the invaders come to them. Meanwhile, Japan-based kamikazes struck viciously and in large numbers, doing fearful damage in TF 58, which was obliged to remain nearby in order to protect communications to the island, and among the small vessels maneuvering on early-warning picket stations around the island.

When military operations on Okinawa appeared bogging down, Nimitz arrived for a personal inspection. Lieutenant General Simon Bolivar Buckner, U.S. Army, received Nimitz politely but pointed out that this was ground, implying that military operations on Okinawa were strictly Army business. "Yes," said Nimitz, "but ground though it may be, I'm losing a ship and a half a day. So if this line isn't moving within five days, we'll get someone here to move it so we can all get out from under these stupid air attacks."

The line got moving, and on 21 June, Okinawa was declared secured. By that time, B–29s from the Marianas were burning out the hearts of Japanese cities. Not long afterward, Halsey, leading the combined British and American fleets, began parading up and down Japan's east coast, bombing almost at will. In the first days of August 1945, the Soviet Union declared war on Japan and invaded Korea, and B–29s dropped atomic bombs on Hiroshima and Nagasaki. Nimitz had been informed of the plan to use atomic bombs, but otherwise had no connection with it, for the Marianas-based B–29s comprised the one command in the Pacific Ocean Areas over which he had no authority. On 14 August, the Japanese Cabinet accepted the Potsdam Proclamation. The next day Nimitz ordered Halsey to "cease fire."

On 2 September 1945, in Tokyo Bay, a few minutes after 0800, Fleet Admiral Nimitz came aboard the battleship *Missouri* (BB–63), and his personal flag was broken at the mainmast. Half an hour later General of the Army MacArthur came aboard, whereupon his personal flag was broken alongside that of Nimitz. In the presence of military and naval leaders of all the Allied powers, the Japanese Foreign Minister and the Chief of Staff of the Japanese Army signed the instrument of surrender. General MacArthur then signed for the Allied powers. At 0912, Admiral Nimitz signed for the United States.

Shortly afterward, Admiral Nimitz visited the United States. In Washington, D.C., 5 October 1945 was officially designated "Nimitz Day." Admiral and Mrs. Nimitz rode in parade, and President Truman presented Nimitz with a gold star in lieu of the third Distinguished Service Medal. Such ceremonies the Admiral found rather trying. He made it plain that he accepted the honors only as the representative of the men and women who had served with him in the Pacific.

While in Washington, Nimitz called on Secretary of the Navy James V. Forrestal to pay his respects. The conversation came around to Nimitz' future. Forrestal offered to put the Admiral at the head of the General Board or release him into an "advisory," semi-retired status. Nimitz startled the Secretary by refusing both offers, saying that he preferred a tour as Chief of Naval Operations.

"But," protested Forrestal, "you should now step out of the limelight, while your fame is great. As CNO you risk your laurels."

Secretary Forrestal was in fact reluctant to have Nimitz as CNO because they had disagreed concerning the merits of certain officers. Moreover, Nimitz, while wholeheartedly supporting the idea of civilian control of the military, had stated his opinion that Forrestal had given authority to civilians, "his Wall Street friends," that should be wielded only by officers. When Nimitz insisted on a tour as CNO, however, Forrestal could not very well refuse him.

"All right," said the Secretary grudgingly, "but it can only be for two years, no more."

"That suits me exactly," replied Nimitz. "I think the CNO's terms should be limited to two years."

On 24 November 1945 at Pearl Harbor on the deck of the submarine *Menhaden* (SS–377), Fleet Admiral Nimitz relinquished his duties as CinCPac and CinPOA to Admiral Spruance. Of Admiral Nimitz, Admiral Spruance long afterward wrote: "Nimitz is a very great man, and I consider myself most fortunate to have had the privilege to know him as well as I do, and to have served under his command. His personality, character, and ability are those that any young man could emulate and make no mistake."

Nimitz' success in war and in dealing with men was the product of his extraordinary balance. He wielded authority with a sure hand but without austerity or arrogance. His perfect integrity was untinged with harshness. He demanded the best from those who served under him but never failed to give credit where credit was due. He was courteous and considerate without leaving any doubt who was running the show. He was serene and unruffled and at the same time vigorous and hardworking. He took his responsibilities with deadly seriousness, yet never lost his sense of humor. He grew with his responsibilities, but even when he commanded 2,500,000 men, he retained his simplicity and common touch.

He surrounded himself with the ablest men he could find and sought their advice, but he made his own decisions. He was a keen strategist who never forgot that he was dealing with human beings, on both sides of the conflict. He was aggressive in war without hate, audicious while never failing to weigh the risks.

On 15 December 1945, Fleet Admiral Nimitz relieved Fleet Admiral King as Chief of Naval Operations. As it turned out, Nimitz and Forrestal proved a most effective team in solving the problems of swift demobilization and of keeping the unification of the services within bounds. Nimitz did not oppose the concept of a single Department of Defense. After all, he had seen the advantages, indeed the necessity, of unified command in his own Pacific Ocean areas. What he did oppose was the appointment of a single chief of staff for all the services, with the Air Force controlling all aircraft, the Army controlling all troops, and the Navy controlling nothing but ships and sailors. In the end what was achieved was separate services under a National Military Establishment with each service so balanced in capability as to coordinate effectively with the others. Under this concept, the Department of the Navy retained its carrier aviation, its shore-based reconnaissance wing, and a Marine Corps of limited size.

During Nimitz' tenure as CNO occurred the court-martial of Captain Charles B. McVay, the commanding officer of the USS *Indianapolis*, (CA–35), sunk by a Japanese submarine in the last days of World War II with the loss of 880 men. McVay was found guilty, but in recognition of his good record, his sentence was remitted.

Concerned over the conviction, Secretary Forrestal called Nimitz to his office and asked what it would do to the captain's career? "Has there ever been a court-martialed officer in the history of the U.S. Navy who was later promoted to flag rank?"

Nimitz chuckled. "You're looking at one right here," he replied.

On being relieved as CNO in December 1947, Nimitz might have retired and gone into business. His name, his reputation, his demonstrated capacity for large-scale administration would have made him welcome on the board of almost any corporation in the United States. He eschewed the opportunity to earn a fortune, however, choosing instead to exercise his fleet admiral's privilege of remaining in the Navy for life. He took up residence in San Francisco, near the Pacific Ocean where he had spent much of his career, serving in an advisory capacity as Special Assistant to the Secretary of the Navy in the Western Sea Frontier.

In 1948, the inter-service debate, which had been quiescent since the conclusion of the unification battle, broke out again. Air Force leaders charged that the Navy, in requesting appropriations for new, larger carriers and for carrier planes big enough to carry atomic bombs, was attempting to move into their own field of strategic bombing. Navy leaders countered with charges that the Air Forces' B–36 bomber was incapable of pressing home an attack. Louis Johnson, who had succeeded Forrestal as Secretary of Defense, sided with the Air Force and cancelled the 60,000-ton carried *United States* (CVA–58), then under construction. Tempers flared, even within the Navy Department, where officers considered that the new Secretary of the Navy, Francis P. Matthews, was not acting in their interests. To Admiral Nimitz the controversy and the resulting publicity were deeply distressing. But when Congress launched an investigation into the matter and his opinion was asked, he submitted a paper, specifying that it first be shown to Secretary Matthews.

In 1949, India and Pakistan agreed to a plebiscite in Kashmir. In March, the Secretary General of the United Nations, Trygve Lie, nominated Fleet Admiral Nimitz to administer it. When it appeared that the plebiscite would be postponed indefinitely, Nimitz asked to be relieved, stating that if India and Pakistan would come to terms, he would resume his duties. As alternative duty he accepted an assignment as roving "goodwill ambassador" for the United Nations, explaining from scores of speakers' platforms the main issues with which the world organization was confronted.

The additional salary Admiral Nimitz received while serving the United Nations enabled him to buy a home in Berkeley, California. By no means a mansion, it was comfortable, with plenty of room for his books and a small study where he surrounded himself with mementos of the Pacific War. The house was on a high hill, and from picture windows in the living and dining room he could look out across San Francisco Bay and through the Golden Gate. Outside his breakfast room window Nimitz rigged a feeding tray for birds so that during breakfast there was much cheerful fluttering on the far side of the sill.

Not far away was the Berkeley campus of the University of California, which Nimitz served for eight years as regent. Frequently the Admiral and Mrs. Nimitz would stroll over and have a meal with the students in the cafeteria.

The Nimitzes enjoyed walking in a park in the hills back of Berkeley. Along one favorite path, they sometimes scattered seeds of their favorite flowers. Eventually the city authorities marked the trail with a small arch bearing the words: THE NIMITZ WAY. Admiral and Mrs. Nimitz involved themselves in community affairs, among other projects helping raise funds for the San Francisco Symphony Orchestra.

The Nimitz home became a mecca for Navy men and friends of the Navy. The Admiral had so many visitors, official and unofficial, that he was obliged to schedule his time. But he enjoyed the visits. Nothing gave him more pleasure than to talk Navy and reminisce about his career. He occasionally wrote an article or made a speech, but generally avoided public utterances on the subject of World War II lest he inadvertently stir up controversy.

In 1956, Admiral Nimitz found a means of expressing some of his opinions about naval warfare and even about the conduct of World War II without specifically writing a memoir. Some of the U.S. Naval Academy faculty, this writer included, were preparing to write *Sea Power: A Naval History*, to be used as a textbook at the Academy and in the NROTC. At the suggestion of Rear Admiral E. M. Eller, Director of Naval History. Admiral Nimitz was asked to supervise our project. To our surprise, he readily consented. In our first conference, in California, the Admiral laid down certain guidelines.

"Officers understandably resent having their operations publicly criticized by civilians," said Nimitz. "My suggestion to you is this: give all the facts, as accurately, objectively, and fairly as you can, but don't draw conclusions. Let the reader do that. Let the facts speak for themselves." Never once during the writing of the book did Admiral Nimitz suggest suppressing a single fact.

Sea Power: A Naval History appeared in the summer of 1960, in time for use in classes that fall. It has since been translated as a whole or in part, into six languages.

To Admiral Nimitz' astonishment, the Pacific War section appeared in Japanese with the tile of *Nimitz' Great Sea War*. When the Japanese version was about to be published, the publisher asked Nimitz to write a special foreword for it. Nimitz did so, specifying that any pay due him for the work be donated to the fund for restoring the "Togo Shrine," Admiral Togo's war-damaged home in Tokyo.

Nimitz' Great Sea War received highly favorable reviews, which tended mostly to be eulogies of Nimitz. One in the *Asahi Shinbun* of 7 January 1963 contains these rather astonishing words:

"It appears that [Nimitz'] excellent ability of command and leadership played an even more important role in the issue of the war than the ever-widening gap in the numerical and material strength between Japan and the United States. . . . The Japanese Navy had two major weak points from the very beginning. One of them was lack of efficient command. . . . [The other] was the easy-to-decipher code used by the Japanese Navy. . . ."

At length, with passing years, the upkeep of their home in Berkeley became something of a burden for Admiral and Mrs. Nimitz, for they had only part-time help. Accordingly, when cancellation of the Western Sea Frontier command left Quarters One vacant at the naval station on Treasure Island in San Francisco Bay, it was offered to them for a residence, and they gladly accepted. Here, with the comfort of an elevator and servants, the Admiral continued to have visitors, to give official council when called upon, and to take a stand on all issues. He steadfastly refused, however, to write his memoirs or to have his biography written.

In October 1963, Admiral Nimitz had a bad fall and spent five weeks in the hospital. Though he regained his good spirits, he never fully recovered, and he aged rapidly.

In January 1966, the Admiral suffered a stroke and was taken to the hospital on Treasure Island. Complications, including pneumonia, followed, and he died on 20 February 1966, a few days before his 81st birthday. At his request he was buried without the pomp of a state funeral at Golden Gate National Cemetery beside the Pacific, among thousands of men who had served with him.

(NOTE.—A graduate of the University of Richmond, Professor Potter attained the rank of Commander, U.S. Naval Reserve, during World War II. Coauthor of *American Sea Power Since 1775*, he is co-author and editor of *The United States and World Sea Power* and (with Fleet Admiral Nimitz) *Sea Power: A Naval History*. He also edited *The Great Sea War* and *Triumph in the Pacific*. He is now Chairman of Naval History, U.S. Naval Academy.)

SENATE JOINT RESOLUTION 58—INTRODUCTION OF JOINT RESOLUTION DESIGNATING FREEDOM SUNDAY AND FREEDOM WEEK

Mr. BENNETT. Mr. President, I introduce, for appropriate reference, a joint resolution to authorize the President to issue annually proclamations designating the Sunday of each year which occurs immediately preceding February 22 as Freedom Sunday and the calendar week of each year during which February 22 occurs as Freedom Week.

Mr. President. I also ask unanimous consent to insert at this point in the RECORD a proclamation issued by the Governor of Utah proclaiming Freedom Week and Sunday, February 23, as Freedom Sunday.

The VICE PRESIDENT. The joint resoluton will be received and appropriately referred and, without objection, the proclamation will be printed in the RECORD.

The joint resolution (S.J. Res. 58) to authorize the President to issue annually proclamations designating the Sunday of each year which occurs immediately preceding February 22 as Freedom Sunday and the calendar week of each year during which February 22 occurs as Freedom Week, introduced by Mr. BENNETT, was received, read twice by its title, and referred to the Committee on the Judiciary.

The proclamation, presented by Mr. BENNETT, is as follows:

PROCLAMATION OF THE STATE OF UTAH

Whereas, since the founding of the United States of America, human events brought men of all races and creeds from many nations together to form thirteen colonies, and a new race of men. They built a nation dedicated to the proposition that all men are created equal and endowed by their creator with certain unalienable rights; and

Whereas, the United States of America needs men of vision, understanding and compassion to bring us together as a unified people; and

Whereas, all Americans must be motivated to honor their heritage as citizens of this great country, to work together in fellowship to the end that each may earn a decent living, contribute to the general welfare and be responsible partners in this great government; and

Whereas, let us collectively enlarge our intellects and understanding and face the great tasks before us as a unified people:

Now, therefore, I, Calvin L. Rampton, Governor of the State of Utah, do hereby proclaim the week of February 16 to 22, 1969, as Freedom Week to the end that we may better appreciate the great heritage of the American way of life, and proclaim February 16, 1969, as Freedom Sunday and urge all citizens of Utah to attend the church of their choice and to be responsible citizens, and do hereby proclaim February 22, 1969, as Patriot's Day in honor and memory of George Washington, the father of our country, and urge all citizens to use the life of George Washington and all great Americans as examples of responsible citizenship.

In testimony whereof, I have set my hand and caused to be affixed the Great Seal of the State of Utah. Done at the State Capitol in Salt Lake City, Utah, this 11th day of February, 1969.

By the Governor:

CALVIN L. RAMPTON,
Governor.

CLYDE L. MILLER,
Secretary of State.

ADDITIONAL COSPONSORS OF BILLS

Mr. ERVIN. Mr. President, I ask unanimous consent that, at its next printing, the senior Senator from Indiana (Mr. HARTKE) be added as a cosponsor of the bill (S. 782). This is the measure which I introduced on January 31, 1969, to "protect the civilian employees of the executive branch of the U.S. Government in the enjoyment of their constitutional rights and to prevent unwarranted governmental invasions of their privacy." The bill now has 54 other cosponsors, and in view of the nationwide support for it, I feel some confidence in predicting its early enactment into law.

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

Mr. JAVITS. Mr. President, I ask unanimous consent that my name be added as a cosponsor of S. 942, a bill introduced on February 7, 1969, by the Senator from New Jersey (Mr. CASE). This bill would prohibit nonmilitary aircrafts from creating sonic booms while over the United States until a 2-year study on the detrimental effects of the exposure to the sonic boom could be completed and reported to Congress.

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

Mr. JAVITS. In addition, Mr. President, I ask unanimous consent that an article published on February 15, 1969 in the Christian Science Monitor, by Richard L. Strout be printed in the RECORD. This news article succinctly describes the current status of the SST and the potential destruction unregulated sonic booms can cause.

As I continually stress, we must coordinate our economic and technological growth with the protection of a healthy and "livable" environment, and this bill is an attempt to do just that.

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

STUDY OF SUPERSONIC BOOMS ASKED

(By Richard L. Strout)

WASHINGTON.—Sen. Clifford P. Case (R) of New Jersey asks a two-year study of the supersonic boom during which all overland nonmilitary SST flights would be banned.

His proposal, introduced as a bill in Congress, is the formal beginning of a new fight against so-called noise pollution.

The sonic boom is produced by a plane when it passes the sound barrier, i.e., flies faster than sound. Depending on temperature this is between 650 and 760 m.p.h.

Boeing's new jumbo jet 747 being test flown at Everett, Wash., the largest commercial airliner in the world, is believed capable of fly-

ing up to 750 m.p.h., but is not normally expected to go faster than sound.

The Russians are testing a supersonic plane, the TU–144 SST; the French and British are scheduled to test their Concorde SST this year and may put it into commercial service in two to three years. And, says Senator Case, "the bigger, faster, and probably noisier U.S. SST is presently undergoing redesign" and may be only five or six years away from commercial duty.

When the SST starts flying, hold your ears.

According to critics here, a sonic boom causes a bone-shaking jolt—like an explosion a block away—and the bang zone occurs everywhere along the whole supersonic flight path, about 50 miles wide, hitting everything along the way.

Thus the bang zone of a supersonic plane crossing the U.S. would be 50 miles wide and 2,000 or 3,000 miles long.

"The danger to the environment from sonic booms," Mr. Case says, is "not just theoretical. The commercial SST age is near." It is urgent, he declares, to write safeguards into law before the bombardment starts.

He charges that effective safeguards do not exist, including what he calls "the wholly inadequate supersonic boom-control legislation approved by Congress last year."

An Interior Department study forecasts 5 to 50 booms a day if overland flight is permitted. Nobody knows the effect of this bombardment on the individual.

OKLAHOMA TEST

Mr. Case notes that in Oklahoma City in 1964 about 27 percent of those who underwent daily sonic bombardment as part of a limited test found the experience intolerable, even though the time of the booms was announced in advance.

Fifteen thousand people complained to authorities, and 4,000 filed damage charges. Critics assert that persons used to city noises don't get accustomed to the SST principally because it is unexpected, startling, and disrupting. It can be more annoying indoors than out because of reverberation effects as it shakes a house.

In 1967 Bo Lundberg, director general of the Aeronautical Research Institute of Sweden, warned that using the SST planes only at sea may not be the solution if there are ships about. Measured in pounds of pressure per square foot, he says, a "nominal" SST boom may be 2.5 pounds, and owing to focusing effects over water this may rise to 5 or 6 pounds. By reflection close to cabin walls "the intensity could exceed 10 or even 15 pounds." He calls such booms "exceedingly frightening" and, in some cases, "potentially dangerous."

FAA PROMOTES PROJECT

Senator Case is trying to hold back the supersonic age by requiring a two-year scientific study of all aspects of sonic boom by the Federal Aviation Administration in conjunction with six federal depts and agencies and the National Academy of Sciences. During the study SST flights would be banned subject to decision of Congress.

Mr. Case says that the FAA now has power to impose a ban but that it is also chief developer of the U.S. SST project "and its most enthusiastic promoter."

He praises John A. Volpe, new Secretary of Transportation, for recognizing the noise problem and for instituting a crash study of the entire project.

"We have a chance to assess a technological consequence before it engulfs us," Senator Case adds.

Stronger language is used by a group calling itself Citizens League Against the Sonic Boom:

"The SST would create a new kind of pollution—a worldwide sonic pollution," it says. "Hour after hour, day and night, weekdays and holidays, it would inflict its startling bang on literally hundreds of millions of defenseless persons, with no place of refuge."

Advocates of the SST point out that it would shorten distances and make the world smaller; it might also result in cheaper travel.

Mr. SCOTT. Mr. President, I ask unanimous consent that, at its next printing, the name of the Senator from Alaska (Mr. STEVENS) be added as a cosponsor of the bill (S. 364) to equalize retirement pay of members of the uniformed services and for other purposes.

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

Mr. COOK. Mr. President, I ask unanimous consent that, at its next printing, my name be added as a cosponsor of the bill (S. 845) to change the definition of ammunition for purposes of chapter 44 of title 18 of the United States Code.

On February 20, on the floor of the Senate, I explained my reason for supporting this bill.

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

Mr. HARTKE. Mr. President, I ask unanimous consent that, at its next printing, the names of the Senator from Maine (Mr. MUSKIE) and the Senator from Maryland (Mr. MATHIAS) be added as cosponsors of the bill (S. 1026) to amend the Federal Aviation Act of 1958 in order to establish certain requirements with respect to air traffic controllers.

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

Mr. BAYH. Mr. President, I ask unanimous consent that, at its next printing, the names of the Senator from Washington (Mr. JACKSON), the Senator from New Mexico (Mr. MONTOYA), the Senator from Wisconsin (Mr. NELSON), the Senator from Rhode Island (Mr. PASTORE), the Senator from Pennsylvania (Mr. SCHWEIKER), and the Senator from Texas (Mr. YARBOROUGH), be added as cosponsors of the bill (S. 472) to liberalize the earnings limitation for social security recipients.

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

Mr. MILLER. Mr. President, on February 4, I, along with 11 cosponsors, introduced two bills, S. 847 and S. 848, to provide automatic increases of benefits, based upon the rise in the cost of living, under the Social Security Act and the Railroad Retirement Act, respectively. I ask unanimous consent that at their next printing, the names of the distinguished junior Senator from Florida (Mr. GURNEY) and the distinguished junior Senator from Kentucky (Mr. COOK) be added as cosponsors of S. 847 and S. 848.

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

Mr. ANDERSON. Mr. President, on January 17, 1969, I introduced the bill (S. 404) to provide for the construction and improvement of a certain road on the Navajo Indian Reservation in New Mexico.

I ask unanimous consent that, at its next printing, the names of the Senator from New Mexico (Mr. MONTOYA) and the Senator from Arizona (Mr. FANNIN) be added as cosponsors.

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

Mr. JAVITS. Mr. President, I ask unanimous consent that the name of the Senator from Connecticut (Mr. DODD) be added as a cosponsor of S. 1025, to prohibit certain acts involving the use of incendiary devices and for other purposes, relating to arson in religious institutions.

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

Mr. MOSS. Mr. President, I ask unanimous consent that, at its next printing, the name of the Senator from North Dakota (Mr. BURDICK) be added as a cosponsor of the bill (S. 305) to amend the Consolidated Farmers Home Administration Act of 1961 to authorize loans to certain cooperatives serving farmers and rural residents, and for other purposes.

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

SENATE RESOLUTION 98—RESOLUTION AUTHORIZING THE PRINTING OF REPORT ENTITLED "MINERAL AND WATER RESOURCES OF UTAH" AS A SENATE DOCUMENT

Mr. MOSS submitted the following resolution (S. Res. 98); which was referred to the Committee on Rules and Administration:

S. RES. 98

Resolved, That the report entitled "Mineral and Water Resources of Utah" be printed as a Senate Document and that there be printed 2,600 additional copies of such document for the use of the Committee on Interior and Insular Affairs.

SENATE RESOLUTION 99—RESOLUTION AMENDING SENATE RESOLUTION 26

Mr. McCLELLAN submitted a resolution (S. Res. 99) amending Senate Resolution 26, approved February 17, 1969, which was considered and agreed to.

(See the above resolution printed in full when submitted by Mr. MCCLELLAN, which appears under a separate heading.)

ESTABLISHMENT OF COMMISSION TO BE KNOWN AS THE COMMISSION ON AIR TRAFFIC CONTROL—AMENDMENTS

AMENDMENT NO. 91–5

Mr. GOLDWATER (for himself and Mr. FANNIN) submitted amendments, intended to be proposed by them, jointly, to the bill (S. 1070) to establish a commission to be known as the Commission on Air Traffic Control, which were referred to the Committee on Commerce and ordered to be printed.

NOTICE OF HEARING ON S. 980

Mr. TYDINGS. Mr. President, as chairman of the Judiciary Committee's

Subcommittee on Improvements in Judicial Machinery, I announce a hearing on S. 980, a bill to grant the courts of the United States jurisdiction over contract claims against nonappropriated fund activities of the United States. The hearing will be held at 10 a.m. on March 4, 1969, in room 6226, New Senate Office Building.

Any person who wishes to testify or submit a statement for inclusion in the hearing record should communicate as soon as possible with the Subcommittee on Improvements in Judicial Machinery, room 6306, New Senate Office Building.

CONTRADICTORY GOVERNMENT PROGRAMS RELATING TO TOBACCO PRODUCTS

Mr. WILLIAMS of Delaware. Mr. President, today I call the attention of the Senate to another contradictory program of the U.S. Government. Our Government today is spending an average of around $50 million per year to subsidize the production and sale of tobacco products, both here and abroad, while at the same time other agencies of the Government are spending millions to point out to the American public the danger of using such products.

In the past few years the Surgeon General of the United States has been calling our attention to the harmful use of tobacco, and more recently the Federal Communications Commission, another agency of the Government, in recognition of this harmful use of tobacco has suggested a ban on all advertising of this product over the radio and television.

Why spend millions emphasizing the danger of tobacco while at the same time spending more millions to subsidize its production?

In the past 3 years the Government through the Commodity Credit Corporation has spent or lost $71.2 million, $61.5 million of which was to subsidize the export of this product and its sales in foreign countries and $9.7 million of which represented a direct loss in its price support operations.

Another $69.3 million worth of tobacco was disposed of as foreign aid under Public Law 480. Under this program the tobacco is sold for local—soft—currencies which cannot be converted into dollars. Such sales for soft currencies ultimately represent a near 100-percent loss for the taxpayers.

This does not include the $14.1 million representing sales under Public Law 480 for dollars on lenient credit terms. This item may eventually be recovered. When the sales of tobacco for soft currencies are added to the direct losses under the export subsidy and price support program it represents a cost to the taxpayers of over $140 million in the past 3 years.

In addition, the Government has approximately $750 million invested in inventories of tobacco now being held in warehouses, and the interest charges on this alone would represent an additional sizable item.

For years I have been pointing out the inconsistencies of the Federal Government's subsidizing the production of a product which its own agencies keep insisting is harmful to the American people. I strongly recommend that one of the first orders of business of the new administration be to correct this absurdity.

I ask unanimous consent that an itemized breakdown of the cost of this program over the past 3 years as furnished by Mr. Lionel C. Holm, of the Department of Agriculture, be printed at this point in the RECORD.

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

COMMODITY CREDIT CORPORATION TOBACCO PROGRAMS

[In millions of dollars]

	Fiscal year 1966	1967	1968
A. Price support and related:			
1. Loan operations:			
Loans outstanding beginning of year, July 1	826.3	761.2	678.8
Loans made	96.9	111.2	246.1
Loans liquidated	162.0	193.6	168.9
Loans outstanding end of year, June 30	761.2	678.8	756.0
2. Realized costs and recoveries:			
(a) Price support costs:			
Loan chargeoffs	1.3	7.6	1.8
Miscellaneous recoveries	1.0		
Net price support costs	.3	7.6	1.8
(b) Export payments		33.1	28.4
Total costs (net)	.3	40.7	30.2
B. Public Law 480:			
Sales for local currencies	30.1	16.7	22.5
Sales for dollars on credit terms	1.0	4.5	8.6
Total Public Law 480	31.1	21.2	31.1

COMMITTEE MEETING DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Subcommittee on Antitrust and Monopoly of the Committee on the Judiciary be authorized to meet during the session of the Senate today.

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

ELECTION OF THE BOARD OF THE COMMUNICATIONS SATELLITE CORP.

Mr. MANSFIELD. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 17; and I move that the Senate concur in the amendments of the House. This action has been recommended unanimously.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 17) to amend the Communications Satellite Act of 1962 with respect to the election of the Board of the Communications Satellite Corp. which was to strike out all after the enacting clause and insert:

That subsection (a) of section 303 of the Communications Satellite Act of 1962 (47 U.S.C. 733(a)) is amended to read as follows:

"SEC. 303. (a) The corporation shall have a board of directors consisting of fifteen individuals who are citizens of the United States, of whom one shall be elected annually by the board to serve as chairman. Three members of the board shall be appointed by the President of the United States, by and with the advice and consent of the Senate, effective the date on which the other members are elected, and for terms of three years or until their successors have been appointed and qualified, and any member so appointed to fill a vacancy shall be appointed only for the unexpired term of the director whom he succeeds. The remaining twelve members of the board shall be elected annually by the stockholders. Six of such members shall be elected by those stockholders who are not communications common carriers, and the remaining six such members shall be elected by the stockholders who are communications common carriers, except that if the number of shares of the voting capital stock of the corporation issued and outstanding and owned either directly or indirectly by communications common carriers as of the record date for the annual meeting of stockholders is less than 45 per centum of the total number of shares of the voting capital stock of the corporation issued and outstanding, the number of members to be elected at such meeting by each group of stockholders shall be determined in accordance with the following table:

When the number of shares of the voting capital stock of the corporation issued and outstanding and owned either directly or indirectly by communications common carriers is less than—	But not less than—	The number of members which stockholders who are communications common carriers are entitled to elect shall be—	And the number of members which other stockholders are entitled to elect shall be—
45 per centum	40 per centum	5	7
40 per centum	35 per centum	4	8
35 per centum	25 per centum	3	9
25 per centum	15 per centum	2	10
15 per centum	8 per centum	1	11
8 per centum		0	12

No stockholder who is a communications common carrier and no trustee for such a stockholder shall vote, either directly or indirectly, through the votes of subsidiaries or affiliated companies, nominees, or any persons subject to his direction or control, for more than three candidates for membership on the board, except that in the event the number of shares of the voting capital stock of the corporation issued and outstanding and owned either directly or indirectly by communications common carriers as of the record date for the annual meeting is less than 8 per centum of the total number of shares of the voting capital stock of the corporation issued and outstanding, any stockholder who is a communications common carrier shall be entitled to vote at such meeting for candidates for membership on the board in the same manner as all other stockholders. Subject to the foregoing limitations, the articles of incorporation of the corporation shall provide for cumulative voting under section 27(d) of the District of Columbia Business Corporation Act (D.C. Code, sec. 29-911(d)). The articles of incorporation of the corporation may be amended, altered, changed, or repealed by a vote of not less than 66⅔ per centum of the outstanding shares of the voting capital stock of the corporation owned by stockholders who are communications common carriers and by stockholders who are not communications common carriers, voting together, if such vote complies with all other requirements of this Act and of the articles of incorporation of the corporation with respect to the amendment, alteration, change, or repeal of such articles. The corporation may adopt such bylaws as shall, notwithstanding the provisions of section 36 of the District of Columbia Business Corporation Act (D.C. Code, sec. 29-916d), provide for the continued ability of the board to transact business under such circumstances of national emergency as the President of the United States, or the officer designated by him, may determine, after February 18, 1969, would not permit a prompt meeting of a majority of the board to transact business."

SEC. 2. As promptly as the board of directors of the Communications Satellite Corporation shall determine to be practical after the date of the amendment of this Act, a meeting of the stockholders of the corporation shall be called for the purpose of electing twelve members of the board in accordance with subsection (a) of section 303 of the Communications Satellite Act of 1962 as amended by the first section of this Act. The members of the board elected at such meeting shall serve until the next annual meeting of stockholders or until their successors have been elected and qualified.

SEC. 3. The status and authority of the members of the board of directors of the Communications Satellite Corporation who were elected to the board before the date of the enactment of this Act and who are serving as members of the board on such date shall not be in any way impaired or affected until their successors have been elected and qualified in accordance with section 2 of this Act.

And, to amend the title so as to read: "An act to amend the Communications Satellite Act of 1962 with respect to the election of the board of directors of the Communications Satellite Corporation."

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Montana that the Senate concur in the amendment of the House to S. 17.

The motion was agreed to.

LAW AND ORDER MUST BE RESTORED ON OUR CAMPUSES

Mr. TALMADGE. Mr. President, in recent months this Nation has been plagued by riots, revolts, obscene, and disorderly conduct of virtually every type on the campuses of colleges and universities throughout the land.

We have seen entire colleges laid under siege. College administrators have been verbally and physically abused and held hostage. Buildings have been burned, bombed, and wrecked. Important scholastic records have been destroyed. Policemen called to the scenes of such collegiate carnage have been spat upon and vilified in every shameful way possible.

This havoc under any circumstances is bad enough. But the situation is even more deplorable in that education and the processes of higher learning have been disrupted partially in some instances and totally in others. Thousands upon thousands of conscientious law-abiding students have been denied their right to an education. They have lost their right to safety on the campus. Tax dollars at public institutions have gone down the drain.

An abject minority of students and nonstudents—whipped into a riotous frenzy by professional agitators and revolutionaries—are threatening to tear down the very foundations of higher education.

And while all this has been going on, placid erstwhile do-gooders, including some college administrators themselves, have been standing along the sidelines thinking lofty thoughts and saying nice things about "the right to dissent" and "academic freedom." They remind me of Nero playing the fiddle while Rome was burning to the ground all around him.

Mr. President, I submit that the time has come for the appropriate authorities, both State and college officials and local law enforcement agencies, to take hold of this problem.

There is no place in the American society for anarchists of any kind, whether they be of the student, still-wet-behind-the-ears variety, or the adult, full-grown, career type.

In short, I say that the time has come for law and order on our campuses to be restored. Thus falls the duty of those people to whom the States and the people entrust our educational institutions. It further is the responsibility of local police. And it still further is within the realm of judges to deal severely with students and demonstrators who would wantonly flout the law and make a shambles of our colleges and universities.

This is about the sum of it. Either so-called student demonstrators are going to be denounced and dealt with as the lawbreakers and troublemakers they are, or else we may as well prepare to see higher education reduced to a chaotic condition. To my mind, it is as simple as that. The time has come to draw the line.

These people want a confrontation with authority. Let them have it then. And, in the name of all that we hold civilized, let order prevail over anarchy, let law rule over the lawless.

And above all let it be known that ours is not a strong-arm banana republic wherein hoodlums can take over the campuses, the streets, and the cities like a bunch of bomb-throwing rebels.

There appeared in the Sunday, February 23 edition of the Washington Star a hard-hitting editorial column by the well-known columnist James J. Kilpatrick, regarding the so-called campus revolts, which I believe reflects the thinking of an overwhelming majority of the American people.

There was also an editorial yesterday in the Washington Post commending a hard-line policy adopted by the Reverend Theodore M. Hesburgh of Notre Dame regarding rebellious students on his campus.

I wish to bring these editorials to the attention of the Senate, and ask unanimous consent that they be printed in the CONGRESSIONAL RECORD.

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

[From the Washington Star, Feb. 23, 1969]

CRACKDOWN TIME FOR YOUNG FASCISTS

(By James J. Kilpatrick)

This much, at least, can be said of the disorders that plague our college campuses: The time for temporizing with young Fascists has passed. The time for mounting a counter-offensive is at hand.

Too many months already have been wasted in trying to reason with unreason. Nothing more can be gained by excesses of "understanding" and of "tolerance." The line is clear—everyone comprehends it—between peaceable protest and lawless anarchy. Not one more word needs to be said on that point.

Consider the incredible situation that has developed from attempts at appeasement: Mere handfuls of militant students, backed by some unhinged professors, have been permitted absolutely to disrupt the education of thousands of law-abiding students whose rights have been wholly ignored. These militants have seized buildings, destroyed public and private property and committed repeated acts of criminal violence.

The militants do not lack for leadership. At most campuses, the revolutionaries are led by SDS—Students for a Democratic Society. What a travesty upon semantics is here! A "democratic" society is the last ambition of these totalitarian gangs. They cannot be distinguished from the booted student Nazis of Adolf Hitler's day.

The problem lies rather in the absence of leadership among the law-abiding students, professors, administrators, alumni, and public officials. What in the world is wrong with them? Are they gutless? Afraid? Apathetic? It is absurd to suppose that the 99 percent of the students who want a peaceful education are incapable of dealing with the one percent whose purpose is deliberate disruption.

But it ought not to be the responsibility of the non-violent students to protect their rights with fists and clubs. Such protection is the duty—the primary duty—of the presidents, trustees, and the established agencies of law enforcement.

When do they stop playing pat-a-cake? It ought not to be a matter of great difficulty to obtain TV tapes and motion picture film

of the terrorist groups. Such evidence, one assumes, would establish actions and indentities beyond a reasonable doubt.

If the violent demonstrators turn out to be students, the course ought to be clear: Expel them. If they are non-students, the course is equally clear: Arrest them; take them to court; prosecute to the limit of the law. This same clear-headed policy should be applied to those professors who aid and abet the violence: Fire them. Fire them out of hand, and turn a deaf ear to blubberings of "tenure" and "academic freedom."

Timid voices may be heard to say that such an approach would "destroy a university." Nonsense! It is only in this fashion that a true academic community may be preserved. Let the motto be carved in stone: The essence of freedom is order. Discipline is the foundation of learning. Without order, without discipline, the educative process falls to the level of children's games.

A number of university administrators understand these elementary truths. At Notre Dame, the Rev. Theodore M. Hesburgh has issued a notice that rings of his determination to act decisively against violent disturbance. Any student or professor who seizes a building at Notre Dame will be given 15 minutes "of meditation to cease and desist." Those who pursue their criminal course will then be suspended, expelled, or arrested. Thereafter, "the law will deal with them."

This is the only approach to be taken now. There is, of course, a companion effort that has to be exerted also—to anticipate trouble, to remedy valid grievances, to maintain clear channels for the effective handling of requests and complaints. It is merely common sense to pursue policies of fire prevention. But the greater need at the moment is simply for the restoration of order; and this cannot be accomplished by "negotiating" with young extortionists.

[From the Washington Post, Feb. 24, 1969]

FIFTEEN MINUTES OF MEDITATION

The other day, after outlining the policy of Notre Dame University on student disorders, the Rev. Theodore M. Hesburgh told an interviewer, "All I tried to say is that we welcome and protect orderly dissent, but we're not going to let anybody destroy the place." His message to the students at the University over which he presides and his announced tactics for handling any disruptions of University functions ought to be considered carefully by the rest of the Nation's universities and drummed into the heads of those students who seem more intent upon disruption than on orderly change.

The policy Father Hesburgh spelled out is quite simple. "Anyone or any group that substitutes force for rational persuasion, be it violent or non-violent," he said, "will be given 15 minutes of meditation to cease and desist." If, after 15 minutes, the disruption goes on, students will be suspended on the spot and nonstudents will be subject to arrest as trespassers. After another five minutes of further meditation, students continuing to disrupt things will be expelled.

The Notre Dame policy is tough, no question about it. But it is a time to get tough. Nothing is more inimical to the traditions on which academic freedom is based or, indeed, to the principles of a free society than the use of illegal force to impose some individual's or some group's views on others. And that is precisely what the latest round of student disorders is all about, whether they have occurred at Harvard, Wisconsin, Duke, San Francisco State, or the Howard University Law School. It may be that a university which adopts a tough policy will find itself with fewer students but, if it does, they will be students who want to learn as well as reform.

There is, of course, much to be said on behalf of many of the complaints that students are trying to air. Some universities have been notoriously slow to change their operating procedures or their policies to keep up with the just needs and wants of a new generation of students. The dramatic overhaul of many of the policies of Columbia University in the last year underlines the validity of many of the questions that students are raising.

But the fact that there are policies that need changing, personnel who need awakening, and issues that need dramatizing does not justify the forcible disruption of a university's functions. There is nothing wrong and there is much right with student protests that take the form of public meetings, picket lines, handbill distributions, conferences with university or government officials, and a whole host of other nonforceful tactics. But the use of force to break up a class, to seize a building, or to bar access to offices cannot be tolerated. These acts, whether participated in by a minority or by a majority of students, not only impinge on fundamental principles of conduct but frustrate the right of other students to pursue peacefully, if they want to, the education they went to the university to obtain.

Speaking of those among his students and faculty who have participated in or tolerated the disruption of classes, Harvard's President Pusey said the other day, "Each time we thoughtlessly or emotionally allow ourselves to chip away at the painfully erected structure of academic freedom for which time and time again in our role as leaders we have had to man the barricades we not only do ourselves but also our country an irreparable disservice . . . I shall do everything in my power to see that the freedom of this university continues unabated, proof against attacks however well-intentioned or from whatever quarter they may come."

S. 1106—INTRODUCTION OF BILL TO STUDY WORKMEN'S COMPENSATION LAWS

Mr. JAVITS. Mr. President, on behalf of myself and the Senator from Texas (Mr. YARBOROUGH) and the Senator from West Virginia (Mr. RANDOLPH), I introduce a bill to establish a Federal Commission to study State workmen's compensation laws and ask that it be appropriately referred.

The VICE PRESIDENT. Without objection, the bill will be received and appropriately referred.

The bill (S. 1106) to establish a National Commission on State Workmen's Compensation Laws to undertake a comprehensive study and evaluation of State workmen's compensation laws, and for other purposes, was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

Mr. JAVITS. Mr. President, the Commission I propose would be composed of 15 members, to be appointed by the President from a broad spectrum of interests, including State workmen's compensation boards, representatives of insurance carriers, business, labor, the members of the medical profession experienced in industrial medicine or workmen's compensation, and educators having special expertise in the field of workmen's compensation, as well as representatives of the general public. The Secretaries of Labor, Commerce, and Health, Education, and Welfare would be ex officio members. The Commission would have 1 year to file its report.

Mr. BYRD of West Virginia. Mr. President, will the Senator from New York yield?

Mr. JAVITS. I yield.

Mr. BYRD of West Virginia. Would the Senator from New York allow me to become a cosponsor of his bill?

Mr. JAVITS. I shall be greatly honored to do so. Mr. President, I ask unanimous consent that the name of the Senator from West Virginia (Mr. BYRD) be added as a cosponsor to the bill.

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

Mr. JAVITS. Mr. President, the Commission would be charged with the duty of undertaking a comprehensive study and evaluation of State workmen's compensation laws in order to determine if they provide an adequate, prompt, and equitable system of compensation. Its attention would be specifically directed to a number of subjects among the more important of which would be the amount and duration of medical and disability benefits, provisions insuring adequate medical care and free choice of physicians, coverage, standards for determining compensability rehabilitation, the advisability of a uniform reporting system, extraterritoriality problems, and the relationship between workmen's compensation and OASDI or other public or private insurance. Finally, the Commission would be directed to consider the possible methods of implementing its own recommendations.

The need for the type of comprehensive review and evaluation which the Commission would undertake should be apparent to anyone with even a cursory knowledge of workmen's compensation today. The fact is that although a few States, like my own State of New York, do have adequate workmen's compensation laws, in most States workmen's compensation is, in at least some respects, shockingly inadequate.

Workmen's compensation laws were devised to assure that benefits would be paid to workers injured on the job and that they would be paid promptly, with a minimum of legal formality, and without the necessity of fixing the blame for the injury. The fundamental premise of workmen's compensation laws is that the cost of work-related injuries is to be considered part of the cost of production. Workmen's compensation laws were and are a modern industrial democracy's answer to the obstacles, such as the fellow servant and assumption of risk rules, erected by the common law to bar recovery by injured workers from their employers. In return for the elimination of the doubtful, but potentially unlimited liability of an employer under the common law, workmen's compensation laws substituted the limited, but sure, remedy of compensation in the form of medical and disability benefits.

The original intent of workmen's compensation laws was to strike a fair balance between the legitimate claims of injured employees, and the potential liability of employers. Indeed the constitutionality of workmen's compensation laws probably depends upon their striking such a fair balance. Thus, in considering the constitutionality of New York State's workmen's compensation law the Supreme Court in *New York Central Railroad Co.* v. *White,* 243 U.S. 188 specifically noted:

It perhaps may be doubted whether the State could abolish all rights of action on the one hand, or all defenses on the other, without setting up something adequate in their stead.

It is apparent from some of the figures which I will cite below that in a number of States the payments available to an injured employee are simply not reasonable by any standard. Thus, there is grave doubt that this balance is being struck fairly today in most States. Workmen's compensation laws simply have not kept pace with the development of the economy. The system, as it is operating today, does not meet contemporary needs and it is high time that a careful review and analysis be made of the way the current system is operating and of possible methods of improving it.

I recognize that the charge that I have made today is a most serious one. However, my doubts as to the adequacy of the present workmen's compensation system are based on objective yardsticks. Those are available in the form of the standards for workmen's compensation laws which have been developed in recent years by the Department of Labor, the Council of State Governments, and the International Association of Industrial Accident Boards and Commissions. The minimum standards developed by these highly respected agencies are in many respects quite similar.

An analysis of Bulletin No. 212 issued by the Department of Labor as revised up to 1967, which compares the major provisions of State workmen's compensation with the standards recommended by the Federal Bureau of Labor Standards shows a compliance ratio of only about 45 percent. I ask unanimous consent that a table showing the precise extent of compliance with the Labor Department's recommended standards be printed in the RECORD.

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

EXTENT OF PROTECTION UNDER WORKMEN'S COMPENSATION LAWS

[A—Law does not meet standard; X—Law meets the recommended standard]

	Compulsory law	No numerical exemption	Farm employment covered	Full coverage of occupational diseases	Rehabilitation division within workmen's compensation agency	Maintenance benefits during rehabilitation	Full medical care for accidental injuries	Full medical care for occupational diseases	Workmen's compensation agency has authority to supervise medical aid	Initial choice of physician by the injured worker	Broad subsequent injury fund	Adequate time for filing occupational disease claims	Waiting period for not more than 3 days with retroactive benefits after 2 weeks	Death benefits to widow until her death or remarriage	Compensation for permanent total disability for life or period of disability	Compensation for temporary total disability not less than 66⅔ percent of average wages	Total standards met
Alabama	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	0
Alaska	X	X	A	X	X	X	X	X	X	X	X	X	A	X	X	A	13
Arizona	X	A	A	A	A	X	X	A	X	X	X	A	A	X	X	X	9
Arkansas	X	A	A	X	A	X	X	A	X	A	X	A	A	A	A	A	4
California	X	X	X	X	X	A	X	X	X	A	X	X	A	A	X	A	11
Colorado	A	A	A	A	A	A	A	A	A	A	A	A	A	A	X	A	1
Connecticut	X	X	X	X	X	X	X	X	X	X[1]	X	A	X	X	X	X	15
Delaware	X	A	A	X	A	A	X	X	A	X	X	A	X	A	X	A	8
District of Columbia	X	A	A	X	X	X	X	X	A	X[1]	X	A	A	X	X	A	11
Florida	A	A	A	X	A	A	X	A	X	A	X	A	A	A	X	A	7
Georgia	A	A	A	X	A	A	A	A	X	A	A	A	A	A	X	A	1
Hawaii	X	X	X	X	X	X	X	X	X	X	X	X	X	A	X	X	15
Idaho	X	X	A	A	A	A	X	X	X	A	A	A	A	A	X	A	6
Illinois	X	X	A	X	A	A	X	X	A	A	A	A	A	A	X	A	5
Indiana	A	X	A	X	A	A	X	X	A	A	A	X	A	A	X	A	6
Iowa	A	X	A	A	A	A	X	X	A	A	A	A	A	A	A	A	3
Kansas	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	0
Kentucky	A	A	A	X	A	A	X	X	A	A	A	A	A	A	A	A	3
Louisiana	A	X	A	X	A	A	X	X	A	A	A	A	A	A	A	A	1
Maine	A	A	A	X	A	X	X	X	A	X[1]	A	A	A	X	X	X	9
Maryland	X	X	A	X	X	A	X	X	X	X	X	X	A	A	A	A	10
Massachusetts	X	A	X	X	X	X	X	X	A	X	A	X	A	A	X	X	10
Michigan	X	X	X	X	X	X	X	X	X	A	X	X	A	A	X	A	11
Minnesota	X	X	A	X	A	X	X	X	X	X	A	X	A	A	X	A	10
Mississippi	X	A	A	A	A	X	X	X	A	A	X	A	A	A	A	A	4
Missouri	A	A	A	X	X	X	X	X	A	A	X	X	A	A	X	A	8
Montana	A	A	A	A	A	X	A	A	A	X	A	X	A	A	A	A	4
Nebraska	A	X	A	X	A	A	X	X	A	A	A	X	A	A	X	A	6
Nevada	X	A	A	X	A	A	X	A	X	X	A	A	A	X	X	A	7
New Hampshire	X	X	X	X	A	A	X	X	A	X	A	X	A	A	X	A	8
New Jersey	A	X	X	X	X	A	X	X	A	A	A	X	A	X	X	A	9
New Mexico	A	A	A	X	A	A	A	A	X	A[1]	A	A	A	A	X	A	0
New York	X	X	X	X	X	X	X	X	X	A	X	X	A	X	X	A	14
North Carolina	A	A	A	X	A	A	X	X	X	X	A	A	A	A	X	A	2
North Dakota	X	X	A	X	X	X	X	X	X	X	A	A	A	X	X	A	11
Ohio	X	A	X	X	X	X	X	X	X	X	A	X	A	A	X	A	10
Oklahoma	X	A	A	X	A	A	X	X	X	A	X	A	A	X	X	A	5
Oregon	X	X	X	X	X	X	X	X	X	X	A	A	X	A	X	A	14
Pennsylvania	A	X	A	X	A	A	A	A	X	A	X	A	X	A	X	A	3
Puerto Rico	X	X	X	X	X	X	X	X	X	A	X	X	X	X	X	A	13
Rhode Island	X	A	A	X	X	X	X	X	X	X	X	X	A	A	X	A	9
South Carolina	A	A	A	X	A	A	X	X	X	A	A	X	A	A	X	A	5
South Dakota	A	X	A	A	A	A	A	A	A	A	A	X	A	A	A	A	1
Tennessee	A	A	A	X	A	A	X	X	A	X	A	X	A	A	X	A	2
Texas	A	A	A	X	X	A	X	X	X	A	A	X	A	A	X	A	4
Utah	X	X	A	X	A	X	X	X	A	A	X	X	A	A	X	A	9
Vermont	A	A	X	A	A	A	A	A	A	A	A	X	A	X	A	A	3
Virginia	X	A	A	X	A	A	A	A	X	A	A	X	A	X	A	A	4
Washington	X	X	A	X	X	A	X	X	X	X	X	X	A	X	X	A	12
West Virginia	A	X	A	X	X	X	X	A	X	X	X	A	A	X	X	A	10
Wisconsin	X	A	X	X	A	X	X	X	X	X	X	X	X	A	X	A	13
Wyoming	X	X	A	A	A	A	X	X	A	X	A	X	X	A	A	A	7
Number of States meeting standards	29	28	14	34	21	20	41	32	26	23	18	22	8	13	31	6	

[1] Choice from panel.

Mr. JAVITS. Mr. President, a compliance ratio as low as 45 percent is indeed shocking, but it is even more shocking to realize that if the comparison were made with the model workmen's compensation law recently published by the Council of State Governments, the percentage would be much lower.

A brief analysis of the subjects which the Commission would be directed to study under my proposal, many of which are keyed to the minimum standards developed by the Department of Labor, the Council of State Governments and the IAIABC will indicate the critical nature of the problem, as it exists today.

First. The amount and duration of permanent and temporary disability benefits. Together with medical benefits, the disability benefits payable under workman's compensation are, of course, the heart of the system. Yet, in all but a few States the disability benefits payable to an injured worker are grossly inade-

quate. Furthermore, here in contrast to other areas in which slow, but more or less steady progress toward recommended standards has been made, we have actually been losing ground. To take just one example, the shocking fact is that although the absolute amount of disability benefits has increased between 1940 and 1966 the ratio of maximum weekly temporary total disability benefits to average weekly wages has, by and large, fallen drastically in that period. That ratio has actually decreased in no less than 44 States. If the comparison is made between 1958 and 1966 the results are likewise unsatisfactory. In that period in only half the States did this percentage increase; in the other half it continued to decrease. The sorry tale is told completely in a table, which I ask be included in my remarks at this point.

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

RATIO OF MAXIMUM WEEKLY BENEFIT FOR TEMPORARY TOTAL DISABILITY TO AVERAGE WEEKLY WAGES, BY STATE (1940, 1958, AND 1966)

[In percent]

State	Ratio of maximum temporary total disability benefit for worker, wife, and 2 dependent children to average weekly wage [1]		
	1940	1958	1966
Alabama	94.9	43.7	39.1
Alaska		75.2	56.7
Arizona		182.6	137.2
Arkansas	122.2	58.8	47.3
California	80.2	51.3	54.1
Colorado	54.7	42.3	45.0
Connecticut	85.9	49.5	53.5

RATIO OF MAXIMUM WEEKLY BENEFIT FOR TEMPORARY TOTAL DISABILITY TO AVERAGE WEEKLY WAGES, BY STATE (1940, 1958, AND 1966)—Continued

[In percent]

State	Ratio of maximum temporary total disability benefit for worker, wife, and 2 dependent children to average weekly wage [1]		
	1940	1958	1966
Delaware	50.6	36.6	40.2
District of Columbia	93.7	63.4	60.3
Florida	89.5	47.0	41.9
Georgia	112.0	44.5	38.5
Hawaii	116.2	108.4	106.8
Idaho	79.4	52.8	46.4
Illinois	67.5	43.6	54.8
Indiana	60.1	39.8	37.7
Iowa	63.2	40.3	45.5
Kansas	78.0	41.8	40.4
Kentucky	68.2	41.9	43.8
Louisiana	94.3	44.8	32.9
Maine	85.8	49.8	64.2
Maryland	81.0	50.2	52.1
Massachusetts	68.2	58.2	69.3
Michigan	55.1	43.9	58.2
Minnesota	77.4	53.9	40.8
Mississippi		57.1	41.0
Missouri	78.4	44.8	46.0
Montana	79.8	47.0	46.2
Nebraska	63.1	45.1	42.8
Nevada	84.7	55.9	59.2
New Hampshire	83.8	51.8	51.4
New Jersey	67.9	42.9	36.3
New Mexico	86.5	36.9	40.4
New York	80.9	47.7	47.7
North Carolina	100.1	55.4	42.3
North Dakota	89.6	50.5	59.4
Ohio	63.8	42.9	44.7
Oklahoma	71.2	43.6	38.9
Oregon	87.5	56.1	51.5
Pennsylvania	69.0	44.8	47.0
Puerto Rico		86.4	58.0
Rhode Island	83.7	43.1	56.0
South Carolina	153.4	57.3	57.0
South Dakota	66.4	41.9	47.3
Tennessee	78.2	45.0	40.3
Texas	84.0	43.7	33.6
Utah	72.0	49.8	52.1
Vermont	62.3	47.4	46.0
Virginia	74.9	46.9	47.0
Washington	51.1	53.4	53.0
West Virginia	62.1	39.0	37.4

RATIO OF MAXIMUM WEEKLY BENEFIT FOR TEMPORARY TOTAL DISABILITY TO AVERAGE WEEKLY WAGES, BY STATE (1940, 1958, AND 1966)—Continued

[In percent]

State	Ratio of maximum temporary total disability benefit for worker, wife, and 2 dependent children to average weekly wage [1]		
	1940	1958	1966
Wisconsin	73.5	55.8	58.9
Wyoming	88.4	53.6	57.6

[1] The percentages in these columns are found by dividing the maximum weekly benefit for a worker, his wife, and 2 dependent children by the average weekly wage as reported under the State unemployment insurance acts.

Mr. JAVITS. Mr. President, in the area of permanent disability the figures tell an equally disquieting story. In four States the maximum permanent disability benefit is less than $40 a week. In 13 States the maximum permanent disability benefit is between $40 and $50 per week. Furthermore absolute limitations on the amount of permanent disability benefits—almost a contradiction in terms—are still common; 19 States have such limitations, with most of them below $20,000 and some as low as $12,500. Only six States meet the Department of Labor's recommendation of an actual, rather than merely theoretical maximum of 66⅔ percent of average wages for temporary total disability. A chart prepared by the Chamber of Commerce and included in its most recent analysis of workmen's compensation laws reveals the picture at a glance, and I ask that it be included in my remarks at this point.

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

INCOME BENEFITS FOR PERMANENT AND TEMPORARY TOTAL DISABILITIES, JAN. 1, 1968

Jurisdiction	Limitations on permanent total					Limitations on temporary total					Notations
	Maximum percent of wages	Maximum weekly payment	Minimum weekly payment	Time limit	Amount limit	Maximum percent of wages*	Maximum weekly payment	Minimum weekly payment	Time limit	Amount limit	
Alabama	[1] 65	$44.00	$15.00	550 weeks	$17,600	65	$44.00	[2] $15.00	300 weeks	$13,200	
Alaska	65	65.00	25.00	Life		65	100.00	[2] 25.00	Disability		Disfigurement maximum, $3,500.
Arizona	65	[3] 150.00	32.50	do		65	[3] 150.00	32.50	433 weeks	65,000	
Arkansas	65	38.50	10.00	450 weeks	14,500	65	38.50	10.00	450 weeks	14,500	
California	65	52.50	20.00	Life*		61¾	70.00	25.00	240 weeks [4]		60 percent maximum after 400 weeks.
Colorado [5]	66⅔	[6] 54.25	13.00	do*	16,926	66⅔	54.25	13.00	Disability	16,926	50 percent increase in compensation where employer has failed to comply with insurance provisions. 50 percent decrease in compensation where injury results from failure to obey safety regulations or from intoxication.
Connecticut	66⅔	[7] 74.00	20.00	do	([8])	66⅔	[7] 74.00	20.00	do		
Delaware	66⅔	50.00	[2] 25.00	do		66⅔	50.00	[2] 25.00	do		
District of Columbia	66⅔	70.00	[2] 18.00	do		66⅔	70.00	[2] 18.00	do	[9] 24,000	
Florida	60	49.00	[2] 8.00	do		60	49.00	[2] 8.00	350 weeks		
Georgia	60	37.00	12.00	400 weeks	12,500	60	37.00	12.00	400 weeks	12,500	
Guam	66⅔	35.00	[2] 12.00	Life	10,000	66⅔	35.00	[2] 12.00	Disability	10,000	
Hawaii	66⅔	*112.50	*18.00	do	[10] 35,100	66⅔	112.50	[2] 18.00	do	[11] 35,100	Director may order payment of $150 per month for attendant, paid from special fund.
Idaho	60	*43.00	*15.00	do		60	*43.00	*15.00	do		Maximum $43 with dependent spouse. Add $5 each child. Maximum $63.
Illinois	(*)	68.00	31.50	do	(*)	(*)	76.00	31.50	8 years		Limited to amount if death had resulted. Pension thereafter.
Indiana	60	51.00	[2] 21.00	500 weeks*	25,000	60	51.00	[2] 21.00	500 weeks	25,000	Additional benefits from 2d injury fund.
Iowa	66⅔	47.50	[2] 18.00	500 weeks	23,750	66⅔	56.00	[2] 18.00	300 weeks		Weekly compensation for temporary total disability is $40, $4 additional for each dependent child.
Kansas	60	49.00	7.00	416 weeks	20,384	60	49.00	7.00	415 weeks	20,335	
Kentucky [12]	66⅔	47.00	21.00	425 weeks	19,975	66⅔	47.00	21.00	425 weeks	19,975	Disfigurement benefits.
Louisiana	65	35.00	[2] 10.00	400 weeks	14,000	65	35.00	10.00	300 weeks	10,500	
Maine [14]	66⅔	62.14				66⅔	62.14				Disfigurement benefits, $1,500 maximum.
Maryland	66⅔	55.00	[2] 18.00		30,000	66⅔	55.00	[2] 18.00	208 weeks		If permanent disability exceeds 50 percent of the body as a whole, employee is entitled to additional compensation for the full disability from the "subsequent injury fund" after completion of payments by the employer.

Footnotes at end of table.

INCOME BENEFITS FOR PERMANENT AND TEMPORARY TOTAL DISABILITIES, JAN. 1, 1968—Continued

Jurisdiction	Limitations on permanent total: Maximum percent of wages	Maximum weekly payment	Minimum weekly payment	Time limit	Amount limit	Limitations on temporary total: Maximum percent of wages*	Maximum weekly payment	Minimum weekly payment	Time limit	Amount limit	Notations
Massachusetts [13]	66⅔	*$62.00	[16]$20.00	Life		66⅔	*$62.00	[16]$20.00	Disability	$16,000	$6 additional each wholly dependent but not to exceed weekly wage. Combined total compensation for total and partial disability not to exceed $18,000.
Michigan [17]	66⅔	*64.00	27.00	Disability [18]	([18])	66⅔	*64.00	27.00	do		$6 additional for each dependent up to 5, maximum $93.
Minnesota	66⅔	60.00	17.50	Life	([10])	66⅔	60.00	17.50	350 weeks	15,750	Additional $5,000 allowable in certain cases. Disfigurement benefits.
Mississippi	66⅔	35.00	*10.00	450 weeks [19]	[19]$14,500	66⅔	35.00	*10.00	450 weeks [19]	[19] 14,500	Less in partially dependent cases. $2,000 disfigurement maximum.
Missouri	66⅔	52.00	16.00	300 weeks [20]		66⅔	57.00	[22] 16.00	400 weeks	22,800	$2,000 disfigurement maximum.
Montana	66⅔	*60.00	34.50	500 weeks	30,000	*66⅔	*60.00	34.50	300 weeks	18,000	Reducing schedule if less than 5 children.
Nebraska	*66⅔	*45.00	[2] 30.00	Life [21]		*66⅔	45.00	[2] 30.00	300 weeks [21]	13,500	45 percent after 300 weeks, maximum $36, minimum $26 (or actual wages if less.)
Nevada	90	[22] 56.00		Life		[22] 90	67.50		100 months	29,250	Additional allowance for constant attendant if necessary. $50 a month.
New Hampshire	66⅔	58.00	[2] 15.00	(*)		66⅔	58.00	[2] 15.00	(*)		After 6 successive years of payment additional payments may be made only on order of the commissioner upon application by the employee and to the employer. If employer objects medical panel provided for.
New Jersey	([23])	*83.00	10.00	450 weeks*		([23])	83.00	10.00	300 weeks		After 450 weeks at reduced rate, if employed; at full rate if not rehabilitable.
New Mexico*	60	45.00	[2] 24.00	500 weeks	22,500	60	45.00	[2] 24.00	500 weeks	22,500	10 percent additional compensation payable by employer for failure to provide safety devices.
New York	66⅔	60.00	[2] 20.00	Life		66⅔	60.00	[2] 20.00	Disability		Additional compensation for vocational rehabilitation.
North Carolina	60	42.00	10.00	400 weeks*	*15,000	60	42.00	10.00	400 weeks	15,000	In cases of paralysis from a brain or spinal injury, payments may be extended for the life of the claimant and the total may exceed $15,000.
North Dakota	80	$75.00	15.00	Life		80	*75.00	15.00	Disability		$50 plus $5 for each child under 18. Maximum $75 per week.[2]
Ohio	66⅔	56.00	[2] [19] 45.50	do		66⅔	56.00	[2] 25.00	do	10,750	During first 12 weeks of temporary total disability, maximum compensation is $63.
Oklahoma	66⅔	40.00	[2] 15.00	500 weeks	20,000	66⅔	40.00	[2] 15.00	300 weeks	12,000	
Oregon	90	70.38	35.75	Life		90	*73.85	39.23	Disability		Reducing schedule if less than 6 children.
Pennsylvania	66⅔	60.00	[24] 35.00			66⅔	60.00	35.00			
Puerto Rico	66⅔	20.76	9.23	Life		66⅔	35.00	8.00	312 weeks		Additional benefits in specific cases such as for vocational rehabilitation or constant companion at not more than $30 a month.
Rhode Island [26]	66⅔	50.00	25.00	1,000 weeks	16,000	60	45.00	25.00	1,000 weeks	16,000	Additional benefits from second injury fund. Compensation includes $3 per week each dependent child in addition to that for total incapacity, maximum $12.
South Carolina	60	50.00	5.00	500 weeks	12,500	60	50.00	5.00	500 weeks	12,500	
South Dakota	55	42.00	[2] 22.00	Life*	16,000	55	42.00	[2] 22.00	312 weeks	13,108	After 300 weeks, maximum $15 per week. Minimum $12.
Tennessee	65	42.00	[27] 15.00	550 weeks	16,000	65	42.00	[27] 15.00		16,000	After 400 weeks $15 per week, or actual wage if less but not less than $12. Disfigurement benefits.
Texas	60	35.00	9.00	401 weeks	14,035	60	35.00	9.00	401 weeks	14,035	Special provisions for occupational disease.
Utah	*60	[28] 44.00	[2] 25.00	Life*	[29] 19,344	60	[28] 44.00	[2] 25.00	312 weeks	19,344	After 260 weeks 45 percent plus $3.60 for a dependent wife and $3.60 for each dependent minor under 18 up to 4 such children. Disfigurement benefits.
Vermont [30]	66⅔	[31] 52.00	[2] 26.00	330 weeks	17,160	66⅔	[31] 52.00	[2] 26.00	330 weeks	17,160	
Virginia	60	45.00	14.00	500 weeks	18,000	60	45.00	14.00	500 weeks	18,000	Disfigurement benefits.
Washington		*81.23	42.69	Life			*81.23	42.69	Disability		Additional allowance for constant attendant, if necessary $115 per month. Reducing schedule if less than 5 children.
West Virginia	66⅔	47.00	24.00	do		66⅔	47.00	24.00	208 weeks	9,976	
Wisconsin	70	68.00	14.00	do		70	68.00	8.75	Disability		Additional compensation for vocational rehabilitation.[32]
Wyoming		*34.61	28.80	do	27,500	66⅔	63.46	33.46	do	12,000	Permanent—$34.61 plus $6.92 for each child (no limits).[40] Aggregate sum for children $10,000.
Federal Employees' Compensation Act.	[33] 75	*345.00	[2] 59.00	do		75	*345.00	[2] 59.00	do		Additional allowance of $300.00 per month for constant attendant if necessary.
Longshoremen and Harbor Workers' Act.	66⅔	70.00	[2] 18.00	do		66⅔	70.00	[2] 18.00	do	[34] 24,000	
Alberta	75	80.77	[2] 35.00	do		75	80.77	[2] 35.00	do		75 percent of maximum earnings of $5,600 per year.
British Columbia	75	95.20	[2] 34.72	do		75	95.20	[2] 30.00	do		75 percent of maximum earnings of $6,600 per year.[35]
Manitoba	75	86.54	[36] 35.00	do		75	86.54	[2] 35.00	do		75 percent of maximum earnings of $6,600 per year.
New Brunswick	75	72.11	[2] 25.00	do		75	72.11	[2] 25.00	do		75 percent of maximum earnings of $5,000 per year.
Newfoundland	75	72.11	[2] 28.84	do		75	72.11	[2] 25.00	do		75 percent of maximum earnings of $5,000 per year.
Nova Scotia	75	72.11	[2] 28.00	do		75	60.58	[2] 30.00	do		75 percent of maximum earnings of $5,000 per year.
Ontario	75	86.54	32.50	do		75	86.54	30.00	do		75 percent of maximum earnings of $6,000 per year.
Prince Edward Island	75	72.11	[2] 20.00	do		75	72.11	20.00	do		75 percent of maximum earnings of $5,000 per year.
Quebec [37]	75	72.11	25.00	do		75	72.11	35.00	do		75 percent of maximum earnings of $6,000 per year.
Saskatchewan	75	86.54	[38] 32.50	do		75	86.54	[2] 32.50	do		75 percent of maximum earnings of $6.000 per year.[39]
Canadian Merchant Seamen Compensation Act.	75	64.90	12.50	do		75	64.90	12.50	do		75 percent of maximum earnings of $4.500 per year.

[1] Percentage increased 5 percent each for dependent wife and children. Maximum 65 percent, wife and children.
[2] Actual wage if less.
[3] No actual limit in computing average monthly wage. All wages in excess of $1,000 per month excluded.
[4] Within period of 5 years from date of injury.
[5] Disfigurement maximum $1,000.
[6] If employee is receiving social security benefits for disability, compensation may be reduced by 50 percent of such payments.

Footnotes on following page.

[7] 60 percent of average production wage. To be determined annually by labor commissioner. Determined to be $74 as of Oct. 1, 1967.
[8] Additional allowance of $5 per dependent child but not to exceed 50 percent of benefit or 75 percent of average weekly wage but may exceed 60 percent of annual average production wage. Retroactive benefit increases provided for cases prior to 1953 and 1967, and prospectively for cases after 1967.
[9] Does not include rehabilitation allowance.
[10] Old age and survivors insurance benefits credited on compensation after $25,000 has been paid.
[11] Same rate of compensation thereafter from special fund. Disfigurement maximum $10,000.
[12] 400 weeks at maximum disability, reduced thereafter to $25 per week.
[13] Maximum shall not exceed 55 percent of 85 percent of average weekly State wage; minimum shall be 25 percent of 85 percent of same, promulgated annually by Workmen's Compensation Board as of Jan. 1, 1968.
[14] Maximum not to exceed 66⅔ percent of State average weekly wage fixed by Maine Employment Security Commission, as of June 1, 1967.
[15] Maximum weekly benefit $62 effective Nov. 12, 1967; will increase to $65 effective Oct. 13, 1968.
[16] Actual wage if less, but not under $10 for work week of 15 hours or over.
[17] Add $3 for each dependent up to 5 to weekly minimum. All benefits increased according to a scale annually until 1967, thereafter will be adjusted to average State wage.
[18] Persons receiving less than benefits provided after 1955 receive difference in amounts from second injury fund.
[19] Plus rehabilitation allowance, maximum $160 for 104 weeks.
[20] 40 percent thereafter but not less than $18 or more than $30 for life.
[21] Reduced amounts after 300 weeks.
[22] 65 percent of average monthly wage not in excess of $325 per month plus an additional 15 percent for each dependent not to exceed 90 percent.
[23] Maximum not to exceed 66⅔ percent of average industrial wage determined annually (as of Jan. 1, 1968).
[24] Actual wage if less but in no case less than $22.00.
[25] Compensation doubled if disability due to employer's violation of safety or health law or regulation.
[26] Disability extending beyond period compensated from second injury fund.
[27] Actual wage if less but with a minimum of $12.00.
[28] $3.60 additional for dependent wife and $3.60 for each dependent child under 18, up to 4 such children.
[29] Employees tentatively found permanently and totally disabled referred to rehabilitation program. If employee has cooperated, cannot be rehabilitated and has exhausted benefits, then maximum of $44.00 per week is paid by special fund upon termination of payments by employer and carrier.
[30] Maximum benefit shall equal 50% of annual State average weekly wage. On July 1, 1968, benefits increased to $54 maximum weekly and $27 minimum-maximum total $17,820.
[31] Additional amount of $3.50 per week for each dependent child under 21.
[32] Compensation reduced 15% for employee's failure to use safety devices.
[33] Maximum is based upon grade 15 of General Schedule Classification Act ($23,921), minimum upon grade 2 ($4,108). Benefits to be increased annually by 3% increase in Consumer Price Index after 1967.
[34] Plus rehabilitation allowance.
[35] Applicable to all cases prior to January 1, 1965. Benefits to be increased annually by 2% increase in Consumer Price Index. Maximum wage rate to be adjusted according to annual gross earnings of workmen. Increased benefits payable prospectively.
[36] Minimum benefits of $150 per month increased retroactively to August 5, 1959.
[37] Beginning September 30, 1965, benefit increases varying from 1.1–40% for awards made from September 1, 1931, and January 1, 1965, will be paid existing cases.
[38] Minimum benefits increased retroactively as of July 1, 1965.
[39] Board has discretion to choose the 12 months in the preceding 3-year period most advantageous to workmen for computation of his earnings.
[40] Court will supervise disbursement of fund for children.
*See notations column.

Mr. JAVITS. Mr. President, one of the important tasks of the Commission in this area would be to develop adequate criteria for determining the maximum amount and duration of permanent and total disability benefits. In my opinion, this whole topic requires a completely fresh look. Over the years something like a consensus seems to have developed around a figure expressed as a percentage, usually 66⅔ percent of average weekly wages, in the State. Even though, by and large, the States are not meeting even that limited criteria, the Commission should squarely face the question whether even that low standard discriminates unfairly against workers whose incomes exceed the average in the State.

Second, the amount and duration of medical benefits and provisions insuring adequate medical care and free choice of physician. Though the quality of medical care and workmen's compensation has improved over the years, many workers still have to bear a part of the medical cost of their injury or disease. A number of States still restrict full medical care by setting limits on the monetary amounts or time limitations on the number of weeks a worker may receive medical benefits. This problem has, needless to say, been considerably aggravated by the rising cost of medical care in recent years, and the fact that private medical and hospitalization insurance generally exclude workmen's compensation cases from coverage.

Satisfactory medical care is, of course, as important as adequate benefits. One way in which this problem has been dealt with is to provide that the workmen's compensation agency may supervise medical care. In most States, however, the workmen's compensation agency does not have this authority.

Another aspect of this problem is that almost three-quarters of all workers covered under workmen's compensation have their doctors chosen for them by their employer or by the insurance company on behalf of the employer. While this practice does not necessarily imply that injured workers will receive unsatisfactory medical care, it obviously raises serious questions as to the impartiality of the physicians involved, upon whose testimony and diagnosis the amount of a compensation award may depend. One way in which this difficulty can be overcome is to allow any insured worker at least some real freedom of choice in the selection of a physician. Only 23 States, however, meet the Department of Labor's recommended standards in this regard.

Third, coverage of workers, including exemptions based on numbers and type of employment. The effectiveness of workmen's compensation laws is limited in many States by numerical exemptions under which small employers are not covered by the law. The numerical exemptions range from two to 15 employees. Other types of exemptions are based on the type of employment, rather than the number of employees. One of the most glaring defects in many State compensation laws is the failure to cover agricultural employees to the same extent as other types of employees. The exclusion of agricultural workers is particularly difficult to understand in the face of the fact that agriculture has become one of the Nation's most dangerous occupations.

Other types of employees frequently exempted from the law are casual and domestic employees and employees of charitable or religious institutions. All of these exemptions taken together serve to exclude approximately 20 percent of the entire labor force from the benefits of workmen's compensation. Despite a few improvements in some laws toward fuller coverage, this percentage has not changed perceptibly in recent years.

Fourth, standards for determining which injuries or diseases should be deemed compensable. One of the areas in which the development of workmen's compensation law in the United States has been most marked, but at the same time most uneven, is in the determination of which injuries or diseases are deemed compensable. In many States the law, or the court's interpretation of it is moved far away from the initial "accident" theory of compensable injury to include almost any injury or disease which is work related. In other States, however, there has been little or no movement at all. Some States specifically exclude from coverage most occupational diseases, and at least 16 States fail to provide full protection for occupational disease. In one particular area, that of radiation disease, the problem has already occasioned a congressional inquiry by the Joint Committee on Atomic Energy. Pending before the Senate now are proposals to provide compensation for workers who have had the misfortune to suffer lung cancer as a result of their exposure to radiation and uranium mines. Such bills, of course, would be unnecessary had these unfortunate workers been entitled to collect workmen's compensation under existing State laws.

Fifth, rehabilitation. In the years since the original Workmen's Compensation Acts were passed, the science of rehabilitation has made great strides. At the present time there exists a considerable store of knowledge and technique in medical and vocational restoration of an injured workman. Yet only a handful of States have adjusted either their substantive provisions or their administrative mechanisms under the workmen's compensation laws to take advantage of this opportunity. Clearly this is a subject which deserves the most careful study by the Commission.

Sixth, coverage under second or subsequent injury funds. These funds are designed to facilitate reemployment of disabled workers. Their purpose is to assure full benefits to an employee who suffers a second disabling injury while at the same time allowing his subsequent employer to pay only that share of the benefits specifically attributable to the subsequent injury. Most States have established these funds but their operation and financing vary widely. Some second injury funds are supported by employer contributions under certain circumstances, other funds are supported entirely by governmental appropriations. Moreover, most States limit the coverage of second injury funds to loss or loss of use of a member of the body. In only a minority of the States do the second injury funds provide for coverage of any type of disability.

Seventh, time limits on filing claims. The time limits on filing claims under most State laws appear to have been drawn to take into account only the "accidental" type of injury. These time limitations have serious drawbacks when they must be applied to occupational disease cases. For even though a law may provide coverage for occupational dis-

eases its effectiveness will be seriously curtailed if there is an inadequate period of time for the worker to file for benefits. A worker may not know that he has contracted an occupational disease until a substantial period of time has passed after the date of his last exposure or a substantial period of time has passed before the condition is diagnosed as a disease that has occurred as a result of his employment. Both of these conditions exist, for example, in the case of uranium mine workers who have contracted lung cancer. Clearly the need for flexible time limit provisions is a subject which will merit serious consideration by the Commission.

Eighth, waiting periods. Waiting periods or arbitrary periods of time during which employees may not receive compensation unless they are disabled for a fairly long period of time, specified in the law. The Department of Labor has recommended that the maximum waiting period should be 3 days and that benefits should be retroactive after 2 weeks. However, only about eight States currently meet this standard.

Ninth, compulsory or elective coverage. Compulsory workmen's compensation laws require covered employers to comply with the law. An elective law permits the employer the option of whether to accept coverage of the workmen's compensation law; if he rejects coverage, he loses the common law defenses of assumption of risk, fellow servant negligence and contributory negligence, in a suit filed by the worker. About one-half the State workmen's compensation laws are compulsory, while the remainder are elective. Elective laws were at one time the rule rather than the exception. The trend has, however, definitely been toward compulsory coverage and although compulsory coverage has been recommended by the Department of Labor, the Council of State Governments and the IAIABC almost half the States still have elective laws.

Tenth, administration. Improved administration is one area in which tremendous strides have been made by some States but little if any progress has been made in others. Clearly, with the advent of new data processing techniques and the work which has been done by the Department of Labor, the Council of State Governments, and the IAIABC there is much that can and should be done to improve the administration of workmen's compensation laws in many States.

Eleventh, legal expenses. Who should bear the burden of an injured workmen's legal expenses has been a troublesome question for students of workmen's compensation. Most States require the claimant, whether or not he prevails in the proceeding, to bear his own legal expenses, contenting themselves with regulating the amount of the fees and preventing unethical practices by lawyers handling compensation cases. Some States take a different view, requiring employers to pay the legal expenses of the successful claimant.

The question is indeed difficult to resolve. On the one hand, there is the fact that under our system of jurisprudence, litigants are generally required to bear their own legal expenses. On the other hand, as the Council of State Governments has pointed out, in explaining its model code provision allowing the claimant to recover his legal fees under carefully limited circumstances:

> When the original workmen's compensation acts were passed there was a widespread notion among the backers of the legislation that workmen's compensation payments would be virtually automatic. * * *
>
> When it turned out in practice that the employment of lawyers was frequently necessary if the claimant was to vindicate his statutory rights, the traditional Anglo-American legal practice of having each party pay his own attorney's fees naturally took over. The net result was that the claimant simply did not get the minimum benefit which the statute said he should have. It never seemed to occur to anyone that the analogy between common law damage recoveries and workmen's compensation statutory payments was not a valid one. The assessing of common law damages is, at best, an approximate process, leaving plenty of room within which allowance for attorneys' fees may at least indirectly be made, particularly in personal injury cases. But in workmen's compensation, the size of the payment to the claimant has been methodically reduced to a hard-core number of dollars per week, calculated to be just enough to spare the claimant from outright dependency. It is a reasonable presumption that any cutting into this hard-core amount is, to that extent, defeating the purpose of the statute."

The issue has thus been drawn clearly, and well merits the attention of the Commission.

Twelfth, the feasibility and desirability of a uniform system of reporting information concerning job-related injuries and diseases and the operation of workmen's compensation laws. One of the perennial difficulties which has served to plague students of workmen's compensation has been the lack of information concerning the system as a whole. The Commission could make use of its greatest contributions by analyzing the feasibility of some sort of uniform reporting system, designed to obtain the meaningful information concerning the operation of workmen's compensation laws necessary to permit continuing critical evaluation of the system.

Thirteenth, resolution of conflict laws extraterritoriality and similar problems arising from claims with multistate aspects. Here is another area where the new Commission could make a tremendous contribution. The Council of State Governments, has commented that no portion of its model act is more urgently in need of coordinated State action than the extraterritoriality provision. The Council referred to the present law in this area as in "a state of chaos." Dr. Larson, one of the foremost authorities on workmen's compensation in the United States, has been even less charitable, characterizing the conflict of laws in this area as "a madhouse of confusion."

Fourteenth, the extent to which private insurance carriers are excluded from supplying workmen's compensation coverage and the desirability of such exclusionary practices, to the extent they exist. In most States employers may provide compensation coverage through private insurance carriers. Some States, however, have established what are known as "exclusive State funds" with which all employers must deal. Various arguments can be made for and against these monopolistic State funds. Under exclusive State funds, it is claimed, compensation insurance can usually be obtained more cheaply than from private carriers. Others argue, with equal force, that that is hardly a reason for prohibiting private carriers from competing for the employer's dollar. Another argument which the Commission will undoubtedly have to consider carefully is the tremendous contribution private insurance carriers have made toward improving occupational safety.

Fifteenth, the relationship between workmen's compensation, on the one hand, and old age, disability and survivors insurance and other types of insurance, public and private, on the other hand. With the advent of different types of insurance, both public and private, covering disability or death, the problem of overlap arises. There are two aspects of the problem: first, to guard against an injured worker receiving double compensation; second, the decision as to which type of insurance should bear the burden when an overlap exists. The problem is particularly acute in total disability cases where both workmen's compensation and social security are applicable to the same worker and in partial disability cases where unemployment compensation is also sought. Consideration of this problem by the Commission would be especially desirable because of its Federal overtones.

Sixteenth, possible methods of implementing the recommendations of the Commission, including methods of encouraging or requiring compliance with the minimum standards for workmen's compensation developed by the Commission. The best method of implementing its own recommendations will probably be the most controversial topic for the Commission to consider. It will also be the most important.

Mr. President, I recognize that workmen's compensation has historically been treated as a function of State government, and that the States themselves initiated the whole system. There is, however, ample justification for the Federal Government to solicit the views and recommendations of interested and informed parties as to what should be done to achieve necessary workmen's compensation reform. This should not mean or imply any effort to federalize workmen's compensation or to begin such a process. There is a wide range of alternatives available which the Commission could consider, and after the Commission has made its recommendations it will still be up to Congress to act or not, as it sees fit. The point of my proposal is that it is only through the informed consideration of the issues by a broadly based Commission that the Congress will have before it the information necessary to enable it to make an intelligent judgment on this issue, which affects all American working men and women.

Last year, the proposal embodied in this bill was endorsed by the administration. I note that in this year's Economic Report President Johnson has proposed that the Federal Government

go much further. His Economic Report states, in relevant part, that:

Workmen's compensation should ensure that no victim of a job-related accident lacks the funds to pay his medical bills and support his family. Currently, one employee in five has no workmen's compensation protection. Benefit levels are too often tragically low. The Federal Government should act now to ensure that the States provide adequate workmen's coverage and benefits.

In accordance with this Economic Report of the former administration, former Secretary of Labor Willard Wirtz, as one of his last acts, sent to the Congress a draft of a bill which, essentially, would require all State laws to come up to the standard of the Federal Longshoremen's and Harbor Workers' Compensation Act, as well as extend their coverage to many types of workers presently not covered under many State laws. The bill would also provide Federal grants to pay up to 75 percent of any additional cost incurred by the States in strengthening their workmen's compensation programs. In addition, the Department of Labor would be authorized to conduct research and studies on State workmen's compensation programs, and to train or provide for training personnel in workmen's compensation administrative procedures.

Mr. President, I stated on the floor last year that my purpose in calling for the establishment of a Federal Commission to study workmen's compensation laws is not to federalize the State workmen's compensation system. I still hold to that view and for that reason am not prepared to embrace the proposal transmitted to us by former Secretary Wirtz. At the very least, it seems to me, serious consideration of any such proposal should await the completion of the comprehensive study called for by my bill.

This is the same proposal which I introduced during the last Congress, first as an amendment to S. 2864, the occupational health and safety bill, and later, with the cosponsorship of the distinguished chairman of the Committee on Labor and Public Welfare, who was then chairman of its Labor Subcommittee, Senator YARBOROUGH, as a separate bill, S. 3951. I ask unanimous consent that the bill be printed in the RECORD.

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

The text of the bill introduced by Mr. JAVITS is as follows:

S. 1106

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) Congress hereby finds and declares that the vast majority of American workers, and their families, are dependent on workmen's compensation for their basic economic security in the event they suffer disabling injury or death in the course of their employment; and that the full protection of American workers from job-related injury or death requires an adequate, prompt, and equitable system of workmen's compensation as well as an effective program of occupational health and safety regulation.

(b) In recent years serious questions have been raised concerning the fairness and adequacy of present workmen's compensation laws in the light of the growth of the economy, the changing nature of the labor force, increases in medical knowledge, changes in the hazards associated with various types of employment, new technology creating new risks to health and safety, and increases in the general level of wages and the cost of living.

(c) The purpose of this Act is to authorize an effective study and objective evaluation of State workmen's compensation laws in order to determine if such laws provide an adequate, prompt, and equitable system of compensation for injury or death arising out of or in the course of employment.

ESTABLISHMENT OF COMMISSION

SEC. 2. There is hereby established a National Commission on State Workmen's Compensation Laws (hereinafter referred to as the "Commission").

MEMBERSHIP

SEC. 3. (a) The Commission shall be composed of fifteen members to be appointed by the President from among members of State workmen's compensation boards, representatives of insurance carriers, business, labor, members of the medical profession having experience in industrial medicine or in workmen's compensation cases, educators having special expertise in the field of workmen's compensation, and representatives of the general public. The Secretary of Labor, the Secretary of Commerce, and the Secretary of Health, Education, and Welfare shall be ex officio members of the Commission.

(b) Any vacancy in the Commission shall not affect its powers.

(c) The President shall designate one of the members to serve as Chairman and one to serve as Vice Chairman of the Commission.

(d) Eight members of the Commission shall constitute a quorum.

DUTIES OF THE COMMISSION

SEC. 4 (a) The Commission shall undertake a comprehensive study and evaluation of State workmen's compensation laws in order to determine if such laws provide an adequate, prompt, and equitable system of compensation. Such study and evaluation shall include, without being limited to, the following subjects: (1) the amount and duration of permanent and temporary disability benefits and the criteria for determining the maximum limitations thereon, (2) the amount and duration of medical benefits and provisions insuring adequate medical care and free choice of physician, (3) the extent of coverage of workers, including exemptions based on numbers or type of employment, (4) standards for determining which injuries or diseases should be deemed compensable, (5) rehabilitation, (6) coverage under second or subsequent injury funds, (7) time limits on filing claims, (8) waiting periods, (9) compulsory or elective coverage, (10) administration, (11) legal expenses, (12) the feasibility and desirability of a uniform system of reporting information concerning job-related injuries and diseases and the operation of workman's compensation laws, (13) the resolution of conflict of laws, extraterritoriality and similar problems arising from claims with multistate aspects, (14) the extent to which private insurance carriers are excluded from supplying workmen's compensation coverage and the desirability of such exclusionary practices, to the extent they are found to exist, (15) the relationship between workmen's compensation on the one hand, and old-age, disability, and survivors insurance and other types of insurance, public or private, on the other hand, (16) methods of implementing the recommendations of the Commission.

(b) The Commission shall transmit to the President and to the Congress not later than one year after the first meeting of the Commission a final report containing a detailed statement of the findings and conclusions of the Commission, together with such recommendations as it deems advisable.

POWERS OF THE COMMISSION

SEC. 5. (a) The Commission or, on the authorization of the Commission, any subcommittee or members thereof, may, for the purpose of carrying out the provisions of this title, hold such hearings, take such testimony, and sit and act at such times and places as the Commission deems advisable. Any member authorized by the Commission may administer oaths or affirmations to witnesses appearing before the Commission or any subcommittee or members thereof.

(b) Each department, agency, and instrumentality of the executive branch of the Government, including independent agencies, is authorized and directed to furnish to the Commission, upon request made by the Chairman or Vice Chairman, such information as the Commission deems necessary to carry out its functions under this title.

(c) Subject to such rules and regulations as may be adopted by the Commission, the Chairman shall have the power to—

(1) appoint and fix the compensation of an executive director, and such additional staff personnel as he deems necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, but at rates not in excess of the maximum rate for GS–18 of the General Schedule under section 5332 of such title, and

(2) procure temporary and intermittent services to the same extent as is authorized by section 3109 of title 5, United States Code, but at rates not to exceed $50 a day for individuals.

(d) The Commission is authorized to enter into contracts with Federal or State agencies, private firms, institutions, and individuals for the conduct of research or surveys, the preparation of reports, and other activities necessary to the discharge of its duties.

COMPENSATION OF MEMBERS

SEC. 6. Members of the Commission shall receive compensation at the rate of $ per day for each day they are engaged in the performance of their duties as members of the Commission and shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties as members of the Commission.

APPROPRIATIONS AUTHORIZED

SEC. 7. There are hereby authorized to be appropriated such sums as may be necessary, not to exceed a total of $ to carry out the provisions of this title.

TERMINATION

SEC. 8. On the ninetieth day after the date of submission of its final report to the President, the Commission shall cease to exist.

SENATE JOINT RESOLUTION 53—INTRODUCTION OF JOINT RESOLUTION—MID-ATLANTIC STATES AIR POLLUTION CONTROL COMPACT

Mr. JAVITS. Mr. President, I send to the desk on behalf of myself and my colleague from New York (Mr. GOODELL), as well as the Senators from New Jersey (Mr. CASE and Mr. WILLIAMS), and the Senators from Connecticut (Mr. RIBICOFF and Mr. DODD), a joint resolution regarding an air pollution control compact. This compact would create a Mid-Atlantic States Air Pollution Control Commission as an intergovernmental Federal-State agency.

Similar legislation is being introduced today in the other body by Representa-

tive CELLER, the dean of the New York congressional delegation.

The VICE PRESIDENT. The joint resolution will be received and appropriately referred.

The joint resolution (S.J. Res. 53) to consent to and enter into the Mid-Atlantic States air pollution control compact, creating the Mid-Atlantic States Air Pollution Control Commission as an intergovernmental, Federal-State agency, introduced by Mr. JAVITS, for himself and other Senators, was received, read twice by its title, and referred to the Committee on the Judiciary.

Mr. JAVITS. Mr. President, under this compact the Federal Government and the States of New York and New Jersey, which will be joined by Delaware, Connecticut, and Pennsylvania, as they may desire, will come together to form an interstate air pollution control commission. It will investigate the causes of air pollution and will devise the means of attacking this omnipresent problem. Most important, it will be empowered to establish air quality and emission standards and to actually administer and enforce those standards. The compact is patterned after the highly successful example of the Delaware River Basin Commission in the areas of water supply and water pollution control, from which my own State has so greatly benefited.

Mr. President, air pollution is a contagion, which, if left unchecked, threatens to mushroom into a modern-day urban plague. It kills slowly and generally the toll goes unnoticed because the victims cannot be counted at one time. For example, we now know that an estimated 80 persons died in New York City's envelope of smog resulting from the 3-day temperature inversion of 1966. The dollar cost is equally serious and equally insidious. According to Government estimates, the annual cost of air pollution in property damage alone is $11 billion.

Air pollution is a dilemma requiring the best talents of every sector of American life—Federal, State, and local government as well as private business, the universities, and individual citizens. Typically, we in America lack neither the commitment nor the basic knowledge to solve social problems; rather, when we fall down, it is in trying to organize and implement the solutions. We have the substantive programs, but lack the administrative and coordinating mechanisms.

That is, in part, the challenge of creative federalism: to devise the proper mechanisms. An interstate compact, in which the Federal Government joins, is just such an innovative mechanism placing under one command the powers and talents of several political jurisdictions. It is creative federalism at its best.

This compact recognizes three fundamental truths:

First, air pollution is, by its very nature, an interstate problem—as anyone like myself who lives in New York City realizes all too well—and requires an interstate mechanism to deal with it.

Second, the enforcement of pollution controls must be primarily the responsibility of State and local agencies. This compact, therefore, does not preempt either intrastate air pollution standards or sanctions, where consistent with the compact. The compact does, however, provide for regional standards and for its own penalties where no State penalty exists.

Third, the compact recognizes that the Federal Government can provide an important supportive role in the form of research and technical assistance—a role which is especially appropriate where interstate pollution problems are involved.

We in Congress have recognized the necessity of certain regions to establish particularly stringent standards where there is a clear need. That is why the Air Quality Act of 1967 states:

> Nothing . . . shall prevent a State, political subdivision, intermunicipal or interstate agency from adopting standards and plans to implement an Air Quality program which will achieve a higher level of ambient air quality than approved by the Secretary (of HEW) (Sec. 109).

This is the intent of this compact. Let it be clear that this compact will be compatible with the authority of the Secretary of Health, Education, and Welfare should he wish to choose air quality control regions, pursuant to the Air Quality Act of 1967, smaller in geographic size or in other ways different from the State grouping which is encompassed within the compact. The freedom of action of the United States would not be restrained by consenting to this compact.

Indeed, this compact is designed to complement the efforts of the Federal Government, for air pollution should be attacked from all directions.

On behalf of my own State of New York, I think it only fair to say that we are doing our utmost to combat air pollution, but we need the additional resource on an interstate level to fight this problem.

Mr. President, I deeply believe that the States should have the opportunity to do what needs to be done. The well-being of generations to come should impel the Congress to enter and consent to this compact and to give it the force of Federal law. I introduced this resolution in 1967, cosponsored by Senator Robert Kennedy and Senators CASE and WILLIAMS of New Jersey. The Subcommittee on Air and Water Pollution generally approved of the compact but the parent Judiciary Committee, due to a lack of time at the end of the session, did not report it out.

Mr. President, we have long spoken of the urgent need to fight air pollution but not until the last few years have we seen any significant legislation in that direction. With the Clean Air Act and the Air Quality Act of 1967 we have made tremendous strides in that fight. The enormous size of the problem demands continued legislative action though and the legislative oversight of those agencies which control this hazard.

Certainly, we cannot treat air pollution as an isolated problem. We must recognize the interrelationship of the environmental problems and treat them accordingly. The laws that we promulgate and the regulations by which the agencies abide must ensure a coordinated development of the structure in which we live.

Federal, State, and local governments must provide positive incentives and the necessary direction to achieve our unified environmental objectives.

The planning and development of our cities is so multifaceted that coordination of all facets is essential. Air, water, and noise pollution, for example, must be considered when developing a transportation network or a complex of housing projects. I am particularly concerned about the interrelationship of public housing and the problems of air pollution. With this in mind, I wrote, on December 10, 1968, to the then Secretary of Housing and Urban Development, Robert C. Weaver, expressing my concern and requesting a report on the issue of federally aided housing projects in areas of high pollution. Secretary George Romney, responding to that letter, has informed me that—

> All programs within the Department of Housing and Urban Development must comply with any appropriate local codes and ordinances. These local regulations frequently include standards designed to deal with conditions of air pollution.

With particular regard to low-rent public housing, when local requirements permit lower standards than those required by the Low Rent Housing Manual, the manual's criteria are applied.

I am pleased that such efforts are being made to provide constructive coordination of our overall environmental goals. I ask unanimous consent that this letter from Secretary George Romney, which clearly indicates this coordination, be printed in the RECORD.

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

THE SECRETARY OF HOUSING AND URBAN DEVELOPMENT,
Washington, D.C., February 6, 1969.

Hon. JACOB K. JAVITS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR JAVITS: This is in further reply to your letter requesting information on the participation of the Department of Housing and Urban Development in air pollution control activities, and more specifically in response to your question concerning federally aided housing projects in areas of high pollution.

The internal regulations governing all of the housing programs of this Department, including public housing and the Federal Housing Administration (FHA) mortgage insurance programs, require that any projects, public or private, which are constructed, rehabilitated, or substantially aided by the program must comply with any appropriate local codes and ordinances. Such local regulations frequently include standards designed to deal with conditions of air pollution.

For example, a direction to this effect is contained in the issued procedures which establish the planning and design criteria in low-rent public housing. These procedures provide that where local requirements permit lower standards than those required by the Low-Rent Housing Manual, the Manual's criteria should apply. One of these criteria is that no public housing project is to be located where it would be subjected to serious and chronic nuisances such as noise, smoke, fumes, odors or open sewage.

Similarly, the Federal Housing Administration has developed its own set of minimum property standards, both in regard to mortgage insurance on existing housing and in regard to new construction. The FHA Underwriting Manual, which sets forth the criteria to be taken into account in considering an application for mortgage insurance, explains the importance of location in any such determination. The Manual states that certain physical conditions may be found in some neighborhoods that diminish location desirability or even become a hazard to the personal health and safety of the occupants. The Manual goes on further to explain that "smoke, fog, chemical fumes, noxious odors, stagnant ponds or marshes, poor surface drainage and excessive dampness may exist to a degree that is hazardous to the health of neighborhood occupants." These factors are all taken into account in determining value and marketability when a piece of property is being evaluated for FHA mortgage insurance.

Even where normal underwriting requirements are relaxed or waived in order to encourage improved housing for low and moderate income families in older, declining urban areas, insurance will still be rejected where the property is subject to such hazards, noxious odors, grossly offensive sights or excessive noises that the physical improvements are endangered or the livability of the property or the health and safety of its occupants are seriously affected.

An example of the ordinary operation of FHA underwriting standards occurred in Lackawanna, New York. In part due to the fact that several large manufacturing plants operate in Lackawanna, there is a very serious air pollution problem in the First Ward of that City. By and large, homes situated in that particular area, because of the serious concentration of noxious odors, dust, and dirt particles in the air, do not meet the FHA minimum property standards. Therefore, the FHA will not engage in any insurance activity in that area until, as a practical matter, the air pollution problem is satisfactorily modified.

Therefore, while the FHA operating procedure is that it will follow the standards of the locality where they are good and reasonable even though they may not comport fully with the minimum property standards which the FHA has set for itself, there are some situations which are so intolerable, regardless of local law, that underwriting practice itself would preclude acceptance of an application because it is simply not an acceptable risk.

The administrators and program staff in our field offices, both the local FHA Insuring Offices and the HUD Regional Offices, are extremely alert to particular situations within their own jurisdiction, and pollution problem reviews are made on a case-by-case basis. For example on August 15, 1968, a new chapter dealing with pollution from incinerators was added to the New Jersey Air Pollution Control Code by the Clean Air Council of the State Department of health. These regulations called for the implementation of a number of specific measures designed to help alleviate the air pollution situation in that State. The HUD Philadelphia Regional Office, whose jurisdiction includes the New Jersey area, has issued circulars to all the local housing authorities within the Region, informing them of their respective local laws in this regard, charging them with the knowledge of these laws, and offering its assistance should any problems arise in attempts to comply with these laws.

One such problem has arisen in Harrison, New Jersey, where the estimated cost of the repairs required in order to bring the two public housing projects of Harrison into compliance with the State order far exceed the present or anticipated reserves of the Local Housing Authority of Harrison. Unless such repairs are made, the Housing Authority will be cited for violation of the order. The Philadelphia Regional Office is working with the Authority in establishing the precise scope of the problem and in examining ways to go about solving that problem, both financially and technically.

Cooperation between this Department and the Department of Health, Education, and Welfare has taken place in regard to the initial implementation of the Air Quality Act of 1967, which provides for grants for the establishment of air pollution planning agencies. We are hopeful that existing metropolitan planning agencies, already established under this Department's Comprehensive Planning Assistance Program, may be used, where profitable, as a framework within which areawide air pollution control planning can occur. We are therefore continuing to pursue the possibility of joint funding. Such joint funding of the areawide planning process has already taken place in St. Louis where an air pollution component of the St. Louis Planning Agency was funded by HEW's National Air Pollution Control Administration (NAPCA). A similar arrangement was provided in the Chicago area where NAPCA funded the Northeastern Illinois Planning Commission's air polution component.

In the same regard, there has been a formal exchange of letters between the Secretaries of HUD and HEW establishing liaison officers to represent their respective Departments in matters requiring their participation under the Air Quality Act of 1967 and for other matters related to this subject. Such an arrangement has increased the cooperation and exchange of data information between the two Departments and has facilitated a series of meetings which have been going on since June. Perhaps these are the meetings to which you refer in your letter.

Most recently, there was a meeting held on January 23, 1969, between NAPCA and HUD representatives, on the issue of close cooperation. Agreement was reached on several matters.

HUD agreed to provide NAPCA with a compendium of departmental issuances, program guides, and other materials that have, or could have, an air pollution control component. Representatives were designated to work on the development of a pilot project of studies in several metropolitan areas designed to identify appropriate methods and procedures for coordination of HUD's Comprehensive Planning Assistance and NAPCA programs. The anticipated result would be a base of information on which model procedures would be developed for national program guidance. Further, work is scheduled to be done on the proposed local-regional workshops which are designed to explain the areas of interrelation and coordination of NAPCA and HUD programs. Lastly, it was agreed at this most recent meeting to prepare a joint memorandum specifying a formal workable procedure for carrying on the coordination of programs of the two agencies.

I hope this provides you with the information which you requested. If we may be of any further assistance, please do not hesitate to call upon us.

Sincerely,

GEORGE ROMNEY.

Mr. WILLIAMS of New Jersey. Mr. President, I am grateful for the opportunity to join in the sponsorship of the Senate joint resolution which provides for Federal consent to join the Atlantic States air pollution control compact, which would bring together the States of New Jersey and New York to form an interstate air pollution control commission.

In 61 A.D., the Roman writer Seneca, talking about the then capital city of the Western World wrote:

> As soon as I had gotten out of the heavy air of Rome, away from the stink of the smokey chimneys, thereof, which, being stirred, poured forth whatever pestilent vapors and soot they held enclosed in there, I felt an alteration of my disposition.

Air pollution is still one of the most critical areas of environmental decay. We are all familiar with the smog alerts and health warnings of recent years, and it has been confirmed, by scientists from Government and industry, that even visibly "clean" air can threaten health when it is loaded with noxious gases. Air pollution is also costly to each American. He spends an estimated $550 annually to have soot and dirt washed out of his clothes, to have his house repainted, to wash his car, and to maintain public buildings—to name just a few of the costs.

Nationwide, our air is fouled by 165 million tons of aerial garbage annually. Only about 10 percent of this total is the conspicuous "city smoke" of particular matter. The rest of the mess in the air is made up of carbon monoxide and sulphurous gases from motor vehicles and powerplants.

By whatever standard we measure the air pollution crisis—health emergencies, cleaning bills, soiled cities, and towns—it is evident that we have got to take firm and decisive action immediately if we are going to stave off disaster.

For a number of reasons, chiefly the incredible growth of major urban areas, we have steadily been losing the battle against pollution. It appears clear now that air pollution control is more than a "city problem," and shifting blame back and forth across city lines does not abate pollution. New Jersey and New York have wasted far too much time debating which portion of the pollution comes from where. There must now be a more meaningful emphasis toward a responsible and sincere joint effort to curb pollution.

The answer now seems to rest with controlling air pollution on a regional basis. Regional standards offer a realistic mechanism for establishing pollution control limits. Regionalism also offers the practical advantage of broadening the scope of investigation and resolution of air pollution complaints.

The Interstate Air Pollution Conference, held in 1967 under the sponsorship of the Department of Health, Education, and Welfare, paved the way with its first recommendations which stated in part:

> Interstate Air Pollution Control Agency . . . in order to deal with the bi-state air pollution problem on a regional basis, an appropriate interstate agency must be vested with adequate legal authority.

This conference further pointed out that various air pollutants may be carried indiscriminately throughout the area, subject to the vagaries of wind and weather. Therefore, it is a meaningless endeavor to determine which area is truly responsible for the original discharge of a pollutant.

The outcome of this recognition was the formation of the Mid-Atlantic Air Pollution Control compact. A central feature of the Compact is the establishment of the Mid-Atlantic States Air Pol-

lution Control Commission, which would have the power to investigate the causes and sources of pollution, hand out fines for violations, set regional emission standards, and declare regional air pollution alerts.

This was the first such regional pollution control compact in the Nation. For a number of reasons, the Mid-Atlantic compact promises effective action against the area's serious pollution problems. First, the compact defines a manageable pollution control region, which cuts across State lines, and treats the more comprehensive "air shed." Second, the States which are a party to the compact are not restricted in their own pollution control programs, but are given incentive to enact uniformly exacting control standards. Third, the Commission will bring together the States and the Federal Government in the kind of working partnership we have constantly sought in air pollution control programs. Since its conception has been announced, editorial approval has been almost unanimous.

Now these States must look to the Federal Government for ratification of the compact. If it is true that States were occasionally guilty of delay and inaction in the past, then it is emphatically true that New York and New Jersey intend to change all that. They have set a precedence for strong, creative action through their participation in this compact. The States were once the laggards, but now it is the Federal Government which seems to be dragging its feet.

Let us not commit the same bureaucratic blunders of so many past programs. Let us not hold the program up because of some objections from the bureaucratic morass. The time has come for Congress to add its enthusiastic endorsement, and its willing membership, to the Mid-Atlantic air pollution control compact. With the establishment of the Air Pollution Commission, we can look to the day when the skies over the metropolitan area will be free of choking smoke and ugly yellow fumes. We can look to the day when the air we breathe will be clear and clean once again.

ESTONIAN INDEPENDENCE DAY

Mr. JAVITS. Mr. President, February 24 marked the 51st anniversary of Estonian Independence Day. Like the other Baltic States, Estonia's enjoyment of self-government was brief, for in 1940 the armies of Soviet Russia ruthlessly took over the country.

In spite of the years of oppression by the Soviet Union, the people of Estonia have kept alive their hopes for freedom and eventual independence. The United States cannot accept forever the enslavement of these once free peoples. The Soviet action has no basis in international law and is in violation of understandings given by the Soviet Union to the Allied Powers of World War II. The right of self-determination is a principle of international justice and the United States has emphasized over and over again that it will never become reconciled to permanent Communist domination of the Estonian and other non-Russian captive people.

As we commemorate the anniversary of Estonia's Independence Day, we must reaffirm the hopes of the people of Estonia for the return of self-determination—their zeal for independence must be kept alive by our support. We must use all the resources of diplomacy, morality, and world public opinion in a continued effort to free these captive peoples.

INTRODUCTION OF JOINT RESOLUTION—PROPOSED CONSTITUTIONAL AMENDMENT TO PROVIDE CONGRESSIONAL REPRESENTATION FOR THE DISTRICT OF COLUMBIA

Mr. BAYH. Mr. President, I introduce for appropriate reference, a joint resolution proposing a constitutional amendment to provide congressional representation for the District of Columbia.

Let me note that several distinguished Members present on the floor are cosponsors, and would like to ask unanimous consent that their names—20 in number—be added to the joint resolution.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the names of the additional cosponsors will be added.

Mr. BAYH. Mr. President, I point out further, inasmuch as the distinguished Senator from Maryland (Mr. MATHIAS) has just introduced a somewhat similar measure, that he and I have discussed this matter and we both have joint purposes in mind; namely, to give to the District of Columbia a voice in their National Government.

Today 800,000 residents of the District of Columbia are living in a political limbo. They are asked to assume the responsibility of citizens, but they are not given the full privilege of citizenship. They can pay Federal taxes, fight for their country, and fulfill every other obligation and responsibility of citizenship but they are not allowed to vote for or to have a representative in Congress.

It is ironic to view the representation situation in the District. Washington, D.C., is the seat of the greatest representative democracy the world has ever known, yet it was not until 1964 that the residents of this city were permitted to cast their votes for President of the United States.

I digress here to say that it was my good fortune, when I was a member of the Indiana General Assembly, to introduce into the Indiana House of Representatives a ratification petition for our State.

Here it is, 1969, and District of Columbia citizens still cannot vote for their representatives in Congress. Yet we in Washington, D.C., are telling the world about representative democracy, which is all well and good. We should. But it is time that the citizens who live in Washington, D.C., have their own representation in Congress.

There is nothing in my proposed constitutional amendment that in any way implies that the District of Columbia should be given the powers of a sovereign State, nor does the amendment relate to home rule. It simply provides that the citizens of the District of Columbia shall enjoy the same rights to participate, merely to participate, in the ultimate action under this law as American citizens.

There are 11 States, each having a smaller population than the District, which have congressional representation.

I do not believe we have seen a clearer example of taxation without representation since James Otis directed the Nation's attention to America's case some 200 years ago when he said:

> Taxation without representation is tyranny.

It is a matter of elementary fairness that those who pay Federal taxes should have some say about the federal system. I should like to read from the testimony of a private Washington, D.C. citizen who appeared before the subcommittee on Constitutional Amendments in 1967 when this same question was under consideration. She said the following:

> I do not object to being taxed for all the Federal highway programs although I neither own nor drive a car.
>
> I do not object to being taxed for defense expenditures for the wonderful communications and transportation system, for space exploration or for the 78 new Government programs begun in the past 7 years.
>
> But I do object to being taxed in order to establish democracies thousands of miles away when I am not permitted to cast a ballot a few feet away from the U.S. Capitol. Taxation without representation is an unfit penalty and an insult, not only for a veteran and an educator but for every citizen and resident of this city whose Federal taxes make all of these programs possible.

The people of the District are particularly in need of representation, for Congress is the guardian of the District's local government. Thus, from two standpoints, Federal and local, the decisions of Congress affect the District.

The need for immediate action cannot be stressed enough.

Mr. President, our Subcommittee on Constitutional Amendments hopes to hold hearings on this particular proposal, as well as others which are attempting to accomplish a similar goal.

I am hopeful that we will be reminded of what President Kennedy said:

> Justice cannot wait for too many meetings.

Justice has already waited for too many meetings so far as granting the District representation in Congress. We talked about it and considered it in 1967. Now it is time that we do it in 1969.

I hope that this joint resolution will receive every consideration and ask unanimous consent that it be printed in full at the conclusion of my remarks.

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

The joint resolution (S.J. Res. 56) proposing an amendment to the Constitution of the United States granting representation in the Congress to the District of Columbia, introduced by Mr. BAYH (for himself and other Senators), was received, read twice by its title, referred to the Committee on the Judiciary, and

ordered to be printed in the RECORD, as follows:

S.J. Res. 56

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes of part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

"ARTICLE —

"SECTION 1. The people of the District constituting the seat of government of the United States shall elect at least one Representative in Congress and, as may be provided by law, one or more additional Representatives or Senators, or both, up to the number to which the District would be entitled if it were a State.

"SEC. 2. The Congress shall have power to enforce this article by appropriate legislation.

"SEC. 3. This article shall have no effect on the provision made in the twenty-third article of amendment to the Constitution for determining the number of electors for President and Vice President to be appointed for the District."

PROPOSED AMENDMENT OF THE FEDERAL AVIATION ACT OF 1958 TO AUTHORIZE REDUCED RATE TRANSPORTATION FOR CERTAIN ADDITIONAL PERSONS ON A SPACE-AVAILABLE BASIS

Mr. PERCY. Mr. President, I rise today to indicate my intention to introduce on next Friday, February 28, proposed legislation, to be cosponsored by Senators MANSFIELD, SCOTT, and HARRIS, to enable young people, elderly people, military personnel and the handicapped to travel at reduced fares on the Nation's airlines. This bill for the first time would give specific legislative authorization to the CAB to extend half-price airfares to these groups on a standby basis during offpeak travel hours.

This proposed legislation is in response to a January 21, 1969, decision by a CAB examiner to do away with the half-price youth fare for young people 12 to 21 while leaving the half-price fare for military personnel. Prompt remedial legislative action is necessary to retain the lower fares for young people, but also to extend them to certain other groups within our society.

To extend such fares to these groups makes both economic and social sense. Economically, airline revenues would benefit. Such a proposal would not reduce airline revenues, but would increase it by permitting airlines to fill otherwise empty seats with paying passengers on a standby basis.

It should be emphasized that this is enabling legislation. The airlines are not required to put these reduced rate fares into effect, but will have a legislative basis to do so, thus providing the kind of flexibility that is inherent in our competitive society.

Young people away at school on low budgets often find it difficult with higher air fares to return to their families. Older people face a special problem of loneliness caused, in part, by being cut off from their family and friends by the high cost of transportation. Moreover, the handicapped also live often on reduced incomes with limited mobility and they too have special needs to be reunited more frequently with family and friends. Students, older people and the handicapped would be able to travel at offpeak travel hours.

Such legislation would not be discriminatory to others not qualifying for such reduced fares as services provided are not similar. Those obtaining such fares do not have the right to have reserved seats; they face the possibility of being bumped off at intermediate stopover points by regular-fare passengers; and such fares would not be available at peak periods of air traffic.

Mr. President, I have sent a letter to my colleagues inviting them to become cosponsors of the legislation. A similar measure has been introduced in the House.

I ask unanimous consent that the text of the bill which I intend to introduce be printed in the RECORD at this point.

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

S. 1179

A bill to amend the Federal Aviation Act of 1958 to authorize reduced rate transportation for certain additional persons on a space-available basis

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the last sentence of section 403(b) of the Federal Aviation Act of 1958 (49 U.S.C. 1373 (b)) is amended by inserting ", youths, elderly people, handicapped persons, and military personnel" immediately after "ministers of religion".

(b) Such section 403(b) is amended by adding at the end thereof the following new sentence: "As used in the preceding sentence, (1) the term 'youths' means individuals over the age of twelve and under the age of twenty-two, (2) the term 'elderly people' means individuals aged sixty-five and older, (3) the term 'handicapped persons' means the physically and mentally handicapped as defined by regulations to be set forth by the Civil Aeronautics Board, and (4) the term 'military personnel' means members of the United States armed services traveling at their own expense, in uniform of those services, while on official leave, furlough, or pass."

NIGERIA-BIAFRA RELIEF COORDINATOR

Mr. PEARSON. Mr. President, on January 22, I introduced a resolution (S. Con. Res. 3) calling upon President Nixon to do more to help the starvation victims of the Nigeria-Biafra civil war. In this effort I was joined by the able junior Senator from Massachusetts (Mr. BROOKE) and 59 of our colleagues. In the other body, approximately 106 Members have added their endorsement. Such a degree of support for expanded relief efforts is encouraging, but as yet it has not been translated into meaningful action on the scale required.

One positive first step toward the implementation of this program has been taken, however, and deserves our support. I refer, of course, to the action of President Nixon this past weekend in appointing a special coordinator for relief to Nigeria-Biafra. Such an office could be quite useful if the level of our support for the international relief agencies is indeed to be expanded. And I hope, as I am sure do the other sponsors of the relief resolution, that such an expansion is in the offing.

The role will be an exceedingly delicate one, however, for the risks of incautious action are great. If Prof. Clarence Clyde Ferguson, Jr., the new aid coordinator, becomes enmeshed in political conversations, as a representative of the President, he cannot help but involve our Government as well. I have no objection to the United States offering its good offices to mediate differences. But I would object to linking our relief program to any such political initiatives. For should they fail, our relief efforts would probably fail also and with them the hopes of thousands of starvation victims would be dashed. And let us never forget that it is the saving of these lives that is our sole object of concern. The political issues at stake in the conflict are for the parties themselves to resolve. We must do more, of course, but we must be careful to do it in such a way as to maximize the effectiveness of the international relief programs already underway. To do otherwise, regardless of the motive, is to risk losing everything we are trying so hard to save.

In this regard, let me say that I fully realize the need for accurate, timely information about the character of the relief programs now being mounted by the voluntary agencies. Without such data, it is extremely difficult to determine the scope and method of any projected expansion of U.S. humanitarian aid. I also realize the close relationship between the problems of organizing a massive relief operation and the beneficient effect a cease-fire or any other halt to hostilities could have on such problems. These and other considerations make it extremely attractive to contemplate sending Dr. Ferguson into the war zone as soon as possible. This inclination is also no doubt reinforced by his reputation as a competent administrator and negotiator.

But to thrust Dr. Ferguson into the considerable physical and diplomatic hazards of operations in the war zone, particularly in the Biafran-held territory, is a step which must be carefully evaluated before it is taken. I do not suggest that this move is in preparation by the administration, but it is a logical one to consider and I only hope every effort is made to insure the acceptance of any such maneuver by both disputants before it is undertaken. For after all, under the current policy, we recognize only Nigeria, and given the history of friendly relations which we have had with that Government, an official U.S. presence in secessionist territory is a matter of great delicacy, to say the least.

Thus, while Dr. Ferguson's appointment is extremely encouraging to all of us who have been urging more U.S. support for relief programs, a cautionary note is indeed in order lest we find ourselves enmeshed in the political questions of this unfortunate conflict, and lest we assume direction of relief efforts

which I for one wish to see remain international in scope and operation.

I commend the President for this first step and take encouragement from his statement that—

U.S. policy will draw a sharp distinction between carrying out our moral obligation to respond effectively to humanitarian needs and involving ourselves in the political affairs of others.

ORDER OF BUSINESS

Mr. HARRIS. Mr. President, I ask unanimous consent that I may proceed for 15 minutes.

The VICE PRESIDENT. Is there objection? Without objection, it is so ordered.

S. 1111 AND S. 1112—INTRODUCTION OF A BILL TO ESTABLISH A NATIONAL INSTITUTE OF BIOMEDICAL ENGINEERING AND A BILL TO REQUIRE THE NATIONAL INSTITUTES OF HEALTH TO ISSUE AN ANNUAL REPORT

Mr. HARRIS. Mr. President, I introduce, for appropriate reference, two legislative proposals. The first is a bill to create a National Institute of Biomedical Engineering that would become a part of the National Institutes of Health. The second is an amendment to the Public Health Service Act to require the Secretary of the Department of Health, Education, and Welfare to prepare—with the advice, assistance, and active participation of the Administrator—an annual report on the National Institutes of Health.

These bills derive their need and urgency for passage from the extensive hearings which the Senate Subcommittee on Government Research, of which I am chairman, has held in biomedical affairs since its establishment in 1966.

In each of the last 3 years the subcommittee has held inquiries devoted to assessing our Federal programs in biomedical research and development. We have tried to determine, first, how the fruits of research might be brought to the public more quickly without diminishing efforts underway to acquire new knowledge. Secondly, we have sought to improve our health goals and priority-setting capability, with the crucial caveat that there be no reliance on a rigid master plan that affords little or no room for change in light of new and unexpected developments.

Today, the health of the Nation is a major concern. The quality of our physical and mental well-being is dependent on the rapid delivery of health services as advances in science make such progress possible. The growing national attitude that medical care is a right and no longer a privilege is a major force that has given this urgent matter national importance.

Our attitudes on the rights of individuals are changing on another front. Modern science and technology has given man more and more power to control his destiny. In a popular phrase of the day man has a greater capacity to "invent the future."

Inevitably, with power comes responsibility. New situations fraught with legal and ethical complications have arisen, as in the case of human heart transplantations. The need to make biomedical advances more readily available on a wide-scale basis is complemented by the necessity for a closer scrutiny of our biomedical goals, priorities and policies to ensure that they continue to be responsive to social needs.

Let me cite a few statistics which will illustrate the tremendous progress being made in the delivery of health services and some of the challenges still before us. In some cases these challenges are not those which arise from man being pitted against nature but man against man or, more precisely, man against the artificial world which he has created either by design or inadvertence.

Great strides have been made in combating disease, illness, and other afflictions during the 20th century. The average life expectancy at birth has increased from 49 years in 1900 to 70 years in 1965. The infant mortality rate, which decreased by more than 50 percent during the last 30 years, is the primary reason for longer life expectancy. Diseases such as polio and diphtheria have nearly vanished, while the incidence of tuberculosis and measles has decreased substantially. Progress such as this, which has improved the quality of health and increased life expectancy, owes much to the leadership of the National Institutes of Health.

This is not to say that progress in improving health and extending life expectancy is unqualified. Although the infant mortality rate has been reduced, our standing with respect to other nations has slipped. According to the Department of Health, Education, and Welfare, in 1950 we were fifth in the world; in 1955 we were eighth; we dropped to 12th by 1960; and in 1964 we had reached 14th place.

Statistics on white and nonwhite infant mortality bring out an even more distressing situation. In 1935 the infant mortality rate for whites was 51.9 per 1,000 births; for nonwhites it was 83.2. By 1965 the rates had declined to 21.5 and 40.3 respectively. The gap, however, between whites and nonwhites had not decreased, but actually increased, a sign that health services have not been equally accessible to all ethnic groups.

In contrast to the conquest or near disappearance of many diseases, others have been on the rise. The rate of deaths due to cancer has doubled since the turn of the century. Heart disease, cancer and stroke now account for two-thirds of all deaths, as compared to 20 percent in 1920. Cirrhosis of the liver and chronic lung diseases, such as emphysema and chronic bronchitis, have risen sharply and can be considered major threats to the Nation's health.

Statistics on medical disabilities and illness also reveal the extent of the health challenge. An astounding 25 percent of all draftees in 1966 were disqualified for medical reasons alone. While medical care has improved tremendously, the average person can still expect to spend about the same number of days in a hospital as did someone a decade or so ago. Ill health accounted for the astronomical figure of 425 million man-days lost from work in the year ending in June 1966. The recent battle with the Hong Kong flu, reaching epidemic proportions at times, will probably account for a doubling of the average winter rate of absenteeism and result in a predicted loss of about 282 million man-hours at a cost to the Nation's economy of $850 million.

One can not justifiably conclude, however, that our efforts have been amiss in confronting the medical challenges before us. Repeatedly, the subcommittee has heard ringing testimony to the fact that the National Institutes of Health has performed in an outstanding manner. I wholeheartedly endorse that view.

Because of NIH's diligence and consistently high quality efforts, society has been the beneficiary of countless biomedical developments. I would not for one moment want to imply that NIH should reorder its priorities, shift emphasis to only targeted research, or drastically change its decisionmaking process.

I call instead for an expansion of its activities by the creation of a National Institute of Biomedical Engineering designed to foster the more rapid use of biomedical and related engineering knowledge and by the preparation of an annual report which would describe advances made during the previous year within the framework of highly articulated goals, priorities, and policies which the NIH had set.

The purpose of a newly created National Institute of Biomedical Engineering would be to stimulate and promote the application of the methods and technologies of the physical and social sciences and engineering in order to enhance the public health and welfare. Greater encouragement to use such techniques and methods would significantly benefit the Nation. An infusion of funds at the Federal level, an expansion of research and educational programs in our academic institutions and the provision of incentives to private industry would, if orchestrated properly, provide the momentum and direction required in order to reduce some of the inequalities in the delivery of health services which prevail in our land today.

In addition, an advisory council would be created and given a congressional mandate to establish goals, set priorities and consider broad policy issues related to the affairs of the Institute.

The time is propitious for the submission of this legislative proposal. First, the Federal research and development budget, having tapered off in the mid-sixties, has begun to decrease in terms of actual research buying power. As we approach the end of this decade, new legislative mandates that would strengthen the position of science are, therefore, imperative.

Second, science and technology are increasing man's ability to control his destiny and, therefore, increasing the need to exercise the resulting power effectively and judiciously. Because of the intensifying demand for more and better

medical services we must narrow the interval between the acquisition and the application of biomedical knowledge in a rational way and not rely on the helter-skelter process of the past.

Third, the key word in research circles today is interdisciplinary. We have reached a stage where interdisciplinary research is necessary if we are to solve the complex medical problems which lie ahead. Research in engineering and pure science and medicine, when blended together in our universities through the encouragement of a new national institute, will help to expand this rapidly developing body of knowledge and produce the new hybrid types of professionals required.

I have arrived at the decision to propose the creation of this new Institute as a result of a series of extensive inquiries conducted over the last 3 years that were based on the theme, "Research in the Service of Man." The subcommittee held a conference in Oklahoma in October 1966, cosponsored by the Frontiers of Science Foundation of Oklahoma. Thirty panelists, nationally known for their knowledge of biomedical affairs, submitted papers at the conference, which was described by Science magazine as a "summit conference on biomedical research policies."

Apprehensions were raised in the biomedical community by the President's statement the previous year when he signed the Medicare Act of 1965. While praising our research efforts of the past, he questioned exactly how successful they had been in eliminating disease and alleviating suffering. Some were concerned that primary emphasis at NIH would shift from the support of basic research to applied or targeted research.

This uneasiness, I believe, was inappropriate. As I said in my opening statement at the conference:

> Expectations are high that this conference may add new dimensions and bring new perceptions to bear on the problem which has been erroneously termed, in some quarters, "basic versus applied research". Without continued emphasis on basic research, there would be little new knowledge to be applied. But so, too, is there an abiding necessity for attention to the application of research results. It is accurate to say that no one who looks at American science with objective eyes can deny the great "payoff" from the public investment in science over the last 20 years. It has been, for both science and society, a most fulfilling experience and money well spent.

This conference was most productive and at least three salient features were identified. First, more attention to the application of biomedical knowledge—but not at the expense of support of basic research—would product significant results. Secondly, private industry may be induced through proper measures to play a more vital role. Thirdly, the existing Federal organization may not be adequate to realize the potentials of biomedical engineering.

A followup set of hearings were held in February and March 1967 to sharpen the focus on how to step up the pace of activity in the field of biomedical engineering. During 5 days of hearings many of the 21 witnesses testified that, without distorting the present pattern of support for biomedical research, a congressional mandate could provide the impetus for expanding our efforts in this area. The hearings, in addition to strengthening the case for a new Federal mechanism, included the beginnings of a catalog of biomedical engineering projects which deserve urgent attention.

Last year, during the 90th Congress, second session, the subcommittee held a second set of hearings on the broader implications of biomedical research. Twenty-three witnesses including distinguished physicians, surgeons, scientists, attorneys, clergymen, philosophers, educators, and Government officials testified on the social, political, legal, economic, and ethical consequences of actual and impending biomedical advances.

I have spoken about these hearings last week in a speech supporting a bill introduced by the distinguished junior Senator from Minnesota (Mr. MONDALE), and will refer to them again when discussing the second legislative proposal, the annual report on health goals, priorities, and policies. Repeatedly, however, the point was made that a flexible strategy should be developed to ensure that research goals are in harmony with the goals of society.

The public record compiled in the past 3 years amounts to a compelling case for the creation of a National Institute of Biomedical Engineering. The establishment of such an Institute will enhance the status, prestige and visibility of biomedical engineering and in turn accelerate the development of this field. The Federal role in biomedical engineering cannot expand without drawing on resources formerly designated for basic research unless a legislative mandate is given that will pave the way for an infusion of additional funds.

With status and visibility, the Institute can serve as a focal point for biomedical engineering. It could speed the development of the in-house projects of NIH, bringing them to advanced development stages more quickly. Simultaneously, it could induce the private sector to take the lead in producing new devices, products and systems on a scale commensurate with the demands of the Nation.

In addition, the Institute could play a catalytic role by encouraging private industry, through various incentives, to venture further into development themselves. Universities, with additional funds, could design new curricula and develop new patterns of interdisciplinary research and engineering.

The proposed Institute would spur widescale innovation in the practice of medicine and increase the quality of present methods of treatment and care. Engineering and social and physical science skills and techniques, if applied more systematically and on a larger scale could dramatically alter and improve many facets associated with medical practice. Measuring and diagnostic instruments, emergency life support methods, protective environment precautions, surgical supportive techniques, biomechanics, prosthetics, mass medical screening and mass medical treatment are but examples of such possible developments.

The nature of health care can be tailored more closely to the needs and desires of the individual with the use of the systems approach and social and human engineering methods. Hospitals are inadequately designed for handling the new techniques and technologies when they are available and become highly inefficient in caring for patients. The result is frequent deprivation of optimum treatment and the unfortunate waste of time and energy of the already short supply of trained professionals.

Human engineering, pioneered by the armed services, when blended with the broader considerations of hospital design, can help to alleviate the crowded, unsatisfactory and sometimes unhealthy conditions in hospitals and clinics and make the patient psychologically more comfortable while he is being treated.

I am not talking about what can be done by the year 2000 but what we are capable of doing at the present time. The scientific know-how with which to improve medical technology already exists in many cases. Health-related research grants as well as space and defense programs to which we are committed have provided the wherewithal to move ahead rapidly and boldly. Therefore, the relatively small additional expenditure required to realize the maximum advantage of this technology in areas of public and private health care is logically justifiable.

The knowledge explosion, triggered by the fantastic expansion of our national research effort since the Second World War, makes it imperative that we rationalize more thoroughly the process of discovery of knowledge and its application. The historic example of the discovery of penicillin is one that we cannot afford to allow to become symptomatic of biomedical innovation, although I realize that serendipity, chance and revelation will always play a major role in the processes of science.

Penicillin was first identified and described in the 1880's and for decades had been a nuisance because it contaminated Petri dishes and interfered with the growth of bacteria being cultivated. In 1928 Fleming had the brilliant idea that this nuisance might have clinical application. A decade was to elapse before human testing occurred. The practical use of penicillin did not commence until 1942. How many hundreds of thousands of lives were lost because these findings were not communicated? How many hundreds of thousands more died prematurely before the utility of the drug became widely known? To what extent can we afford repetition of this theme?

What role should private industry play in biomedical affairs? A new institute would encourage greater involvement by the private sector. Many roadblocks stand in the way of progress in the private sector. Uncertainty over patent policies is a major problem. A lack of trained manpower militates against dramatic advances in bioengineering. The frequent tendency of the medical community to resist technological innovation retards improving the quality of medical care. Insufficient standardization, a prerequisite to mass production, is a roadblock, as is inadequate distribution and

poor servicing of new devices. High maintenance costs and, in many cases, a limited market round out a list of major barriers that the private sector will have to hurdle with the assistance of the Federal Government if industry is to play a leading, and vital role in biomedical engineering.

A National Institute of Biomedical Engineering is no panacea but it can work to alleviate some of the bothersome constraints that are placed on the private sector. Seed money, risk capital, tax incentives, clarification of patent policies, and other efforts can be undertaken and underwritten by the Institute or the Institute can help to generate action from other segments of the Government when necessary.

Finally, new and expanded educational and training programs in our universities should emerge with the creation of a new Institute. The Institute, when funding university programs, can create an environment that will encourage a greater interplay of ideas and individuals in the science, medical, and engineering schools. New institutional arrangements, both intramural and extramural, will help to fulfill the manpower needs in this growing hybrid field of knowledge.

In summary, the creation of such an institute would give greater status, prestige and visibility to biomedical engineering. This, together with an infusion of funds, will allow the Institute to play a leading role in stimulating innovation and thereby improving the health and public welfare of our Nation. The time interval between discovery of knowledge and its application on a widespread basis will be reduced; the constraints on private industry will be alleviated; and an environment conducive to training new types of professionals and developing the body of bioengineering knowledge will be created in our institutions of higher learning. These are the objectives of the proposed National Institute of Biomedical Engineering and I believe they can be met if the Congress acts expeditiously on this proposed legislation.

The advisory council of the Institute would be required to devote as much of its time as practicable to the broader policy issues that arise. Too often in the past, the advisory councils of the individual Institutes of NIH have had to devote too much valuable time and energy to minutiae and have not had the opportunity to assess the social implications of trends in research. I believe that the time is ripe for the National Institutes of Health to report periodically to the public on their goals, priorities, and policies.

That is the reason why I am also introducing today a bill that would require the Secretary of Health, Education, and Welfare to prepare, with the assistance and active participation of the Administrator of NIH, an annual report for submission to the President who would then transmit it to the Congress. The report would make it necessary for these officials to articulate the goals, priorities, and policies of NIH as they relate to improving the health of the Nation through the Institute's biomedical research and development activities.

The report would present the framework of NIH decisionmaking, report on advances made during the prior year, illuminate policy issues that affect more than one Institute and indicate what efforts were taken to resolve these issues. What is not intended is a simple listing, by categories, of accomplishments of the past year. The report should embody the overall strategy of NIH in combating disease and illness. This strategy should reflect the operating doctrine that NIH has developed since its inception and should resemble a plan of health research, but only to the point that a systematic approach is employed.

I do not intend that it become an annual planning, programing, and budgeting system document that tends to rely exclusively on an input-output format. While it should reflect some of the PPBS techniques, the admonition should be clear that science activities, particularly basic research, do not conform to exact qualification or abstractly conceived theories of management and administration.

Complexity of programs and difficulty in predicting outcomes do not, however, relieve an agency from the burden of making a deliberate attempt to plan its activities on, say, a 5-year basis, once it has an established set of operating procedures.

In the long run, goal and priority setting, once brought out into the open, will engender increased support for expanding present efforts. The public and the Congress, by greater involvement, will better understand the problems facing NIH. If goals are not achieved, it often would be because the resources were not available for their achievement. The public, acting through the Congress, can respond more effectively to eliminate such deficiencies with more predictable support for biomedical research as a result. Improved education of the public will, in addition, not inflate expectations beyond the potential capabilities of biomedical research to meet them.

Attitudes toward planning, and priority and goal setting, must be kept in tune with the realities of the time. As Dr. Everett Mendelsohn, Harvard University, testified before the subcommittee:

> The process that science goes through in adjusting to scientific advance—the socialization of science—has traditionally been a rather slow and rather leisurely process, indeed more often than not, an accidental process . . . I would contend that no society can any longer afford this leisurely process of adapting to scientific and technology advance, but that society must anticipate and plan for the social integration of new discoveries. Many areas of biomedical research . . . currently call attention to the need for continued reexamination of the social implications of new discoveries.

If the process of the social translation of biomedical knowledge has and will continue to change dramatically, then we must take a new look at our present patterns of support of research and development and see if they are responsive to the tempo of the times.

In addition, the increasing competition for research and development funds provides a sound reason for tightening up the decisionmaking process. Mr. Michael Gorman, executive director, National Committee Against Mental Illness, succinctly summarized the situation when he testified:

> In recent years, there has been a growing realization that successful attacks upon disease in the present climate of multiple investigative teams and costly equipment mandate a careful selection of priorities and national goals.

But in spite of the obvious need for the scientific community to make these decisions consciously, after serious consideration, there persist a laissez faire attitude which allows these decisions to be made unconsciously or inadvertently. Somehow the concept of the invisible hand that guided the economic theory of Adam Smith and the doctrine of Social Darwinism is accepted in science policy circles.

The initial reaction of many to the passage of the Full Employment Act is a good example of a hands-off attitude toward social reform. There was much opposition to the idea that you could get goals concerning employment. The argument was that one should not tinker with the natural order of things and say what to do about economic cycles and employment.

I think that we all now recognize the value of economic planning, the setting of realistic goals and the outlining of steps by which you might reach them. Yet, in the science community, one often hears in effect, "If you cannot do it well, do not do it at all."

The declining research and development budget makes such an argument tenuous at best. A higher order of communicating the needs and the potentials of science and technology must be employed by the scientific and medical communities and the Federal science agencies to the public and to the Congress. I see the proposed annual report as a giant step forward toward presenting a more realistic appraisal of the strengths and the limitations of science, which in the long run should strengthen support for biomedical research.

There are many crucial questions concerning health priorities about which the public should be educated. For example, how vital is health research as contrasted to other activities such as national defense or education? How do we strike a balance between support for health research and delivery of medical care? Should we spend more of our research money on developments which promise less dramatic but more widespread application to the population? Or should they be aimed at dramatic breakthroughs with applications to smaller numbers of citizens, as, for example, in the case of human heart transplantations?

In the final analysis I would not want the annual report to cause NIH to lose any of the valuable flexibility it must have in order to respond quickly and effectively to changing situations. I hopefully foresee the annual report as reflecting the recognition that planning in the field of biomedical research and development is necessary, difficult though it may be. At all times it must be kept in mind that such planning is transitory

and will have to be revised on year-to-year basis. As the Secretary of the Department of Health, Education, and Welfare with the active assistance of the Administrator of NIH produces such a document, then the national interest will have been served.

In conclusion, a better system of setting health goals and priorities and faster, more efficient methods of the delivery of health care are urgent matters. Planning, for a long time a pejorative word especially in the science lexicon, can and should become more respectable, and therefore more fashionable, if a high degree of flexibility and circumspection is maintained. To expand our efforts in biomedical engineering is vital, but to do so at the expense of biomedical research programs would be detrimental if not catastrophic to the health of the Nation. The proposed annual report should point out where compromises such as this should or should not be made.

Mr. President, these are the cases for an annual report by the National Institutes of Health and for the creation of a new National Institute of Biomedical Engineering, as developed before the Subcommittee on Government Research, of which I am chairman. I ask unanimous consent that the texts of these two bills be printed in the RECORD at this point.

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

The bill (S. 1111) to amend the Public Health Service Act to establish a National Institute of Biomedical Engineering, and the bill (S. 1112) to amend the Public Health Service Act so as to require that an annual report be made to the Congress concerning the policies and goals of the National Institutes of Health, introduced by Mr. HARRIS, were received, 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. 1111

A bill to amend the Public Health Service Act to establish a National Institute of Biomedical Engineering

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

DECLARATION OF POLICY

SECTION 1. The Congress hereby finds and declares that—

(a) it is in the national interest to provide, more immediately and on a widespread basis, the best medical care potentially available to the public;

(b) significant additional benefits to the health of the Nation would follow from more attention to the application of the methods and technologies of the physical and social sciences and engineering to the development of biomedical knowledge;

(c) under proper conditions, private industry could play a more vital role in achieving a maximum improvement in the health of the public;

(d) biomedical engineering has reached the state where organizational reform and an infusion of funds would facilitate the social translation of biomedical knowledge, and

(e) the creation of a National Institute of Biomedical Engineering would be the organizational structure which could provide the proper leadership and the stimulation to mount a national effort to bring to the public the health benefits potentially available through the proper utilization and advancement of biomedical knowledge.

SEC. 2. In order to carry out the policy set forth in section 1, title IV of the Public Health Service Act is amended by adding at the end thereof the following new part:

"PART G—NATIONAL INSTITUTE OF BIOMEDICAL ENGINEERING

"ESTABLISHMENT AND FUNCTIONS

"SEC. 461. (a) The Secretary is authorized and directed to establish in the Public Health Service a National Institute of Biomedical Engineering (hereinafter in this section referred to as the 'Institute').

"(b) The Secretary shall, through the Institute—

"(1) conduct, assist, and support projects and programs designed to apply the methods and technologies of the physical and social sciences and engineering to the development and prompt nation-wide use of more effective methods of prevention, diagnosis, and treatment of medical disorders;

"(2) provide training and instruction and establish and maintain traineeships and fellowships in the Institute in the field of biomedical engineering with such stipends and allowances for trainees and fellows as is deemed necessary and, in addition, provide for such training, instruction, and traineeships, and for such fellowships through grants to public or other nonprofit institutions;

"(3) stimulate greater collaborative efforts between medical, scientific, and engineering schools for the purpose of maximizing effective manpower training programs;

"(4) foster in the private sector of the national economy, through the use of various incentives and forms of assistance, the development and production of new biomedical techniques, methods, devices, products, and systems;

"(5) establish an information center on the state of the art of biomedical engineering, and collect and disseminate data and other information through publications and other appropriate means; and

"(6) cooperate with local, State, and regional health agencies to the extent necessary and desirable to foster the application of the methods and technologies of the physical and social sciences and engineering to biomedical knowledge.

"ADVISORY COUNCIL

"SEC. 462. (a) The Secretary is authorized to establish an advisory council to advise, consult with, and make recommendations to him on matters relating to the activities of the National Institute of Biomedical Engineering. Such council shall devote particular attention to advising the Secretary with respect to the broad policy issues by which such Institute will be guided, the establishment of goals for such Institute and the setting of priorities for the attainment of such goals.

"(b) The provisions relating to the composition, terms of office of members, and reappointment of members of advisory councils under section 432(a) shall be applicable to the council established by this section, except that, in lieu of the requirement in such section that six of the members be outstanding in the study, diagnosis, or treatment of a disease or diseases, six of such members shall be selected from leading authorities who are outstanding in the field of research or training with respect to which the council is established.

"(c) Upon appointment of such council, it shall assume all or such part as the Secretary may specify of the duties, functions, and powers of the National Advisory Health Council relating to the research or training projects with which such council established under this part is concerned and such portion as the Secretary may specify of the duties, functions, and powers of any other advisory council established under this Act relating to such projects."

S. 1112

A bill to amend the Public Health Service Act so as to require that an annual report be made to the Congress concerning the policies and goals of the National Institutes of Health

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title V of the Public Health Service Act is amended by adding at the end thereof the following new section:

"ANNUAL REPORT TO CONGRESS BY THE SECRETARY

"SEC. 512. The Secretary shall, with the advice, assistance, and active participation, of the Administrator of the National Institutes of Health and the operative head of each of the Institutes established by or pursuant to this Act, submit to the Congress not later than March 1 of each year (commencing in 1970) an annual report concerning the National Institutes established by or pursuant to this Act. Such report shall contain (1) a systematic listing of the health goals and priorities toward which each such Institute is operating, (2) a discussion of the progress made by each such Institute in the last year to achieve such goals, (3) a description and assessment of policy planning efforts underway, with emphasis on particular policy matters that apply to more than one such Institute, (4) a discussion of efforts undertaken to insure that biomedical research and development plans of such National Institutes are responsive to social and human needs, and (5) a review of the progress made during the previous year on the delivery of the benefits of biomedical research and development to the practicing physician and the patient."

S. 1145—A BILL TO REVISE THE SELECTIVE SERVICE LAWS

Mr. KENNEDY. Mr. President, on behalf of myself, the Senator from Missouri (Mr. EAGLETON), the Senator from Michigan (Mr. HART), the Senator from Iowa (Mr. HUGHES), the Senator from Minnesota (Mr. MONDALE), the Senator from Wisconsin (Mr. NELSON), the Senator from Maryland (Mr. TYDINGS), the Senator from Texas (Mr. YARBOROUGH), and the Senator from Ohio (Mr. YOUNG), I introduce a bill to revise the selective service laws.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 1145) to amend the Military Selective Service Act of 1967 to provide for a fair and random system of selecting persons for induction into military service, to provide for the uniform application of Selective Service policies, to raise the incidence of volunteers in military service, and for other purposes, introduced by Mr. KENNEDY, for himself and other Senators, was received, read twice by its title, and referred to the Committee on Armed Services.

Mr. KENNEDY. I ask unanimous consent that I be permitted to speak for approximately 20 minutes.

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

Mr. KENNEDY. Mr. President, the purpose of the proposed legislation I have sent to the desk today is to make the Selective Service Act of our country fair, certain, and flexible, so that every young

person is treated equally; to insure that the administration of the Selective Service System will be uniform and predictable, so that every young man may know to the extent that it is possible, when he will be called upon to serve in the Armed Forces; and to provide a system sufficiently flexible to meet the manpower needs of our Nation.

When we rely upon a system of compulsion to provide manpower for our Armed Forces, we must be scrupulous to guarantee that the system operates fairly and equitably. If the system does not, then we are abridging personal freedoms unnecessarily—which directly contravenes one of the founding principles of our democratic society.

The military draft does rely upon compulsion to provide manpower to the Armed Forces. This year alone, some quarter of a million young men will be involuntarily drafted into the military services. But they will be drafted under the terms of an unsatisfactory law. Today's draft law produces gross inequities, creating unfairness for some of our young men and uncertainty in the lives of others. It was a law designed in other times for other situations and it is an outdated patchwork. It should be changed; not in 1 or 2 years, but changed now. These are some of the reasons I consider our present draft law inadequate:

We draft the eligible oldest men first, instead of the youngest first—a practice unanimously condemned by all those who have studied draft reform, including both Houses of Congress, President Johnson, and our military leaders. So long as we draft the oldest men first, we force young men to plan their lives and families in an atmosphere of uncertainty and unpredictability, just when they are beginning their careers and their families. To illustrate, before the Vietnam buildup in 1963, the average age of draftees was 23.7 years. By 1968, this average age had dropped to 20.5 years, because of the high draft calls Vietnam required. But when peace returns, the average age will rapidly rise once again, and it could reach as high as 25 years. Because the recommendation for turning to the youngest first is unanimous, and because it would bring order and certainty into the lives of virtually all our young men, we should see it enacted without delay. There is also another powerful reason for drafting the youngest first. A year ago, graduate student deferments were ended, which made nearly 700,000 previously deferred individuals eligible for the draft. Naturally, these men are at the upper age of eligibility, and will be the first called.

A patchwork pattern of deferments, which thousands of young men each year manage to turn into virtual exemptions from military service, still plagues our draft system. When the draft law was last amended in 1967, it was widely claimed that this loophole was plugged—that deferments could no longer become exemptions. But, that simply is not the case: each of the 4,084 local draft boards in the Selective Service System can grant occupational deferments at its own discretion, without any uniform guidelines. The National Security Council found that the needs of neither the civilian economy nor the Armed Forces merited continuing occupational deferments, and recommended their elimination. Yet the Selective Service System still grants them. Thus, a garage mechanic may be deferred in Des Moines, but not in Albany; a farmer in Oklahoma, but not Illinois; or a teacher in Boston, but not Los Angeles. Accidents of geography thus determine who is drafted and who is not; this is hardly a rational procedure, or one of which we should be particularly proud.

Draftees comprise about 15.7 percent of total military strength, but about 35 percent of Army strength in Vietnam. They account for about 36 percent of Army fatalities in Vietnam. Draftees, then, account for less than 16 percent of total military strength; yet they account for over 35 percent of Army Vietnam casualties. Since draftees bear an unequal share of the risk, and since only a small percentage of the eligible young men must be drafted, we must find a way of selecting them which is as equitable as possible.

The lack of uniform national standards for classification means that each of the more than 4,000 local boards makes its own set of rules and regulations. Peace Corps volunteers are treated differently by different local boards; two men with the same ailment or the same occupation get totally different treatment from different local boards; and so on. In one documented case, three civilian airline pilots doing the same jobs for the same airline were called for induction; one local board deferred two of them, while another local board classified the third as 1–A. Interestingly enough, 46 percent of local board members themselves felt the need for more specific guidelines in classification matters in a recent survey. Much of the confusion and cynicism surrounding the irrationality of this haphazard approach could be easily avoided by the adoption of uniform national standards.

The archaic organization of the Selective Service System itself must be changed. We have abided by the fiction that local boards are "little groups of neighbors" for far too long. Each of the 68 local boards in New York City, for example, handles an average of 20,000 registrants; the North Hollywood, Calif., local board has nearly 55,000 registrants. It is true that many rural boards have less than 100 registrants, and that the members of those boards do know each registrant. But in the great majority of cases, the registrants are strangers to the board, and the board members strangers to the registrants. Furthermore, the procedures of the Selective Service System produce interminable delays, which could and should be speeded up with automatic data processing equipment and other modern management techniques. We could do much to improve confidence in the Selective Service System by modernizing it, and we should.

These are just a few of the defects our present draft law reveals. Some could be corrected immediately by Presidential order—such as moving to the youngest first—while others require congressional action—such as instituting a random selection system. It is important to note that most of the defects were corrected by a draft extension bill which passed the Senate 2 years ago, on May 11, 1967. Unfortunately, however, 2 weeks later the House passed a markedly different version, which was restrictive and punitive. It was this House version which ultimately prevailed in conference, and was signed by President Johnson on June 30, 1967. The result is that we now have a worse draft law than we did before the most recent congressional action on it.

But because the Senate did in fact vote to eliminate most of the inequities 2 years ago, I believe that were the Congress given an opportunity to vote on draft reform this year, the sentiment in the Senate for draft reform would prevail and the Congress would accept the necessary changes.

By way of background, let me review briefly the recent efforts at draft reform. The Universal Military Training and Service Act, the successor to 1940's Selective Training and Service Act, was due to expire on June 30, 1967. Consequently, the Congress was called upon to make either a simple extension, or an extension and revision before that date. The House Armed Services Committee held preliminary hearings in June 1966, at which I and others urged a complete reform of the law, to include a random selection system, uniform standards, and restricted deferments. In July 1966, President Johnson appointed a National Advisory Commission on Selective Service, chaired by former U.S. Assistant Attorney General Burke Marshall, to make a thorough public study of draft reform. The chairman of the House Armed Services Committee, MENDEL RIVERS, appointed a Civilian Advisory Panel on Military Manpower Procurement, chaired by retired Army Gen. Mark Clark, for a similar purpose.

After these two groups had made their reports, the President on March 6, 1967, sent to the Congress his message on selective service. This message recommended adoption, either legislatively or by Executive action, of the major reforms proposed by the Marshall Commission, with but a few exceptions. I had earlier introduced in the Senate a concurrent resolution—on February 23, 1967—which would have declared it to be the sense of the Congress that these reforms were necessary and that the President should institute them by Executive action.

During March, April, and May 1967, three congressional committees held hearings on draft reform: the Senate Subcommittee on Employment, Manpower, and Poverty, the Senate Armed Services Committee, and the House Armed Services Committee. The hearing in the Subcommittee on Employment. Manpower, and Poverty, which it was my privilege to chair, concerned themselves with the manpower implications of selective service; the other hearings were concerned more directly with the military implications.

On May 4, 1967, the Senate Armed Services Committee reported out an extension and revision of the draft law. This bill would have left wide discretionary authority with the President to institute the reforms recommended both

by the Marshall Commission and the President himself, and it explicitly endorsed many of them. The Senate passed this bill on May 11, 1967.

The House Armed Services Committee, however, greatly changed the Senate-passed bill, adopting many punitive and restrictive provisions not in the Senate bill. The House adopted its committee's bill with little change, on May 25, 1967. Virtually all of these provisions were adopted in the Senate-House conference, and this conference bill was accepted by the Senate on June 14 by a vote of 72 to 23. I was strongly opposed to accepting the conference bill, just as I was opposed to limiting debate on it to 2 hours despite the difficult procedural situation facing the Senate. In light of the suggestion by some individuals that it would be unpatriotic to vote against the draft, while fighting was going on in Vietnam, I think it was some measure of Senate feeling that 23 Senators voted against the conference report. The House accepted the conference bill on June 20, 1967, and it was signed by the President in this form on June 30, 1967, the day it was due to expire.

But precisely because this bill did not make any of the badly needed reforms, and in fact made the draft law more restrictive and punitive, there have been subsequent efforts to change it. On February 28 of last year, I introduced S. 3052, which would have completely revised the draft law, instituting a random selection system, drafting the youngest first, and accepting the other basic reforms recommended by the Marshall Commission. Also last year, the Senate Subcommittee on Administrative Practices and Procedures held hearings on a bill to afford draft registrants the right to be present at proceedings affecting them, and to have counsel present. Neither my bill nor the right to counsel bill was enacted.

In sum: there have been a number of determined efforts at draft reform. None has yet succeeded. But there is every reason to think that a renewed and determined effort would succeed. This is one of the reasons I am today introducing legislation similar to the bill I introduced last year, but which makes a number of improvements in it. It is not a piecework amendment; instead, it is a thorough rewrite of the entire law.

Before I outline the major provisions of my bill, let me explain its basic and underlying concepts.

I agree with the conclusion of the single most thorough public study of the draft, that of the Marshall Commission, that:

> The Nation must now, and in the foreseeable future, have a system which includes the draft.

This is simply because our first concern must be for guaranteeing a continuing supply of manpower for national defense purposes, and past experience has amply demonstrated that the draft provides just such a guarantee.

But while we preserve the draft in force and effort, we must correct its present defects and work toward these three goals in the draft laws: flexibility: the potential to adjust to high or low manpower needs; certainty: a concern for uniformity and for predictability, so that every young man will know to as great an extent as possible at any time if and when he might be called to duty; and fairness: an ever-present regard for equal treatment for every young man in every population group. To reach these goals, the reforms must focus on two elements: first, drafting the youngest first, at age 19; and second, drastically curtailing deferments, with the choice for service made by a random selection system.

But we should do more than correct the defects in our present law. We should—now—prepare for the days when we are no longer at war, when our military force might number 2.5 million men or less, instead of the 3.5 million men it does today; and when the number of volunteers for military service might match the number of men needed.

Many individuals have pointed out that more than 60 percent of our military manpower requirement is met through voluntary enlistments. If we raised the pay of the military, and provided postservice incentives, they argue that we might be able to persuade additional young men to join the military voluntarily, and thus eliminate the need for compulsory service. This proposal deserves serious consideration. If we could meet our manpower needs voluntarily, at reasonable cost, it seems unjustifiable to continue the draft, with the uncertainties and the hardships it causes.

But until we have a clearer idea of the cost, and what the likely consequences are, ending the draft is simply not realistic policy for the immediate future. Cost estimates are highly uncertain; they range from $4,000,000,000 to $17,000,000,000 a year. That latter figure should give us pause, considering other pressing national needs such as rehabilitating slums, opening better job and educational opportunities, and ending pollution of our air and water.

Moreover, the conversations I have had with high school and college students gives me concern over the character of any volunteer army. Those students who advocate a volunteer army, instead of a draft, almost always admit that they personally would not volunteer. This suggests the strong possibility that an all-volunteer army might magnify the present economic inequality in the draft—that our soldiers would come from the lower economic classes, and might well form a largely black army. This would serve only to increase the separatism between the military and civilian sectors of our society.

Consequently, while I think we should prepare for the peacetime situation in which our military manpower needs might be met through voluntary enlistments, I do also think we must answer the objections the volunteer army critics have raised. That is why I have urged in my bill the creation of a blue-ribbon, multidisciplinary group to study these wider questions of a volunteer army. The Marshall Commission was chaired by a former U.S. Assistant Attorney General, Burke Marshall, and he was joined on the Commission by a number of other distinguished Americans, including former Defense Secretary Thomas Gates, Yale President Kingman Brewster, Marine Gen. David Shoup, labor leaders like James Suffridge, and many more. I would hope that such a blue-ribbon panel studying the implications of a volunteer army would mirror these qualifications.

But while we can make the changes necessary to make the draft fair, and be prepared for the time when our manpower needs might be met through voluntary enlistments, we must also face another serious question. A modern military system must meet a grave objection, raised by many of today's young people: Their refusal to violate their individual consciences by participating in the draft. Many students are turning in their deferments, rejecting easy avoidance, and challenging the draft on grounds of conscience. To understand this, I think we must look at the difficult question of conscientious objection.

Our lawmakers have always understood that for some men, participation in war violates their deepest moral convictions. Congress extended the right to claim conscientious objection status to all men who, "by religious training and belief," are conscientiously opposed to all forms of war. Even those belonging to no orthodox church had their beliefs honored. In 1965, the Supreme Court reinforced this doctrine, holding in the Seeger case that a man could be a conscientious objector even if he did not believe in God, so long as his pacifism was backed by deeply felt beliefs parallel to those held by orthodox believers.

This interpretation was reversed in the 1967 draft law. In my view, this act was not only unwise, but probably unconstitutional as well. An individual whose life pattern indicates his moral opposition to all war should not be forced to violate his conscience because he does not believe in an orthodox God. This may be a violation of the first amendment's prohibition against religious discrimination.

We must also face the complex problem of moral opposition to a particular war. Many students, I am convinced, base their opposition to a particular war on moral grounds. They are hardly cowards; many have served in the Peace Corps, or worked in the civil rights movement, or lived as VISTA volunteers in our worst slums. Many are willing to face jail terms for their beliefs.

I do not expect my position on this matter of conscientious objection to a particular war to be settled. I have talked with a great many individuals about this most difficult matter, and have been interested to hear their suggestions. Some have suggested that we by statute create a central body to determine which young men have bona fide objections to particular wars, arguing that this sophisticated decision really should not be made by local boards. Others have suggested that those who object to a particular war be permitted to serve in noncombat positions, but with similar risk. Thus, they might be stretcher bearers in Vietnam.

But none of these many suggestions have appeared to me to be workable in practice. Consequently, my bill does not treat specifically with this problem, de-

spite my desire to do so. I shall continue to examine it over the next months.

It would be extremely difficult to sort out moral from political objectors—or from those who simply do not wish to go into combat. It requires a detailed and personal analysis of the life of the young man, and a complex job of distinguishing and determining motives. To test sincerity for each objector to each war might well raise havoc in the administration of the draft laws. Selective conscientious objection might in addition prove unfair to those who have not had the education to articulate their opposition to military service. And it probably would have to be made retroactive, to those presently in the service, with obvious and severe practical difficulties.

In non-Vietnam times, when world tensions were high and we still had the draft, we might well greatly expand alternative service. Many vitally needed jobs are now unfilled: hospitals are short of orderlies; police and firemen are desperately needed. If we developed a broad program of voluntary national service, and if we made this service longer than military service, with lower benefits, then we could accommodate those dedicated, capable, and talented young Americans anxious to serve their country in nonmilitary service.

In sum, we should work toward a military manpower procurement system which is fair, flexible, and certain.

There are a number of steps the President could take by administrative action, without congressional authorization, to reduce inequities: he could require that the youngest be drafted first; he could eliminate occupational deferments; he could make standards more uniform; and he could modernize many selective service procedures.

There are a number of other steps which need specific congressional authorization, and they are the subject of my bill.

Together, the administrative and legislative actions can give us a military manpower procurement system which in times of war—such as Vietnam—is fair, through use of random selection, is flexible enough to meet fluctuating demands because it continues the draft, and is certain because it drafts the youngest first; in times of high world tension, but without an actual war, might satisfy our manpower needs through voluntary enlistments, but retains the draft for flexibility, and also permits expanded use of national service alternatives to military service; and in times of peace, when world tensions are low, gives us the base of information we will need to assure our Armed Forces readiness, to possibly initiate a major National Service Corps, and to avoid compulsion in military manpower recruitment.

Let me now summarize my bill's principal provisions:

First. It requires that the youngest—the 19-year-olds—be drafted first;

Second. It requires use of random selection to select those young men to be drafted;

Third. It provides for a 3-year transitional period in establishing the random selection system from among 19-year-olds;

Fourth. It eliminates occupational deferments except where ordered by the President;

Fifth. It permits students to postpone their exposure to the draft during the course of bona fide study, but does not permit this postponement to become an exemption;

Sixth. It discontinues this postponement feature whenever casualties in a shooting war reach 10 percent of those drafted in a given month;

Seventh. It grants conscientious objector status to atheists and agnostics, so long as they are genuine pacifists, as well as to those whose objection is based on conventional religious training and belief;

Eighth. It requires the adoption of national standards and criteria in the administration of the draft law, and requires their uniform application;

Ninth. It prohibits use of the draft as a punishment for protest activities, by limiting draft delinquency to acts relating to a registrant's own individual status;

Tenth. It permits judicial review of questions of law regarding classification proceedings, and permits use of habeas corpus proceedings by those who comply with induction orders;

Eleventh. It restores the role of the Justice Department in reviewing conscientious objector cases;

Twelfth. It gives registrants the right to appear in draft board proceedings affecting them, and to be represented by counsel;

Thirteenth. It conforms our draft treatment of aliens to our treaty requirements, as recommended by the State Department;

Fourteenth. It limits the term of the Director of the Selective Service System to 6 years;

Fifteenth. It prohibits discrimination of any kind in the makeup of any selective service panels which determine an individual's draft status;

Sixteenth. It calls for a thorough public study of a National Service Corps, in which individuals seeking nonmilitary service might fulfill their obligation of service to the Nation;

Seventeenth. It calls for a thorough public study of all aspects of a volunteer army;

Eighteenth. It calls for a thorough public study of military youth opportunity schools, which would offer special educational and physical assistance to those falling below induction standards who desired to volunteer for military duty;

Nineteenth. It calls for a thorough public study of the ramifications of granting amnesty to those young men who fled the country rather than face the draft;

Twentieth. It encourages use of civilians to replace military personnel in nonmilitary jobs; and

Twenty-first. It closes a number of loopholes in the present law.

Since my bill is a complete rewrite, it makes many other changes as well; the ones I have listed, however, are the major ones.

Because certain of the reforms are broad and far-reaching, I would like to explain them in detail.

YOUNGEST FIRST

Today, young men between 19 and 25 years of age are called for the draft in reverse order of their age, the oldest man first. When draft calls are low, this policy drives the average age of the involuntary inductee, at induction, to nearly 24 years. When draft calls are high, as they now are, the average age drops to about 20 years; but when the draft calls are reduced, the average of induction will inevitably rise once again toward 25.

In 1966, the Defense Department completed a thorough study of the effects of this oldest-first procedure, and reported to the Congress that the study "clearly revealed that this policy was not desirable from any standpoint."

The Defense Department pointed out the complications generated in the personal lives of the draft-age men, who lived "under the gun" of the draft for 3 or so years. In fact, 39 percent of draftees in the 22-to-25 age bracket were told at least once by a prospective employer that they could not be hired because of their draft liability. The comparable figure for those entering service in the 19-to-21 age bracket was 27 percent, and for those entering in the 17-to-18 age bracket was 11 percent.

Another factor arguing for moving to the youngest first is that the incidence of deferment rises sharply with age. At age 19, only 3 percent of classified registrants had dependency deferments, and only two-tenths of 1 percent had any form of occupational deferments. But at age 24, nearly 30 percent of all registrants were in just these two deferred categories. Consequently, a rising average age of induction multiplies the number of deferment decisions each local registrant faces.

Combat commanders have consistently preferred 19- or 20-year-old recruits. These younger men are considerably more adaptable to combat training routines. Further, problems associated with costs of dependents' care are lower for the younger men.

This Defense Department recommendation has had unanimous support in the last 2 years. The Marshall Commission, the Clark Panel, President Johnson's special message to the Congress on the draft, the Senate and House Armed Services Committee's reports—all these have urged that the youngest be drafted first.

Those who might be deferred for one reason or another during all or part of their 19th year would be draft-eligible upon expiration of the deferment, as "constructive 19-year-olds." Drafting the youngest first would not be left to the discretion of the President, as it now is, but would be mandatory.

RANDOM SELECTION

The Marshall Commission, in its January 1967 report, phrased the central question of the draft reform in these terms: "Who serves, when not all serve?" The answer to this question—a few from among the many eligible—led the Commission to recommend adoption of a system of random selection to determine the order of call for induction. I was of a similar conviction when I urged adoption of a random selection system in testimony before the House Armed Serv-

ices Committee in June 1966. And President Johnson, in his March 1967, message on the draft, indicated that he had instructed the Selective Service System and the Defense Department to develop such a system by January 1, 1969, because he was in agreement with the Marshall Commission's recommendation.

The bill which passed the Senate in June 1967, would have permitted the President to institute a random selection system. But the House-passed bill, and the bill finally adopted, prohibited the President from putting random selection into effect without specific authorization from the Congress. Consequently, my bill gives such authorization, and sets up a specific procedure.

There are two basic reasons for adopting a random selection system. One relates to basic equities; the second to the imperatives of numbers.

There is an inherent element of unfairness in any system which must choose a few from among many, particularly when the few face the possibility of death or serious injury in combat. Presently, we use a subjective system, which varies from local board to local board, for determining the sequence of induction. I believe that this subjective system is best replaced with an objective system, one based on the principle of random selection. This random selection would be inherently evenhanded and equitable, and not exposed to the criticism our present system is of subjective factors controlling classification, deferments, and other elements of draft procedure. Thus, the equity of the draft would be enhanced by adoption of a random selection system.

The second reason for adopting a random selection system involves the imperative of numbers. About 2,000,000 young men will reach age 19 each year over the next decade. Thirty percent of these—or 600,000—will each year be disqualified because they fail to meet the physical, educational, or moral standards of the Department of Defense. About 30,000 will receive hardship deferments or legal exemptions, leaving 1,370,000 eligibles each year. The Defense Department estimates that 550,000 young men will voluntarily enlist each year, leaving 820,000 eligibles, from among the 260,000 whom the Defense Department says must be drafted will have to be chosen. Thus, even when the Vietnam war demands high draft calls, as it does this year, we still must choose only one man from among four eligible. It is estimated that during peacetime, when our Armed Forces revert to 2.65 million from the present 3.5 million level, we will have to choose only one man from among seven or eight eligible.

I believe that random selection is the most equitable way to determine which of the eligible young men would be drafted, and which would not.

Written into my bill is one type of random selection system. There may well be other ways to structure such a system, but the one I have spelled out is simple, fair, and predictable. It would work this way:

Young men would be eligible for induction only so long as they were in the "prime selection group," and they could be in this group for no longer than a total of 12 months. Basically, the young men in this prime selection group would be 19-year-olds who met the mental, physical, and moral standards for induction. Also in this group would be "constructive 19-year-olds"—those who were deferred for all or part of their 19th year, but who would be placed in the prime selection group upon the termination of their deferment. Thus, only those individuals actually in the prime selection group would be subject to induction.

The order of actual induction from among this prime selection group would be determined by random selection. The Director of Selective Service would publish each month a list of numbers corresponding to the days in that month. Thus, there would appear on the list the numbers 1 to 31 for January, 1 to 28—or 29—for February, and so on. But these numbers would be arranged in a random sequence determined by a computer or some other means. The numbers for January, in this example, might read 11, 22, 7, 18, and so on until all the numbers 1 to 31 were listed.

These lists would be made available to the various components of the Selective Service System, and the quota of inductees as determined by the Defense Department would be met from month to month as I will shortly describe. My bill gives the President the discretion to determine whether the monthly prime selection group should be a national, regional, area, or some other group. For the sake of illustration, I have used regional pools.

If a regional office under this proposal had a quota of 1,000 men for January, it might have 7,000 men eligible for induction. To choose the 1,000 it would refer to the list published by the Selective Service Director for January. Under this example, the first number was 11, the second 22, the third seven, and so forth. The regional office would select first the man or men born on the 11th of January, next the man or men born on the 22d of January, next the man or men born on the seventh, and so forth until the quota of 1,000 men had been reached. These 1,000 would then be inducted. The remaining 6,000 men would not be called, but would, of course, continue to remain liable in the event of a national emergency. But they would not be called until the pool of men in the following month had been exhausted. Thus, once the selection for a given month had been made, those not selected could be reasonably certain of their status and make their plans accordingly.

A regional office might face the difficulty of choosing between different men born on the same day. This choice would be made by arranging the letters of the alphabet in a random sequence for each month, and then choosing on the basis of the first letter of the last name. This list would also be published by the Selective Service System.

The plan I have just outlined is only an illustration of the feasibility of a random selection system. I am not personally wedded to this specific plan, but it does indicate that random selection is workable.

To reveal that sentiment in the Congress is not hostile to random selection, let me quote from a colloquy the distinguished former chairman of the Senate Armed Services Committee, Senator RUSSELL, and I had on June 14, 1967, during a debate on the draft. During that colloquy, Senator RUSSELL said:

> The President has stated that the random system should be started before the first day of January 1969; and if he will propose, or the Senator from Massachusetts, or any of the other advocates of the random selection system, will introduce a bill that is reasonable and provides for a fair and workable random selection, we can get a law long before the first day of January 1969. . . . We had a firm agreement with the conferees of the other body that if the President would proposed something definite that deals specifically with the subject of random selection, when and how it shall be applied, we would give it immediate consideration. I am not opposed to random selection; I have said that all the way through.

That statement is, I think, plain on its face, and it lends credence to the judgments of those who believe that Congress will accept reforms this year.

To effect the change from the present oldest-first, subjective selection procedure to my proposed youngest-first random selection procedure, my bill adopts the 3-year transition feature recommended by a number of experts. Under its terms, those men 20 years and older and still eligible for induction would be phased into the prime selection group as follows: in the first year, those over 24; in the second year, those between 22 and 24; and in the third year, those between 20 and 22. Thus, after the end of this 3-year transition, the system would be fully operative, and the impact upon those older than 19—primarily graduate students—would be largely minimized.

OCCUPATIONAL DEFERMENTS

Occupational deferments were conceived in recognition of the need for working men to produce the goods and the arms needed to sustain our fighting forces. As far back as the Civil War, farmers, manufacturers and others were exempted from active military sevice because they produced the vital goods essential to the cause of war.

Today, modern industrial and agricultural technology, coupled with the abundant supply of manpower, makes it unnecessary to grant such deferments. We cannot continue to justify deferments on the grounds that essential activities or critical occupations will be jeopardized unless deferments are granted. Former Secretary of Labor Willard Wirtz said, when he testified on the Manpower Implications of Selective Service, that:

> There is little basis in the present or prospective manpower situation for any occupational deferments from military service—especially if the draft call is concentrated on the 19-year-old group.

This statement should not be taken to mean that we can ignore the need to continue monitoring the Nation's manpower needs. On the contrary the Congress has directed the National Security Council to do just that, and to recommend policies on occupational deferments to the Director of the Selective Service System.

Pursuant to this directive, the National Security Council recommended on February 16, 1968, that occupational deferments be discontinued. It said in part:

> The National Security Council advises that the Secretaries of Defense, Labor and Commerce should maintain a continuing surveillance over the nation's manpower needs and identify any particular occupation or skill that may warrant qualifying for deferment on a uniform national basis. When any such occupation or skill is so identified, the Council will be notified so that it may consider the need and advise the Director of the Selective Service System accordingly.
>
> This recommendation is based on these considerations:
>
> The needs of the Armed Forces do not now require such occupational deferments.
>
> The needs of the civilian economy do not now require such occupational deferments.
>
> The inherent inequity, at a time when men are called upon to risk their lives for the nation, in any such occupational deferments from military service which may in practice turn into permanent exemptions.

That unequivocal statement was, in large part, ignored by the Selective Service System. In a telegram to the State selective service directors, General Hershey interpreted the National Security Council recommendation in part as follows:

> Each local board [is left] with discretion to grant, in individual cases, occupational deferments based on a showing of essential community need.

This is clear evidence that occupational deferments are not ended at all—rather, they are continued, and left to the discretion of the 4,084 local boards. There will, consequently, be 4,084 different sets of rules governing occupational deferments. This may well be a step backward: in the past, only half of those with occupational deferments received them based on the unguided judgment of local boards; the other half were in jobs listed as essential or critical. Now, however, there is no national guidance, in direct opposition to the National Security Council recommendation.

When considering occupational deferments, the position of racial and ethnic minorities in the total military manpower picture is a matter deserving attention. The participation of the Negro, the Puerto Rican, the Mexican-American, and the American Indian is in several ways inequitable. Members of these racial groups have traditionally failed to enjoy equitable treatment in occupational opportunities. Evidence from many sources shows that they are the last to be considered for those jobs that local boards qualify as occupationally deferrable.

Until these conditions are improved, we cannot have a fair draft system based upon deferments for those who are fortunate enough to be hired into selectively favored occupations.

The President has the authority today to bring a halt to occupational deferments, and I hope that he will do so. My bill would discontinue all occupational deferments, unless the President were to determine that the efficacy of our national defense required that certain occupations were critical and that those holding those occupations should be deferred. If he so determined, he would be required to identify the particular occupation and require deferments on a uniform national basis.

STUDENT DEFERMENTS

The Marshall Commission was divided over the issue of deferments for undergraduate students. A majority recommended that no new student deferments be granted in the future, with certain exceptions. A minority felt strongly that student deferments in no case became exemptions. The Clark Panel recommended, in effect, that undergraduate deferments be continued.

In the 1967 bill, the Congress compromised by guaranteeing undergraduate deferments for students in good standing, but only until their graduation or age 24, whichever came first.

Unfortunately, one of the gravest inequities in our draft was not corrected by this compromise, despite assurances to the contrary. What begins as a temporary student deferment can be easily extended into a de facto exemption, through placing an occupational or some other deferment on top of a student deferment. Time, and advancing age, make this "temporary" deferment in fact an exemption from service.

As a result, my bill makes a number of changes in provisions governing student deferments.

Under its provisions, high school students would be deferred until they finish high school, as the law now provides. The draft law should in no way contribute to the already severe high school dropout problem. If, however, a student did not finish high school until after his 20th birthday, he would upon graduation—or dropping out—be placed in the prime selection group.

Under my bill, high school graduates need not immediately face the draft. They could choose to go on to college instead, thus postponing their entry into the prime selection group. They would keep their postponements until they finished college or dropped out, as the particular case might be. Under no conditions could this postponement extend beyond the 26-year-old cutoff date for determining draft eligibility.

Thus, all those who did not voluntarily enlist would at some point in their 19-to-26-year span be in the prime selection group equally with their contemporaries.

Further, it offers each individual a high degree of flexibility in making his education and career plans. It offers the military a broad mix of inductees—most would go in after high school, and some after college. Thus the wide-ranging skills the military needs would continue to be made available to it.

This system assures the military of a continuing supply of officers. Nearly 80 percent of each year's new officers enter military service from college sources. About half are ROTC students, and the other half enroll in a wide variety of other officer-training programs, either during college or upon graduation. There is some concern that ending undergraduate student deferments would greatly reduce this flow of new officers into the military services.

Some experts have criticized this plan, by pointing out that it offers those who can afford college the choice of postponing military service during times of a shooting war, like Vietnam. Most individuals would today certainly choose to go to college for 4 years, if they could, rather than be drafted and sent to Vietnam. To meet this valid criticism, while retaining the high degree of flexibility, my bill provides that this optional student deferment feature be discontinued when casualties reach a certain point. I will describe how it is discontinued in a moment.

My bill would also broaden the definition of "student" to make clear that all bona fide students receive equal treatment under its optional postponement feature.

Unfortunately, today students in junior and business colleges, and students in apprentice and vocational courses, are given a different draft classification than students in colleges, in plain contravention of congressional intent. This 2–A classification makes them more liable to the draft than the 2–S college deferment. Quite rightly, these junior college and other students claim that the draft treats them as second-class students.

The Senate Armed Services Committee made its feelings plain on the subject of apprentices in its report on the 1967 draft bill:

> If student deferments are to be continued, the Committee believes that apprentices should be permitted to qualify for deferments under conditions no more restrictive than those applicable to undergraduate college deferments. . . . If an apprentice is full-time, satisfactory, and making normal progress, he should be eligible for deferment as an apprentice in the same manner as a college student.

Once again, though the legislative history is very plain, the operation of the draft system is at odds with it.

My bill would give each bona fide student the same option; he could enter the draft pool after high school, or after his college or occupational training was completed. The GI bill, liberalized only recently, should spur many individuals to enlist or enter the draft pool right after high school, so that costs of their educations could be met in part by it. But some proportion would undoubtedly prefer to wait until after college, and my bill gives them this flexibility while enhancing the overall equity of the system.

STUDENT DEFERMENT DISCONTINUANCE

I have already mentioned that offering students an option on when to enter the prime selection group requires some mechanism to prevent discrimination against those who do not have the option of going to college or graduate school, for economic or other reasons. This mechanism is a discontinuance of the option, whenever Armed Forces casualties reach a certain percentage of the monthly draft call.

Under my bill, during any period when our Armed Forces are sustaining combat casualties, the President would be required to determine the total number of combat casualties each month. He would then put this figure beside the total number of registrants drafted that month. If the number of casualties reached 10 percent of the number of draftees, then the optional student post-

ponement would be discontinued. But the discontinuance would take place only when the 10-percent figure was exceeded for 3 consecutive months. And when the discontinuance did take place, it would stay in effect for the following 12 months.

This discontinuance insures that when draftees face an appreciable risk of being sent to a combat zone, all young men must stand as equals at that particular time before the draft process. To permit some to elect to enter college, thus postponing exposure to the draft for 4 years, while denying this election to others, would be to continue one of our present system's worst features.

It is important to note that the discontinuance would not apply to students already in college or occupational training when the 10-percent figure was reached. These students made their choice to enter college or training not out of a desire to avoid being drafted into a shooting war, because the shooting had not reached an appreciable extent when their decisions were made. Thus, it would apply only to those whose decisions on whether to take up the option was made in the light of combat casualties.

It is also important to note that even when the 10-percent limit has been reached and the option discontinued, those not actually selected for induction would be free to go on to college, school, or jobs, just as before the discontinuance was put into effect.

Vietnam casualties are today running at a high enough rate to put this discontinuance in effect. In 1968, draftees totaled 296,000, and casualties 108,000—or about 35 percent. Thus, the discontinuance would presently be in effect, as it would have been last year when draftees totaled 230,000 and casualties 73,000, or about 30 percent.

CONSCIENTIOUS OBJECTORS

I have already discussed the problem of conscientious objectors, so let me at this point summarize how my bill treats it.

Until 1967, the law on conscientious objectors was quite settled and clear. The Supreme Court, in the 1965 case of United States against Seeger, interpreted the law and laid down guiding principles. But the 1967 law overruled the Seeger case, in effect, by eliminating the language on which the decision rested.

The old law granted conscientious objector status to an individual who "by reason of religious training and belief is conscientiously opposed to participation in war in any form. Religious training and belief in this connection means an individual's belief in a Supreme Being involving duties superior to those arising from any human relation."

In the Seeger case, the Supreme Court interpreted this language to mean "a given belief that is sincere and meaningful and occupies a place in the life of its possessor parallel to that filled by the orthodox belief in God of one who clearly qualified for the exemption." This had the effect of granting the statutory conscientious objector relief to agnostics and atheists, so long as their moral objection was genuinely held.

The 1967 law eliminated the Supreme Being clause, thus implying that only an orthodox belief in God would qualify an individual for conscientious objector status. This apparently overrules the Seeger case. The Selective Service System has told its State and local boards that the change means a narrower definition of conscientious objection. This accords with the views of a majority of local board members in one State who, according to the Marshall Commission's report, feel that conscientious objectors should not be deferred at all. On the other hand, a number of lawyers experienced in this field believe the courts will still uphold Seeger, on other grounds. But this important subject will be unclear until eventually resolved by the courts.

My bill would restore the language of the statute as in effect before the 1967 amendments. This would have the effect of reinstating the Seeger case as the controlling precedent.

UNIFORM NATIONAL STANDARDS

I have also discussed the need for uniform national standards. Here again, we find almost unanimous recommendations in favor of such standards, but the actual operation of the system at variance with the recommendations. President Johnson proposed "that firm rules be formulated to be applied uniformly throughout the country." The Marshall Commission has similarly recommended. Nearly half of local board members themselves believe such standards would be an improvement.

These national standards would not be utterly inflexible. They deal not with mathematical measurements, but with human beings. The point is simply to be as sure as we can that a young man in one part of the country faces the same exposure to the draft as does the young man in another part of the country.

DRAFT AS PUNISHMENT

I am opposed to using the draft as punishment for those who engage in activities protesting either the Vietnam war or the draft itself.

Instead, a protester should be prosecuted under the law's criminal provisions, if he has in fact taken part in illegal activity. If found guilty, he should be punished accordingly. Under no circumstances do I see justification for local draft boards reclassifying protestors and subjecting them to immediate induction because of their protest.

My bill would prohibit the use of the draft as punishment. It makes clear the responsibility of the courts to enforce the provisions of the law governing illegal activities, and the responsibility of the individual to share properly the burden of national defense.

JUDICIAL REVIEW AND RIGHT TO COUNSEL

A number of my bill's provisions are intended either to restore procedural safeguards struck out of the draft laws by the 1967 law, or to add safeguards where they are needed. My intent in writing these provisions in the bill is to point out my belief that due process standards be as high as we can make them in selective service matters. There is absolutely no reason to make selective service the last and final word in such an important area, and I fully believe that the protections afforded by the courts and the legal process should be available in the selective service process.

These are among the procedural safeguard provisions:

First. Registrants would be permitted counsel to represent them at draft board proceedings, and indigent registrants would be provided with counsel. This matter was thoroughly aired in hearings last year before the Senate Subcommittee on Administrative Practices and Procedure, and the hearings convinced me of the need for these provisions.

Second. Judicial review of classification proceedings would be available as to questions of law. The 1967 law foreclosed judicial review of classification decisions except as a defense in a criminal proceeding—and this is surely a unique provision. To object to a Selective Service decision, an individual is forced to submit to criminal proceedings against him. This is an entirely unnecessary and gratuitous provision, and should be removed from the law.

Third. In the Oestereich case, the Supreme Court held that habeas corpus relief was available to an individual who accepted induction rather than face criminal charges for refusing them. My bill puts this interpretation into the statute.

Fourth. My bill requires the Selective Service System to provide registrants with full and clear information about his rights under the law and regulations. Too often, registrants are simply uninformed as to their options, and I believe it is the duty of the Government to inform each individual of his rights.

These procedural safeguards can do much to restore confidence in the Selective Service System, and more importantly, to insure the equity of the draft law's procedures.

ALIENS

Under our draft law, aliens are subject to confining, confusing, and discriminatory treatment. For example, when the law was written, the NATO countries required 18 months' service. The law consequently provides that an alien in this country who has served 18 months in the military service of a nation with whom we are allied, is not subject to draft in the United States. But since this provision was written into the draft law, the NATO countries have lowered their service requirement to 16 months. Thus aliens who have fulfilled their military service in their own country, and are now in this country, find themselves subject to our draft. This is in direct contravention to a number of treaties in force between this country and our allies.

Numerous other examples of the need to revise our draft policies toward aliens were made by the Department of State to the Marshall Commission.

My bill adopts the recommendations of the Department of State with regard to aliens and the draft. These are:

That all nonimmigrant aliens should be exempt from military service.

That resident aliens should not be subject to military service until 1 year after their entry into the United States as immigrants.

That 1 year after entry, all resident aliens should be subject to military draft equally with U.S. citizens unless they

elect to abandon permanently the status of permanent alien and the prospect of U.S. citizenship; and

That aliens who have served 12 months or more in the Armed Forces of a country with which the United States is allied in mutual defense activities should be exempted from U.S. military service, and credit toward the U.S. military service obligations should be given for any such service of a shorter period.

These changes can assure that our draft policy toward aliens is coherent, and rational, and that it conforms with our international treaty obligations.

SELECTIVE SERVICE DIRECTOR TERM

Most Presidential appointments carry a fixed term of service, and are not open-ended. My bill would conform the Selective Service law to this practice. It would provide for appointment as Director of the Selective Service for a 6-year term, and that at the end of the 6-year term the President must make a new nomination and the nomination must be confirmed by the Senate. There is no prohibition against renomination of the same individual as many times over as the President requires. This new provision would not apply to the current Director, General Hershey.

VOLUNTEER ARMY STUDY

I have already discussed certain aspects of the volunteer army concept. Because I believe that at present we do not have enough specific information to decide whether the problems I raised in that discussion are more apparent than real, my bill requires the President to conduct a 6-month public study of the costs, feasibility and desirability of replacing our present combination of voluntary and involuntary inductions with an entirely voluntary system of enlistments. The President would report to the Congress on his findings and recommendations.

NATIONAL SERVICE CORPS STUDY

In discussing the possibility of a national service alternative to military service, when world tensions lessened, I mentioned the difficulty of equating the two, in length of service, wage levels, and so forth. For this reason, I believe we should have a public study of this also. My bill would require it, and the President would have to submit his report to the Congress in 1 year.

MILITARY YOUTH OPPORTUNITY SCHOOLS

Consistent with the desire to increase the incidence of voluntarism, I believe we must take a closer look at ways to make the best use of all our Nation's manpower resources.

Despite the fact that some 2 million men reach draft age each year, our military manpower needs call for only about 260,000 as draftees. But another 600,000 are found to be unqualified for service, because of their failure to meet the minimum physical, mental, or moral standards for active duty. It is estimated that there are more than 5 million men between the ages of 18 and 34 who are unqualified for military service.

The Marshall Commission studied the implications of what it called these "alarming statistics," and concluded that they directly affect the national security and also reveal weaknesses in our society.

It has been conclusively demonstrated that many of these men can be prepared for military service with increased educational training, or with the benefit of medical treatment for easily correctable physical deficiencies. The Department of Defense has made successful efforts to reduce the number of rejectees with Project One Hundred Thousand. Describing this program's background, the Assistant Secretary of Defense for Manpower and Reserves reports that:

In October 1966, DOD initiated Project One Hundred Thousand to accept men who were being disqualified for military service under previous mental standards and those with easily correctable physical defects. The program is resulting in a more equitable sharing of the opportunities and obligations of military service among the nation's youth and is preparing these men for more productive lives when they return to civilian life.

We have not lowered performance standards for retention in the service. Project One Hundred Thousand men are not stigmatized; they are trained along with all other men in our regular training centers and schools and are given extra help only when required to assist them meet our performance standards.

Between October 1966 and December 1968, 162,600 men were accepted in this program.

Nearly 96 percent successfully completed basic training, and only 13 percent required extra help. Men with severe reading limitations were given full remedial education before or during basic training to help them graduate and to prepare them for occupational training.

In formal skill courses, more than 87 percent graduated.

Sixty percent are now assigned to technical specialties in the area of maintenance, supply, equipment operations, food service, administrative, medical craftsmen, and communications.

Forty percent are assigned to combat specialties.

Field commanders in Vietnam and in the United States report that these men are well motivated and performing creditably.

These results bear out the conviction of former Secretary of Defense McNamara, who said that these men can contribute just as much to the defense of their country as men from the more advantaged segments of our society.

Moreover, the Department of Defense has long been cited for the operation of one of the Nation's most effective systems for training and educating. The military training facilities enjoy a reputation of remarkable success in meeting the service's needs to produce qualified technicians.

I think we should seek opportunities to capitalize on this vastly successful training facility, to improve the skill levels of many men who lack adequate training, and to produce citizens who after completing military service can return to civilian life with useful and marketable skills.

My bill would require the Secretary of Defense to study and investigate the feasibility of Military Youth Opportunity Schools. Volunteers who do not meet the minimum physical and educational achievement standards would be encouraged to enter military service because they would be able to serve their country's national defense as well as acquire useful training, which would insure their attractiveness as potential employees in civilian life.

My bill would require the Secretary of Defense to work in cooperation with the Secretaries of Labor and Health, Education, and Welfare, to conduct a comprehensive study of the feasibility of establishing military youth opportunity schools.

These schools could enlarge upon the successful experience of Project One Hundred Thousand to increase the number of volunteers actually accepted into service, thus reducing the need for draftees.

AMNESTY STUDY

By all accounts, one of the most difficult public policy questions facing us involves the thousands of young Americans who fled the country rather than face the draft. Students across the country are concerned with this issue—as they have been concerned about Vietnam, about civil rights, about the draft itself, and about the quality of American life.

No one knows precisely how many of our young men are now living overseas; safe from the draft, to be sure, but facing a criminal prosecution with a sentence up to 5 years and a fine up to $10,000 should they ever return home to this country. Many times in our history we have, as a nation, been magnanimous enough to grant amnesty. President Andrew Johnson did so in 1868 to the southerners; President George Washington did so in the 18th Century to those in the Whisky Rebellion.

The questions we must ask are: shall we have a permanent band of exiles, who can return home only to face criminal prosecutions for acts long past? Can we really grant these young men amnesty while the war is still going on, and thousands of young Americans who did not leave the country are fighting and dying in Vietnam? Could we forego the criminal prosecutions, should the young men return and accept induction?

These are large questions, not easily answered. It would be vastly helpful if we had the thinking and careful consideration of a group of distinguished Americans on this issue, I think, and consequently my bill requires a study of it, with a report to Congress.

CIVILIAN EMPLOYMENT

There are numerous opportunities for reducing the armed services' needs for draftees, and my bill would encourage the Defense Department to take full advantage of these opportunities:

First. Civilians can be substituted for military personnel in hundreds of noncombat jobs, without reducing the effectiveness of the Armed Forces at all. Every actual substitution of military personnel with civilian personnel reduces correspondingly the need for draftees.

Second. Each year, many more women volunteer for military duty that can be accepted. But I have long believed that with a determined effort the military could employ many more women in uniform in jobs currently filled by men.

Some Armed Forces jobs require military discipline for their effectiveness, and are not suitable for civilians. Yet women in uniform could fill them just as well as men in uniform. Once again, every time a woman filled a job previously held by a man, the draft needs would be reduced.

These are two simple steps my bill would urge upon the Defense Department as yet further steps to reduce the need for draftees.

LOCAL BOARD DISCRIMINATION

Before the current draft law was enacted in 1967, local board members were all men. The old law prohibited membership for women. The present law prohibits discrimination on the basis of sex, but it says nothing about discrimination according to race.

Consequently, it is not surprising to see that 97 percent of all local board members in 1966 were white, while only 3 percent of the 16,632 board members were Negro, Spanish, Puerto Rican, Oriental, or Indian.

In the following year, however, 16 percent of all inductees were taken from these ethnic minorities.

My bill requires the membership of all local boards to represent all elements of the public it serves. My bill also prohibits discrimination based on sex, race, creed, or color.

SELECTIVE SERVICE SYSTEM REORGANIZATION

My bill adopts the recommendations of the Marshall Commission regarding reorganization of the Selective Service System, as follows:

A national office, similar to that now existing;

A series of regional offices, perhaps eight in number, corresponding for national security reasons to the eight regions of the Office of Emergency Planning;

A series of area offices, numbering 300 to 500, corresponding to the 231 standard metropolitan statistical areas, the 149 cities over 25,000 outside these SMSA's, with at least one area office in every State;

Appeals boards operating contiguous to these three types of offices.

Under this plan, registration and classification would be handled at the area offices. Local boards would be retained, but their function would be changed. The local boards would become the registrant's court of first appeal, and they would have the authority to sustain or overturn classifications made in the area offices. This insures that the great strength of the local boards—a group of citizens divorced from the Federal system—would be applied where it is most critical.

This new structure will increase the likelihood that the draft law will be administered not by rules of discretion, but by rules of law.

CONCLUSION

We need draft reform today, just as we did last year and the year before. The report of the Marshall Commission is the soundest base for these reforms, and there is absolutely no reason whatever for delaying any longer. Many reforms do not need congressional action; many others do. President Nixon has indicated his desire to reform the draft, and I believe the Congress will respond.

There is, I think, a climate conducive to reform. And there should be: our draft law today is patchwork and outdated; it provides neither flexibility, nor fairness, nor certainty. I think we have an obligation to our young people to change it.

Mr. JAVITS. Mr. President, when the Senator feels that he can stop at a suitable point, I should like to ask him a few questions.

Mr. KENNEDY. I should like to make one further point or so, and then I shall yield to my good friend from New York.

It is our hope that we shall be able to see a reduction of world tensions in a meaningful and significant way, with an attendant reduction in the numbers in the Armed Forces of our country. I believe the Defense Department study indicated that we would have to move to a 2-million-man armed force in order for a volunteer army to be realistic, which is significantly lower than we have had in the recent past.

But if we have a reduction in the tensions which exist in the world, I believe we might actually have a volunteer army; and, in preparation for that possibility, included in the proposed legislation is a comprehensive study of a number of the questions raised with regard to the possibility of instituting a volunteer army.

For example, we have the question of the relationship between the unemployment rolls and the amount of pay necessary to encourage young people to go into the Armed Forces of our country. What would be the social implications of instituting a volunteer army? What would be its effect on what has been a long-standing tradition of the citizen's responsibility to be in the Armed Forces of our country? Also, important military questions would be raised with respect to what would happen to the Reserves and the National Guard.

These are just a few of the many questions which should be carefully studied; and included in my proposed legislation is the opportunity for that type of study.

I yield to the Senator from New York.

Mr. JAVITS. Mr. President, as the Senator knows, I find myself in very great sympathy with the entire position he has taken on the draft, in which, I believe, he has shown real leadership.

The Senator undoubtedly has read very carefully the bill I introduced a few days ago, S. 992, which, in many ways, expresses parallel ideas.

I should like to state to the Senator that I would hope that inasmuch as we are so much thinking together—and I believe that is true of many other Members of the Senate—we may work together. I know that he will use his very best efforts to bring about the earliest hearings and reform.

As the Senator knows and as I know, I do not think there is a more agitating subject for the youth of our country than this one—exacerbated by the feeling of many of them with respect to the invalidity, as they see it, of the Vietnamese war. We both understand all this, and I should like to ask the Senator a rather specific question.

Does the Senator feel that all this has to wait until amendment to the law? With respect to the selection of those in the youngest age category—that is, the 19-year-old age category, the limited exposure, which is the essence of the Senator's ideas, for 1 year; the possibility of feeding back into the System the older groups who have so far had deferments—does not the Senator feel that all of us can do something with the Defense Department to try to bring about some of these reforms, even before we actually pass a bill?

Mr. KENNEDY. I would certainly agree with the Senator from New York, who I know shares my very strong feeling for reform. A number of things can be done, as I mentioned earlier, before the Senator arrived in the Chamber. A number of things can be done administratively, and they can be done today.

The point suggested by the Senator from New York, of taking the youngest first, has been accepted by all the panels which have studied this program—from the Defense Department study to the Marshall Commission and to the Mark Clark panel. And it was endorsed by both Houses of the Congress in 1967.

Also, uniform national standards could be established by Presidential order.

Mr. JAVITS. Exactly.

Mr. KENNEDY. Then there would not be the great diversity that exists today. And there could be a complete review of occupational deferments. There is a large question about continuing occupational deferments. As a matter of fact, the National Security Council says one thing and selective service does another.

Mr. JAVITS. The Senator will use his very great influence and I shall try to use whatever influence I have to see if we can move the Department of Defense and the Selective Service System in this area, even as we await action on our bills. Does the Senator agree with that statement?

Mr. KENNEDY. Yes.

Mr. JAVITS. I thank the Senator.

Mr. KENNEDY. There is one point on which the Department of Defense deserves considerable credit, and it is a matter in which I know the Senator is interested. I refer to Project One Hundred Thousand. In the last 2 years, under the leadership of the former distinguished Secretary of Defense, Robert McNamara, 162,600 young people were taken into the services through Project One Hundred Thousand. These were young men, many of them from disadvantaged backgrounds. About 80 percent were volunteers who were not quite making the entrance requirements for the Armed Forces, but nonetheless had a strong interest in the service.

The figures from that study reveal that 96 percent of that group completed basic training, and 40 percent were assigned to combat specialties. One of the more interesting statistics is that hundreds of thousands of young people were in this shadow area who fell just short of the necessary requirements to go into the Armed Forces of the country, but who volunteered to do so. Hopefully the Department of Defense will continue this project, which has meant a great opportunity for young people who otherwise would not have had the opportunity. Furthermore, it has strengthened the armed services.

The 162,000 young men selected have a faster rate of promotion than a compara-

ble group of inductees. As the Senator knows, the figure is small compared to the training programs with which the Senator is familiar and with which I am familiar.

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

Mr. KENNEDY. I yield.

Mr. JAVITS. Mr. President, I agree thoroughly with the Senator. I take great pride in what has been done and I certainly will join with the Senator in every effort to get it continued and expanded.

One small problem is coming up, and I do not know whether the Senator dealt with this matter in his address or not, but I would welcome his views.

Apparently there is an enormous proliferation of lawsuits with respect to men who receive partial deferments who are in the second year of graduate study. They receive deferments only for this semester rather than the whole year. The law is unclear. There is an enormous proliferation of lawsuits, and thousands more of lawsuits, because so far the Department of Justice has not allowed one generic case to settle on.

First, has the Senator had his attention called to that matter? Second, would the Senator agree with me that it would be extremely desirable to save the enormous cost and the burden on the courts, that we do the best we can to get one case decided, and then act for everyone? They are all in the same boat.

Mr. KENNEDY. I think that would be helpful, and my bill would deal with it as would the Senator from New York. But I have some real problems with continuation of deferments.

Mr. JAVITS. So do I.

Mr. KENNEDY. This is particularly so when despite the Paris negotiations, we have a war situation in which some 200 young Americans lost their lives last week. I think the Senator's suggestion would be very helpful, and I think it would be of service because it would eliminate the uncertainty to which these young people are subjected.

Mr. JAVITS. I agree with the Senator about deferments and I think his bill, like mine, would end those deferments in case of combat.

I thank the Senator and I congratulate him on the outstanding study he has made and the devotion he has given to this matter. This is a great problem to me, and I know it is to the Senator, because it involves a generation which is so very close to his own generation.

The PRESIDING OFFICER (Mr. ALLEN in the chair). The Senator's 20 minutes have expired.

Mr. KENNEDY. Mr. President, I ask unanimous consent that I may proceed for 7 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator is recognized for 7 additional minutes.

Mr. KENNEDY. Thus, Mr. President, I think that a case has been made, time and time again, to show that our present legislation is a patchwork, is outdated, and works unfairness upon our young people.

I believe that Congress, the President, and the Defense Establishment have an obligation to provide legislation which will treat our young people as fairly and as equitably as possible.

As President Kennedy said, "life is unfair in many instances," but I think that our obligation and responsibility are to reduce, to the extent possible by statute, the unfairness and the inequities which exist on our statute books today.

Mr. President, I ask unanimous consent that the bill I am introducing today be printed at this point in the RECORD.

There being no objection, the bill (S. 1145) was ordered to be printed in the RECORD, as follows:

S. 1145

A bill to amend the Military Selective Service Act of 1967 to provide for a fair and random system of selecting persons for induction into military service, to provide for the uniform application of Selective Service policies, to raise the incidence of volunteers in military service, 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 may be cited as the "Selective Service Act of 1969."

TITLE I—PURPOSE AND DEFINITIONS

TITLE II—SELECTIVE SERVICE SYSTEM

TITLE III—THE INDIVIDUAL AND THE SELECTIVE SERVICE SYSTEM

TITLE IV—MISCELLANEOUS

Short title

SEC. 101. This Act may be cited as the "Selective Service Act."

Findings and declaration of purpose

SEC. 102. (a) The Congress finds that the maintenance of an adequate armed force is essential to the security of the United States.

(b) The Congress further finds that so long as all eligible persons are not required to serve in the Armed Forces, those who are required to serve should be selected under a system which is fair, just, and adequate to meet the needs of the national defense and at the same time consistent with the enhancement of an effective national economy.

(c) The Congress further finds that the military manpower needs of the Nation should be met to as high a degree as practicable by reliance upon voluntary accessions to military duty.

(d) The Congress further finds that civilian personnel shall be used wherever practical in noncombat positions within the Military Establishment, and that women should be encouraged to serve both in the Armed Forces and in civilian positions in support of such forces.

(e) It is, therefore, the purpose of this Act to establish procedures for the fair and equitable selection of qualified young men to meet the continuing military manpower needs of the Nation.

Definitions

SEC. 103. When used in this title—

(a) The term "between the ages of eighteen and twenty-six" shall refer to men who have attained the eighteenth anniversary of the day of their birth and who have not attained the twenty-sixth anniversary of the day of their birth; and other terms designating different age groups shall be construed in a similar manner.

(b) The term "United States," when used in a geographical sense, means the several States, the District of Columbia, Puerto Rico, the Virgin Islands, and Guam.

(c) The term "Armed Forces" includes the Army, the Navy, the Marine Corps, the Air Force, and the Coast Guard.

(d) The term "district court of the United States" includes the courts of the United States for the territories and possessions of the United States.

(e) The term "Director" means the Director of the Selective Service System.

(f) (1) The term "duly ordained minister of religion" means a person who has been ordained, in accordance with the ceremonial ritual, or discipline of a church, religious sect, or organization established on the basis of a community of faith and belief, doctrines and practices of a religious character, to preach and to teach the doctrines of such church, sect, or organization and to administer the rites and and ceremonies thereof in public worship, and who as his regular and customary vocation preaches and teaches the principles of religion and administers the ordinances of public worship as embodied in the creed or principles of such church, sect, or organization.

(2) The term "regular minister of religion" means one who as his customary vocation preaches and teaches the principles of religion of a church, a religious sect, or organization of which he is a member, without having been formally ordained as a minister of religion, and who is recognized by such church, sect, or organization as a regular minister.

(3) The term "regular or duly-ordained minister of religion" does not include a person who irregularly or incidentally preaches and teaches the principles of religion of a church, religious sect, or organization and does not include any person who may have been duly ordained a minister in accordance with the ceremonial, rite, or discipline of a church, religious sect, or organization, but who does not regularly, as a vocation, teach and preach the principles of religion and administer the ordinances of public worship, as embodied in the creed of principles of his church, sect, or organization.

(g) The term "organized unit", when used with respect to a reserve component, means a unit in which the members thereof are required satisfactorily to participate in

scheduled drills and training periods as prescribed by the Secretary of Defense.

(h) The term "Reserve component of the Armed Forces" includes, unless the context otherwise requires, the federally recognized National Guard of the United States, the federally recognized Air National Guard of the United States, the Officers' Reserve Corps, the Regular Army Reserve, the Air Force Reserve, the Enlisted Reserve Corps, the Naval Reserve, the Marine Corps Reserve, and the Coast Guard Reserve, and shall include, in addition to the foregoing, the Public Health Service Reserve when serving with the Armed Forces.

Saving provision

SEC. 104. Nothing in this title shall be deemed to amend any provision of the National Security Act of 1947 (61 Stat. 495).

Effective date

SEC. 105. This title shall become effective immediately; except that unless the President, or the Congress by concurrent resolution, declares a national emergency after the date of enactment of this Act, no person shall be inducted or ordered into active service without his consent under this title within ninety days after the date of its enactment.

TITLE II—SELECTIVE SERVICE SYSTEM

Organization

SEC. 201. (a)(1) There is hereby established in the executive branch of the Government an agency to be known as the Selective Service System, and a Director of Selective Service who shall be the head thereof.

(2) The Selective Service System shall be composed of (A) the National Selective Service System Office, to be located in Washington, D.C.; (B) eight regional headquarters distributed throughout the United States; (C) such area offices, appeal boards, and other agencies as are hereafter provided.

(3) The Director shall be appointed by the President for a term of six years, with the advice and consent of the Senate.

(4) The Selective Service System shall, to the maximum extent practicable, utilize automatic data processing equipment in carrying out the provisions of this title.

(5) The functions of the Office of Selective Service Records (established by the Act of March 31, 1947) and of the Director of the Office of Selective Service Records are hereby transferred to the Selective Service System and the Director of Selective Service, respectively. The personnel, property, records, and unexpected balances (available or to be made available) of appropriations, allocations, and other funds of the Office of Selective Service Records are hereby transferred to the Selective Service System. The Office of Selective Service Records shall cease to exist upon the taking of effect of the provisions of this title: *Provided,* That, effective upon the termination of this title and notwithstanding such termination in other respects, (A) the said Office of Selective Service Records is hereby reestablished on the same basis and with the same functions as obtained prior to the effective date of this title, (B) said reestablished Office shall be responsible for liquidating any other outstanding affairs of the Selective Service System, and (C) the personnel, property, records, and unexpended balances (available or to be made available) of appropriations, allocations, and other funds of the Selective Service System shall be transferred to such reestablished Office of Selective Service Records.

(b) The President is authorized—

(1) to prescribe the necessary rules and regulations to carry out the provisions of this title;

(2) to appoint a Regional Director for the Selective Service System for each regional headquarters, who shall be in immediate charge of the regional headquarters; to employ such number of civilians, and upon declaration by the President of a state of national emergency to order to active duty with their consent and to assign to the Selective Service System such officials of the selective service section of the various State headquarters and headquarters detachments and such other officials of the federally recognized National Guard of the United States and other Armed Forces personnel (including personnel of the Reserve components thereof), as may be necessary for the administration of the national and of the several regional headquarters and area offices of the Selective Service System;

(3) to create and establish one or more area offices in each State with an area of jurisdiction to be established by the Director of the Selective Service on a population basis. Each area office shall consist of a civilian area director, assisted by appropriate civilian staff. Each area director shall have the power within the respective jurisdiction of such an area office to hear and determine, in strict conformity with the rules and regulations prescribed by the President, and subject to a right of appeal to the local board and from the local board to the appeal boards herein authorized, all questions or claims with respect to inclusion for, or exemption or deferment from training and service under this title, of all individuals within the jurisdiction of such area offices, together with such other duties as may be assigned under this title; and

(4) to create and establish within the Selective Service System civilian local boards as well as such other civilian agencies of appeal, as may be necessary to carry out its functions. Each local board shall function in conjunction with an area office as provided in section 24(b)(3) of this title and shall consist of three or more members. The local board shall, under rules and regulations prescribed by the President, and under appropriate precedents have the power within the jurisdiction of such area office to hear and determine appeals from the decisions of an area director subject to the right of further appeal to the appeal boards herein authorized and all other questions relating to inclusion for, or exemption or deferment from, training and service arising under this title. There shall be not less than one appeal board, together with such additional separate panels thereof as may be prescribed by the President, located within the area of each regional headquarters of the Selective Service System. Appeal boards within the Selective Service System shall be composed of civilians who are are citizens of the United States and who are not members of the Armed Forces. The decision of such appeal boards shall be final in cases before them on appeal unless modified or changed by the President.

(c) No citizen shall be denied membership in any component of the Selective Service System established pursuant to this section on account of race, color, creed, or sex. Composition of the membership on local and appeal boards shall represent, as far as practicable, all elements of the public which the board serves. No citizen shall serve on any such component for more than twenty-five years, or after he has attained the age of sixty-five years.

(d) No person who is a civilian officer, member, agent, or employee of the Office of Selective Service Records, or the Selective Service System, or of any local board or appeal board or other agency of such Office or System, shall be excepted from registration or deferred or exempted from training and service, as provided for in this title, by reason of his status as such civilian officer, member, agent, or employee.

(e) The President is authorized—

(1) to appoint pursuant to the provisions of title 5, United States Code, and to classify and pay pursuant to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, such officers, agents, and employees as he may deem necessary to carry out the provisions of this title: *Provided,* That their compensation may be fixed without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title: *Provided further,* That any officer on the active or retired list of the Armed Forces, or any reserve component thereof with his consent, or any officer or employee of any department or agency of the United States who may be assigned or detailed to any office or position to carry out the provisions of this title may serve in and perform the functions of such office or position without loss of or prejudice to his status as such officer in the Armed Forces or reserve component thereof, or as such officer or employee in any department or agency of the United States;

(2) to utilize the services of any or all departments and any and all officers or agents of the United States, and to accept the services of all officers and agents of the several States, territories, and possessions, and subdivisions thereof, and the District of Columbia, and of private welfare organizations, in the execution of this title;

(3) to purchase such printing binding, and blankbook work from public, commercial, or private printing establishments or binderies upon orders placed by the Public Printer or upon waivers issued in accordance with section 12 of the Printing Act approved January 12, 1895, as amended, and to obtain by purchase, loan, or gift such equipment and supplies for the Selective Service System, as he may deem necessary to carry out the provisions of this title, with or without advertising or formal contract;

(4) to prescribe eligibility, rules, and regulations governing the parole for service in the Armed Forces, or for any other special service established pursuant to this title, or any person convicted of a violation of any of the provisions of this title;

(5) subject to the availability of funds appropriated for such purpose, to procure such space as he may deem necessary to carry out the provisions of this title and Public Law 26, Eightieth Congress, approved March 31, 1947, by lease pursuant to existing statutes, except that the provisions of the Act of June 30, 1932 (47 Stat. 412), as amended by section 15 of the Act of March 3, 1933 (47 Stat. 1517; 40 U.S.C. 278a), shall not apply to any lease entered into under the authority of this title;

(6) subject to the availability of funds appropriated for such purposes, to determine the location of such additional temporary installations as he may deem essential; to utilize and enlarge such existing installations; to construct, install, and equip, and to complete the construction, installation, and equipment of such buildings, structures, utilities, and appurtenances (including the necessary grading and removal, repair or remodeling of existing structures and installations), as may be necessary to carry out the provisions of this title; and, in order to accomplish the purpose of this title, to acquire lands, and rights pertaining thereto, or other interests therein, for temporary use thereof, by donation or lease, and to prosecute construction thereon prior to the approval of the title by the Attorney General as required by section 355, Revised Statutes, as amended;

(7) subject to the availability of funds appropriated for such purposes, to utilize, in order to provide and furnish such services as may be deemed necessary or expedient to accomplish the purposes of this title, such personnel of the Armed Forces and of Reserve components thereof with their consent, and such civilian personnel, as may be necessary. For the purposes of this title, the provisions of section 14 of the Federal Employees' Pay Act of 1946 (Public Law 390, Seventy-ninth Congress) with respect to the maximum lim-

itations as to the number of civilian employees shall not be applicable to the Department of the Army, the Department of the Navy, or the Department of the Air Force.

(8) to delegate any authority vested in him under this title, and to provide for the subdelegation of any such authority.

(f) In the administration of this title, gifts of supplies, equipment, and voluntary services may be accepted.

(g) The Chief of Finance, United States Army, is authorized to act as the fiscal, disbursing, and accounting agent of the Director in carrying out the provisions of this title.

(h) The Director is authorized to make final settlement of individual claims, for amounts not exceeding $50, for travel and other expenses of uncompensated personnel of the Office of Selective Service Records, or the Selective Service System, incurred while in the performance of official duties, without regard to other provisions of law governing the travel of civilian employees of the Federal Government.

(i) The Director of Selective Service shall submit to the Congress semiannually a written report covering the operation of the Selective Service System and such report shall include, by States, information as to the number of persons registered under this Act; the number of persons inducted into the military service under this Act; the number of deferments granted under this Act and the basis for such deferments; and such other specific kinds of information as the Congress may from time to time request.

Emergency medical care

SEC. 202. Under such rules and regulations as may be prescribed by the President, funds available to carry out the provisions of this title shall also be available for the payment of actual and reasonable expenses of emergency medical care, including hospitalization, of registrants who suffer illness or injury, and the transportation, and burial, of the remains of registrants who suffer death, while acting under orders issued under the provisions of this title, but such burial expenses shall not exceed an amount to be determined by the President.

Penalties

SEC. 203. (a) Any member of the Selective Service System or any other person charged as herein provided with the duty of carrying out any of the provisions of this title, or the rules or regulations made or directions given thereunder, who shall knowingly fail or neglect to perform such duty, and any person charged with such duty, or having and exercising any authority under said title, rules, regulations, or directions who shall knowingly make, or be a party to the making, of any false, improper, or incorrect registration, classification, physical or mental examination, deferment, induction, enrollment, or muster, and any person who shall knowingly make, or be a party to the making of, any false statement or certificate regarding or bearing upon a classification or in support of any request for a particular classification, for service under the provisions of this title, or rules, regulations, or directions made pursuant thereto, or who otherwise evades or refuses registration or service in the Armed Forces or any of the requirements of this title, or who knowingly counsels, aids, or abets another to refuse or evade registration or service in the Armed Forces or any of the requirements of this title, or of said rules, regulations, or directions, or who in any manner shall knowingly fail or neglect or refuse to perform any duty required of him under or in the execution of this title, or rules, regulations, or directions made pursuant to this title, or any person or persons who shall knowingly hinder or interfere or attempt to do so in any way, by force or violence or otherwise, with the administration of this title or the rules or regulations made pursuant thereto, or who conspires to commit any one or more of such offenses, shall, upon conviction in any district court of the United States of competent jurisdiction, be punished by imprisonment for not more than five years or a fine of not more than $10,000, or by both such fine and imprisonment, or if subject to military or naval law may be tried by court martial, and, on conviction, shall suffer such punishment as a court martial may direct. No person shall be tried by court martial in any case arising under this title unless such person has been actually inducted for the training and service prescribed under this title or unless he is subject to trial by court martial under laws in force prior to the enactment of this title. Precedence shall be given by courts to the trial of cases arising under this title, and such cases shall, upon request of the Attorney General, be advanced on the docket for hearing at the earliest practicable date.

(b) Any person (1) who knowingly transfers or delivers to another, for the purpose of aiding or abetting the making of any false identification or representation, any registration certificate, alien's certificate of nonresidence, or any other certificate issued pursuant to or prescribed by the provisions of this title, or rules or regulations promulgated hereunder; or (2) who, with intent that it be used for any purpose of false identification or representation, has in his possession any such certificate not duly issued to him; or (3) who forges, alters, knowingly destroys, knowingly mutilates, or in any manner changes any such certificate or any notation duly and validly inscribed thereon; or (4) who, with intent that it be used for any purpose of false identification or representation, photographs, prints, or in any manner makes or executes any engraving, photograph, print, or impression in the likeness of any such certificate, or any colorable imitation thereof; or (5) who has in his possession any certificate purporting to be a certificate issued pursuant to this title, or rules and regulations promulgated hereunder, which he knows to be falsely made, reproduced, forged, counterfeited, or altered; or (6) who knowingly violates or evades any of the provisions of this title or rules and regulations promulgated pursuant thereto relating to the issuance, transfer, or possession of such certificate, shall, upon conviction, be fined not to exceed $10,000 or be imprisoned for not more than five years, or both. Whenever on trial for a violation of this subsection the defendant is shown to have or to have had possession of any certificate not duly issued to him, such possession shall be deemed sufficient evidence to establish an intent to use such certificate for purposes of false identification or representation, unless the defendant explains such possession to the satisfaction of the jury.

Nonapplicability of certain laws

SEC. 204. (a) Nothing in section 203, 205, or 207 of title 18 of the United States Code, or in the second sentence of subsection (a) of section 9 of the Act of August 2, 1939 (53 Stat. 1148), entitled "An Act to prevent pernicious political activities", as amended, shall be deemed to apply to any person because of his appointment under authority of this title or the regulations made pursuant thereto as an uncompensated official of the Selective Service System, or as an individual to conduct hearings on appeals of persons claiming exemption from combatant or noncombatant training because of conscientious objections, or as a member of the National Selective Service Appeal Board.

(b) All functions performed under this title shall be excluded from the operation of the Administrative Procedure Act (60 Stat. 237) except as to the requirements of section 3 of such Act.

(c) In computing the lump-sum payments made to Air Force Reserve officers under the provisions of section 2 of the Act of June 16, 1936, as amended (U.S.C., title 10, sec. 300a), and to Reserve officers of the Navy or to their beneficiaries under section 12 of the Act of August 4, 1942, as amended (U.S.C., title 34, sec. 850k), no credit shall be allowed for any period of active service performed from the effective date of this title to the date on which this title shall cease to be effective. Each such lump-sum payment shall be prorated for a fractional part of a year of active service in the case of any Reserve officer subject to the provisions of either such section, if such Reserve officer performs continuous active service for one or more years (inclusive of such service performed during the period in which this title is effective) and such active service includes a fractional part of a year immediately prior to the effective date of this title, or immediately following the date on which this title shall cease to be effective, or both.

Selection

SEC. 205. (a) The selection of persons for training and service shall be made in a fair and impartial manner from the persons who are liable for such training and service and who at the time of selection are registered and classified, but not deferred or exempted.

(b) The order of induction of registrants found qualified for induction shall be determined as follows:

(1) Selection of persons for induction to meet the military manpower needs shall be made from persons in the prime selection group, after the selection of delinquents and volunteers.

(2) The term "prime selection group" means persons who are liable for training and service under this title, and who at the time of selection are registered and classified and are—

(A) Nineteen years of age and not deferred or exempted;

(B) between nineteen and thirty-five years of age and, on or after the effective date of the Selective Service Act of 1969, were in a deferred status but are no longer in such status; or

(C) between twenty and twenty-six years of age on the effective date of the Selective Service Act of 1969 and are not deferred or exempted.

(3) A person shall remain in the prime selection group for a period of twelve months, unless inducted into the Armed Forces during such period. Any person in a deferred status upon reaching the age of nineteen shall, upon the termination of such deferred status, and if qualified, be liable for twelve months for induction as a registrant within the prime selection group irrespective of his actual age, unless he is otherwise deferred. Any person removed from the prime selection group because of a deferment shall again be placed in the prime selection group, if he otherwise qualifies, whenever such deferment is terminated. But no person shall remain in the prime selection group for any period or periods totalling more than twelve months.

(4) On the effective date of the Selective Service Act of 1969, any person who comes within the provisions of clause (B) or (C) of paragraph (3) of this subsection shall be placed in the prime selection group as follows:

(A) A person who has attained the twenty-fourth anniversary of the date of his birth prior to such effective date shall be placed in the prime selection group during the first twelve-month period following such effective date.

(B) A person between twenty-two and twenty-four years of age on such effective date shall be placed in the prime selection group during the second twelve-month period following such effective date.

(C) A person between twenty and twenty-two years of age on such effective date shall

be placed in the prime selection group during the third twelve-month period following such effective date.

(5) The order of call for induction from among those persons in the prime selection group shall be determined as follows:

Under such rules and regulations as the President shall prescribe—

(A) The Selective Service System shall from time to time publish, for each month in the year, a list of numbers randomly arranged, corresponding to the number of days in such month.

(B) Those persons first called from the prime selection group for the particular month will be those whose day of birth is the same as the first number on the list; those next called will be those whose day of birth is the second number on the list; and this procedure shall be followed until the particular month's quota is met.

(C) The Selective Service System shall also from time to time publish a list of the letters of the alphabet randomly arranged. In the event that the procedure described in clause (B) just above does not serve to distinguish clearly an order of call as between two or more persons, then reference shall be made to the list of letters and the first letter of the last names of such persons to determine such an order of call.

(D) The determination of order of call may be made upon a national, regional, local or other basis, as the President shall determine.

(c) Nothing herein shall be construed to prohibit the President, under such rules and regulations as he may prescribe, from establishing a separate and distinct selection system for persons found by him to have special skills essential to the national defense.

(d) There shall be no discrimination against any person on account of race, color, or creed in the selection of persons for training and service under this title or in the interpretation and execution of any provision of this title.

(e) No order for induction shall be issued under this title to any person who has not attained the age of nineteen years unless the President finds that such action is in the national interest.

(f) Notwithstanding any other provision of law, except section 314 of the Immigration and Nationality Act (8 U.S.C. 1425), no person who is qualified in a needed medical, dental, or allied specialist category, and who is liable for induction under section 4 of this title, shall be held to be ineligible for appointment as a commissioned officer of an armed force of the United States on the sole ground that he is not a citizen of the United States or has not made a declaration of intent to become a citizen thereof, and any such person who is not a citizen of the United States and who is appointed as a commissioned officer may, in lieu of the oath prescribed by section 1331 of title 5, United States Code, take such oath of service and obedience as the Secretary of Defense may prescribe.

(g) For the purposes of regulations issued under this Act, a delinquent is a person who is required to be registered under this Act and who fails to perform or who violates any duty, with respect to his own status, required of him under the provisions of this Act and the regulations issued thereunder.

Authority to order Reserve components to active Federal service

SEC. 206. Until July 1, 1953, and subject to the limitations imposed by section 2 of the Selective Service Act of 1948, as amended, the President shall be authorized to order into the active military or naval service of the United States for a period of not to exceed twenty-four consecutive months, with or without their consent, any or all members and units of any or all Reserve components of the Armed Forces of the United States and retired personnel of the Regular Armed Forces. Unless he is sooner released under regulations prescribed by the Secretary of the military department concerned, any member of the Inactive or Volunteer Reserve who served on active duty for a period of twelve months or more in any branch of the Armed Forces between the period December 7, 1941, and September 2, 1945, inclusive, who is now or may hereafter be ordered to active duty pursuant to this section, shall upon completion of seventeen or more months of active duty since June 25, 1950, if he makes application therefor to the Secretary of the branch of service in which he is serving, be released from active duty and shall not thereafter be ordered to active duty for periods in excess of thirty days without his consent except in time of war or national emergency hereafter declared by the Congress: *Provided*, That the foregoing shall not apply to any member of the Inactive or Volunteer Reserve ordered to active duty whose rating or specialty is found by the Secretary of the military department concerned to be critical and whose release to inactive duty prior to the period for which he was ordered to active duty would impair the efficiency of the military department concerned.

The President may retain the unit organizations and the equipment thereof, exclusive of the individual members thereof, in the active Federal service for a total period of five consecutive years, and upon being relieved by the appropriate Secretary from active Federal service, National Guard, or Air National Guard units, shall, insofar as practicable, be returned to their National Guard or Air National Guard status in their respective States, territories, the District of Columbia, and Puerto Rico, with pertinent records, colors, histories, trophies, and other historical impedimenta.

TITLE III—THE INDIVIDUAL AND THE SELECTIVE SERVICE SYSTEM

Registration

SEC. 301. (a) It shall be the duty of every male citizen of the United States, and of every male alien in the United States in the status of an alien admitted for permanent residence, upon attaining the eighteenth anniversary of his date of birth to register with the Selective Service System in accordance with such rules and regulations as may be prescribed by the President. Any male alien in the United States in the status of an alien admitted for permanent residence who has not heretofore registered with the Selective Service System shall be required to do so within six months after the date of enactment of the Selective Service Act of 1969.

(b) It shall be the duty of every registrant to keep the Selective Service System informed as to his current address and changes in status according to the terms of such rules and regulations as the President may prescribe.

Classification, training, and service

SEC. 302. (a) Except as otherwise provided in this title, every person registered under the provisions of section 3 of this title who is between the ages of eighteen years and six months and twenty-six years shall be liable for training and service in the Armed Forces of the United States.

(b) Each registrant shall be liable immediately for classification and examination, and shall, as soon as practicable following his registration, be examined physically and mentally in order to determine his suitability for induction for training and service in the Armed Forces. Each registrant shall be classified on the basis of such examination to indicate his availability for induction for training and service in the Armed Forces.

(c) Notwithstanding any other provision of law, any registrant who has failed or refused to report for a physical and mental examination in order to determine his suitability for induction for training and service in the Armed Forces, shall continue to remain liable for such examination and induction until relieved of this liability under such conditions as the President shall prescribe.

(d) Any lien admitted for permanent residence shall not be liable for training and service until he has resided in the United States for a total period of one year: *Provided*, That any alien relieved from liability for training and service under an existing treaty shall be permanently ineligible to become a citizen of the United States: *Provided further*, That any alien shall be relieved from liability for training and service under this title if, prior to his induction, his status is adjusted to that of a nonimmigrant, but any alien who obtains such an adjustment pursuant to section 247(c) of the Immigration and Nationality Act, as amended, shall be permanently ineligible to become a citizen of the United States: *And provided further*, That any alien who has been in the United States as a nonimmigrant and whose status is adjusted to that of a permanent resident, or who is readmitted to the United States as a permanent resident within one year of his departure shall have his liability for training and service extended as if he had been deferred and his liability had been extended under the provisions of this title.

(e) Nothing in this section shall be construed as superseding the provisions of any existing treaties of the United States.

Right to counsel; right of appearance

SEC. 303. Each registrant shall be afforded the opportunity to appear in person before the area office, regional office, local board, or any other agency of the Selective Service System to present testimony or other evidence regarding his status. Each registrant shall further have the right to be represented before such office, board or other agency by private counsel. If any registrant is financially unable to provide his own counsel, upon his request such counsel shall be made available without charge, under such rules and regulations as the President may prescribe.

Induction

SEC. 304. (a) The President is authorized to select and induct for training and service in the Armed Forces such number of persons as may be required to provide and maintain the strength of the Armed Forces. This authority shall obtain whether or not a state of war exists, and shall be exercised in the manner provided in this title.

(b) Persons inducted into the Armed Forces for training and service under this title shall be assigned to stations or units of such forces. Persons inducted into the land forces of the United States pursuant to this title shall be deemed to be members of the Army of the United States; persons inducted into the naval forces of the United States pursuant to this title shall be deemed to be members of the United States Navy or the United States Marine Corps or the United States Coast Guard, as appropriate; and persons inducted into the air forces of the United States pursuant to this title shall be deemed to be members of the Air Force of the United States.

(c) Every person inducted into the Armed Forces pursuant to the authority of this section shall, following his induction, be given full and adequate military training for a period of not less than four months, and no such person shall, during this four months period, be assigned for duty at any installation located on land outside the United States, its territories and possessions (including the Canal Zone).

(d) No person in the medical, dental, and allied specialist categories shall be inducted under the provisions of this section if he applies or has applied for an appointment as a Reserve officer in one of the Armed Forces

in any of such categories and is or has been rejected for such appointment on the sole ground of a physical disqualification.

(e) No person, without his consent, shall be inducted for training and service in the Armed Forces, except as otherwise provided in this title, after he has attained the twenty-sixth anniversary of the day of his birth.

(f) No person shall be inducted into the Armed Forces for training and service under this title until his acceptability in all respects, including his physical and mental fitness, has been satisfactorily determined under standards prescribed by the Secretary of Defense. The physical and mental standards which a person must meet in order to qualify for induction shall be no lower than those prescribed for persons who voluntarily enlist for service in the Army of the United States.

(g) No person shall be inducted for such training and service until adequate provision shall have been made for such shelter, sanitary facilities, water supplies, heating and lighting arrangements, medical care, and hospital accommodations for such persons as may be determined by the Secretary of Defense (or the Secretary of Transportation with respect to the United States Coast Guard) to be essential to public and personal health.

(h) Notwithstanding any other provision of law, any registrant who has failed or refused to report for induction shall continue to remain liable for induction until relieved of this liability under such conditions as the President shall prescribe.

Length of service

SEC. 305. (a) Each person inducted into the Armed Forces under the provisions of this title shall serve on active training and service for a period of twenty-four consecutive months, unless sooner released, transferred, or discharged in accordance with procedures prescribed by the Secretary of Defense (or the Secretary of Transportation with respect to the United States Coast Guard) or as otherwise prescribed by this title. The Secretaries of the Army, Navy, and Air Force, with the approval of the Secretary of Defense (and the Secretary of Transportation with respect to the United States Coast Guard), may provide, by regulations which shall be as nearly uniform as practicable, for the release from training and service in the Armed Forces prior to serving the periods required by this section of individuals who have volunteered for and are accepted into organized units of the Army National Guard, the Air National Guard, and other reserve components of the Armed Forces.

(b) Each person who hereafter and prior to the enactment of the 1951 Amendments to the Universal Military Training and Service Act is inducted, enlisted, or appointed and serves for a period of less than three years in one of the Armed Forces and meets the qualifications for enlistment or appointment in a reserve component of the armed force in which he serves, shall be transferred to a reserve component of such armed force, and until the expiration of a period of five years after such transfer, or until he is discharged from such reserve component, whichever occurs first, shall be deemed to be a member of such reserve component and shall be subject to such additional training and service as may now or hereafter be prescribed by law for such reserve component: *Provided*, That any such person who completes at least twenty-one months of service in the Armed Forces and who thereafter serves satisfactorily (1) on active duty in the Armed Forces under a voluntary extension for a period of at least one year, which extension is hereby authorized, or (2) in an organized unit of any reserve component of any of the Armed Forces for a period of at least thirty-six consecutive months, shall, except in time of war or national emergency declared by the Congress, be relieved from any further liability under this subsection to serve in any reserve component of the Armed Forces of the United States, but nothing in this subsection shall be construed to prevent any such person, while in a reserve component of such forces, from being ordered or called to active duty in such forces.

Enlistment

SEC. 306. (a) Any person between the ages of eighteen years and six months and twenty-six years shall be offered an opportunity to enlist in the Regular Army for a period of service equal to that prescribed in this title: *Provided*, That, notwithstanding the provisions of this or any other Act, any person so enlisting shall not have his enlistment extended without his consent until after a declaration of war or national emergency by the Congress after the date of enactment of the Selective Service Act of 1969.

(b) Any enlisted member of any reserve component of the Armed Forces may, during the effective period of this title, apply for a period of service equal to that prescribed in section 6 of this title, and his application shall be accepted if his services can be effectively utilized and his physical and mental fitness for such service meet the standards prescribed by the head of the department concerned. Active service performed pursuant to this section shall not prejudice the status of any such as a member of a reserve component. Any person who was a member of a reserve component on June 25, 1950, and who thereafter continued to serve satisfactorily in such reserve component, shall, if his application for active duty made pursuant to this paragraph is denied, be deferred from induction under this title until such time as he is ordered to active duty or ceases to serve satisfactorily in such reserve component.

(c) Any persons between the ages of eighteen years and six months and twenty-six years shall be afforded an opportunity to volunteer for induction into the Armed Forces of the United States for the training and service prescribed in section 5, but any person who so volunteers shall be inducted for such training and service, so long as he is deferred after classification, only as prescribed by the President.

(d) Any person after attaining the age of seventeen shall, with the written consent of his parents or guardian, be afforded an opportunity to volunteer for induction into the Armed Forces of the United States for the training and service prescribed in section 5.

Pay and allowances

SEC. 307. (a) With respect to the persons inducted for training and service under this title, there shall be paid, allowed, and extended the same pay, allowances, pensions, disability and death compensation, and other benefits as are provided by law in the case of other enlisted men of like grades and length of service of that component of the Armed Forces to which they are assigned. Section 3 of the Act of July 25, 1947 (Public Law 239, Eightieth Congress), is hereby amended by deleting therefrom the following: "Act of March 7, 1942 (56 Stat. 143–148, ch. 166), as amended". The Act of March 7, 1942 (56 Stat. 143–148), as amended, as hereby made applicable to persons inducted into the Armed Forces pursuant to this title.

(b) Notwithstanding any other provision of law, any person who is inducted into the Armed Forces under this Act and who before being inducted, was receiving compensation from any person may, while serving under that induction, receive compensation from that person.

Decrease in period of service

SEC. 308. (a) Upon a finding by him that such action is justified by the strength of the Armed Forces in the light of national and international conditions, the President, upon recommendation of the Secretary of Defense, is authorized by Executive order, which shall be uniform in its application to all persons inducted under this title but which may vary as to age groups, to provide for (1) decreasing periods of service under this title but in no case to a lesser period of time than can be economically utilized, or (2) eliminating periods of service required under this title.

Medical and dental officers

SEC. 309. (a) The President may order to active duty (other than for training), as defined in section 101(22) of title 10, United States Code, for a period of not more than twenty-four consecutive months, with or without his consent, any member of a reserve component of the Armed Forces of the United States who is in a medical, dental, or allied specialist category, who has not attained the thirty-fifth anniversary of the date of his birth, and has not performed at least one year of active duty (other than for training). This subsection does not affect or limit the authority to order members of the reserve components to active duty contained in setcion 672 of title 10 United States Code.

(b) For the purposes of computation of the periods of active duty (other than for training) referred to in subsection (1), credit shall be given to all periods of one day or more performed under competent orders, except that no credit shall be allowed for periods spent in student programs prior to receipt of the appropriate professional degree or in intern training.

(c) Any person who is called or ordered to active duty (other than for training) from a reserve component of the Armed Forces of the United States after September 5, 1950, and thereafter serves on active duty (other than for training), as a medical, dental, or allied specialist for a period of twelve months or more shall, upon release from active duty or within six months thereafter, be afforded an opportunity to resign his commission from the reserve component of which he is a member unless he is otherwise obligated to serve on active military training and service in the Armed Forces or in training in a reserve component by law or contract.

(d) Any physician or dentist who meets the qualifications for a Reserve commission in the respective military department shall, so long as there is a need for the services of such a physician or dentist, be afforded an opportunity to volunteer for a period of active duty (other than for training) of not less than twenty-four months. Any physician or dentist who so volunteers his service, and meets the qualifications for a Reserve commission shall be ordered to active duty (other than for training) for not less than twenty-four months, notwithstanding the grade or rank to which such physician or dentist is entitled.

(e) Notwithstanding any other provision of law, any qualified person who—

(1) is liable for induction; or

(2) as a member of a reserve component is ordered to active duty,

as a physician, or dentist, or in an allied specialist category in the Armed Forces of the United States, shall, under regulations prescribed by the President, be appointed, reappointed, or promoted to such grade or rank as may be commensurate with his professional education, experience, or ability: *Provided*, That any person in a needed medical, dental, or allied specialist category who fails to qualify for, or who does not accept, a commission, or whose commission has been terminated, may be used in his professional capacity in an enlisted grade.

Exemptions from registration, training, and service

SEC. 310. (a) Foreign diplomatic representatives, technical attachés of foreign embassies and legations, consuls general, consuls, vice consuls, and other consular agents of

foreign countries who are not citizens of the United States, and members of their families, shall not be required to be registered under section 3 and shall be relieved from liability for training and service under section 4.

(b) Any person who subsequent to June 24, 1948, serves on active duty for a period of not less than twelve months in the armed forces of a nation with which the United States is associated in mutual defense activities as defined by the President, may be exempted from training and service, but not from registration, in accordance with regulations prescribed by the President, except that no such exemption shall be granted to any person who is a national of a country which does not grant reciprocal privileges to citizens of the United States: *Provided*, That any active duty performed prior to June 24, 1948, by a person in the armed forces of a country allied with the United States during World War II and with which the United States is associated in such mutual defense activities, shall be credited in the computation of such twelve-month period: *Provided further*, That any person who is in a medical, dental, or allied specialist category not otherwise deferred or exempted under this subsection shall be liable for registration and training and service until the thirty-fifth anniversary of the date of his birth.

(c) Commissioned officers of the Public Health Service and members of the reserve of the Public Health Service while on active duty and assigned to staff the various offices and bureaus of the Public Health Service including the National Institutes of Health, or assigned to any endeavor which the President determines is necessary to the maintenance of the national health, safety, or interest shall be exempted from training and service, but not from registration.

Veterans' exemptions

SEC. 311. (a) No person who served honorably on active duty between September 16, 1940, and the date of enactment of this title for a period of twelve months or more, or between December 7, 1941, and September 2, 1945, for a period in excess of ninety days, in the Army, the Air Force, the Navy, the Marine Corps, the Coast Guard, the Public Health Service, or the armed forces of any country allied with the United States in World War II prior to September 2, 1945, shall be liable for induction for training and service under this title, except after a declaration of war or national emergency made by the Congress subsequent to the date of enactment of this title.

(b) No person who served honorably on active duty between September 16, 1940, and the date of enactment of this title for a period of ninety days or more but less than twelve months in the Army, the Air Force, the Navy, the Marine Corps, the Coast Guard, the Public Health Service, or the armed forces of any country allied with the United States in World War II prior to September 2, 1945, shall be liable for induction for training and service under this title, except after a declaration of war or national emergency made by the Congress subsequent to the date of enactment of this title, if—

(1) the local board determines that he is regularly enlisted or commissioned in any organized unit of a reserve component of the armed force in which he served, provided such unit is reasonably accessible to such person without unduly interrupting his normal pursuits and activities (including attendance at a college or university in which he is regularly enrolled), or in a reserve component (other than in an organized unit) of such armed force in any case in which enlistment or commission in an organized unit of a reserve component of such armed force is not available to him; or

(2) the local board determines that enlistment or commission in a reserve component of such armed force is not available to him or that he has voluntarily enlisted or accepted appointment in an organized unit of a reserve component of an armed force other than the armed force in which he served.

Nothing in this paragraph shall be deemed to be applicable to any person to whom subsection (a) of this section is applicable.

(c) Notwithstanding any other provision of this Act, no person who (1) has served honorably on active duty after September 16, 1940, for a period of not less than one year in the Army, the Air Force, the Navy, the Marine Corps, or the Coast Guard, or (2) subsequent to September 16, 1940, was discharged for the convenience of the Government after having served honorably on active duty for a period of not less than six months in the Army, the Air Force, the Navy, the Marine Corps, or the Coast Guard, or (3) has served for a period of not less than twenty-four months (A) as a commissioned officer in the Public Health Service or (B) as a commissioned officer in the Environmental Science Services Administration (previously the Coast and Geodetic Survey), shall be liable for induction for training and service under this Act, except after a declaration of war, or national emergency made by the Congress subsequent to the date of enactment of this Act.

(d) No person who is honorably discharged upon the completion of an enlistment pursuant to section 7 shall be liable for induction for training and service under this title, except after a declaration of war or national emergency made by the Congress subsequent to the date of enactment of this Act.

(e) For the purposes of computation of the periods of active duty referred to in paragraphs (a), (b), or (c) of this subsection, no credit shall be allowed for—

(1) periods of active duty training performed as a member of a reserve component pursuant to an order or call to active duty solely for training purposes;

(2) periods of active duty in which the service consisted solely of training under the Army specialized training program, the Army Air Force college training program, or any similar program under the jurisdiction of the Navy, Marine Corps, or Coast Guard;

(3) periods of active duty as a cadet at the United States Military Academy or United States Coast Guard Academy, or as a midshipman at the United States Naval Academy, or in a preparatory school after nomination as a principal, alternate, or candidate for admission to any of such academies;

(4) periods of active duty in any of the Armed Forces while being processed for entry into or separation from any educational program or institution referred to in paragraphs (2) or (3); or

(5) periods of active duty performed by medical, dental, or allied specialists in student programs prior to receipt of the appropriate professional degree or in intern training.

Reserve component's exemptions

SEC. 312. (a) Persons who, on February 1, 1951, were members of organized units of the federally recognized National Guard, the federally recognized Air National Guard, the Officers' Reserve Corps, the Regular Army Reserve, the Air Force Reserve, the Enlisted Reserve Corps, the Naval Reserve, the Marine Corps Reserve, the Coast Guard Reserve, or the Public Health Service Reserve, shall, so long as they continue to be such members and satisfactorily participate in scheduled drills and training periods as prescribed by the Secretary of Defense, be exempt from training and service by induction under the provisions of this title, but shall not be exempt from registration.

(b) (1) Any person, other than a person referred to in subsection (d) of this section, who—

(A) prior to the issuance of orders for him to report for induction; or

(B) prior to the date scheduled for his induction and pursuant to a proclamation by the Governor of a State to the effect that the authorized strength of any organized unit of the National Guard of that State cannot be maintained by the enlistment or appointment of persons who have not been issued orders to report for induction under this title; or

(C) prior to the date scheduled for his induction and pursuant to a determination by the President that the strength of the Ready Reserve of the Army Reserve, Naval Reserve, Marine Corps Reserve, Air Force Reserve, or Coast Guard Reserve cannot be maintained by the enlistment or appointment of persons who have not been issued orders to report for induction, under this title;

enlists or accepts appointment, before attaining the age of twenty-six years, in the Ready Reserve of any reserve component of the Armed Forces, the Army National Guard, or the Air National Guard, shall be deferred from training and service under this title so long as he serves satisfactorily as a member of an organized unit of such Reserve or National Guard in accordance with section 270 of title 10 or section 502 of title 32, United States Code, as the case may be, or satisfactorily performs such other Ready Reserve service as may be prescribed by the Secretary of Defense. Notwithstanding the provisions of section 16, no person deferrred under this paragraph who has completed six years of such satisfactory service as a member of the Ready Reserve or National Guard, and who during such service has performed active duty for training with an armed force for not less than four consecutive months, shall be liable for induction for training and service under this Act, except after a declaration of war or national emergency made by the Congress after August 9, 1955. In no event shall the number of enlistments or appointments made under authority of this paragraph in any fiscal year in any reserve component of the Armed Forces or in the Army National Guard or the Air National Guard cause the personnel strength of such reserve component or the Army National Guard or the Air National Guard, as the case may be, to exceed the personnel strength for which funds have been made available by the Congress for such fiscal year.

(2) A person who, under the provision of law, is exempt or deferred from training and service under this Act by reason of membership in a reserve component, the Army National Guard, or the Air National Guard, as the case may be, shall, if he becomes a member of another reserve component, the Army National Guard, or the Air National Guard, as the case may be, continue to be exempt or deferred to the same extent as if he had not become a member of another reserve component, the Army National Guard, or the Air National Guard, as the case may be, so long as he continues to serve satisfactorily.

(3) Except as provided in section 13 and the provisions of this section, no person who becomes a member of a reserve component after February 1, 1951, shall thereby be exempt from registration or training and service by induction under the provisions of this Act.

(4) Notwithstanding any other provision of this Act, the President, under such rules and regulations as he may prescribe, may provide that any person enlisted or appointed after October 4, 1961, in the Ready Reserve of any reserve component of the Armed Forces (other than under section 511 (b) of title 10, United States Code), the Army National Guard, or the Air National Guard, prior to attaining the age of twenty-six years, or any person enlisted or appointed

in the Army National Guard of the Air National Guard or enlisted in the Ready Reserve of any reserve component prior to attaining the age of eighteen years and six months and deferred under the prior provisions of this paragraph as amended by the Act of October 4, 1961, Public Law 87-378 (75 Stat. 807), or under section 262 of the Armed Forces Reserve Act of 1952, as amended, who fails to serve satisfactorily during his obligated period of service as a member of such Ready Reserve or National Guard or the Ready Reserve of another reserve component or the National Guard of which he becomes a member, may be selected for training and service and inducted into the armed force of which such reserve component is a part, prior to the selection and induction of other persons liable therefor.

Officers' training; officials; ministers of religion

SEC. 313. (a)(1) Within such numbers as may be prescribed by the Secretary of Defense, any person who (A) has been or may hereafter be selected for enrollment or continuance in the senior division, Reserve Officers' Training Corps, or the Air Reserve Officers' Training Corps, or the Naval Reserve Officers' Training Corps, or the naval and Marine Corps officer candidate training program established by the Act of August 13, 1946 (60 Stat. 1057), as amended, or the Reserve officers' candidate program of the Navy, or the platoon leaders' class of the Marine Corps, or the officer procurement programs of the Coast Guard and the Coast Guard Reserve, or appointed an ensign, United States Naval Reserve, while undergoing professional training; (B) agrees, in writing, to accept a commission, if tendered, and to serve, subject to order of the Secretary of the military department having jurisdiction over him (or the Secretary of Transportation with respect to the United States Coast Guard), not less than two years on active duty after receipt of a commission; and (C) agrees to remain a member of a regular or reserve component until the eighth anniversary of the receipt of a commission in accordance with his obligation under the first sentence of section 4(d)(3) of this Act, or until the sixth anniversary of the receipt of a commission in accordance with his obligation under the second sentence of section 4(d)(3) of this Act, shall be deferred from induction under this title until after completion or termination of the course of instruction and so long as he continues in a regular or reserve status upon being commissioned, but shall not be exempt from registration. Such persons, except those persons who have previously completed an initial period of military training or an equivalent period of active military training and service, shall be required while enrolled in such program to complete a period of training equal (as determined under regulations approved by the Secretary of Defense or the Secretary of Transportation with respect to the United States Coast Guard) in duration and type of training to an initial period of military training. There shall be added to the obligated active commissioned service of any person who has agreed to perform such obligatory service in return for financial assistance while attending a civilian college under any such training program a period of not to exceed one year. Except as provided in paragraph (5), upon the successful completion by any person of the required course of instruction under any program listed in clause (A) of the first sentence of this paragraph, such person shall be tendered a commission in the appropriate reserve component of the Armed Forces if he is otherwise qualified for such appointment. If, at the time of, or subsequent to, such appointment, the armed force in which such person is commissioned does not require his service on active duty in fulfillment of the obligation undertaken by him in compliance with clause (B) of the first sentence of this paragraph, such person shall be ordered to active duty for training with such armed force in the grade in which he was commissioned for a period of active duty for training of not less than three months or more than six months (not including duty performed under section 270(a) of title 10, United States Code), as determined by the Secretary of the military department concerned to be necessary to qualify such person for a mobilization assignment. Upon being commissioned and assigned to a reserve component, such person shall be required to serve therein, or in a reserve component of any other armed force in which he is later appointed, until the eighth anniversary of the receipt of such commission pursuant to the provisions of this section. So long as such person performs satisfactory service, as determined under regulations prescribed by the Secretary of Defense, he shall be deferred from training and service under the provisions of this Act. If such person fails to perform satisfactory service, and such failure is not excused under regulations prescribed by the Secretary of Defense, his commission may be revoked by the Secretary of the military department concerned.

(2) In addition to the training programs enumerated in paragraph (1) of this subsection, and under such regulations as the Secretary of Defense (or the Secretary of Transportation with respect to the United States Coast Guard) may approve, the Secretaries of the military departments and the Secretary of Transportation are authorized to establish officer candidate programs leading to the commissioning of persons on active duty. Any person heretofore or hereafter enlisted in the Army Reserve, the Naval Reserve, the Marine Corps Reserve, the Air Force Reserve, or the Coast Guard Reserve who thereafter has been or may be commissioned therein upon graduation from an officers' candidate school of such armed force shall, if not ordered to active duty as a commissioned officer, be deferred from training and service under the provisions of this Act so long as he performs satisfactory service as a commissioned officer in an appropriate unit of the Ready Reserve, as determined under regulations prescribed by the Secretary of the department concerned. If such person fails to perform satisfactory service in such unit, and such failure is not excused under such regulations, his commission may be revoked by such Secretary.

(3) Nothing in this subsection shall be deemed to preclude the President from providing, by regulations prescribed under section 16, for the deferment from training and service of any category or categories of students for such periods of time as he may deem appropriate.

(4) It is the sense of the Congress that the President shall provide for the annual deferment from training and service under this title of the numbers of optometry students and premedical, preosteopathic, preveterinary, preoptometry, and predental students at least equal to the numbers of male optometry, premedical, preosteopathic, preveterinary, preoptometry, and predental students at colleges and universities in the United States at the present levels as determined by the Director herein.

(5) Notwithstanding paragraph (1), upon the successful completion by any person of the required course of instruction under any Reserve Officers' Training Corps program listed in clause (A) of the first sentence of paragraph (1) and subject to the approval of the Secretary of the military department having jurisdiction over him, such person may, without being relieved of his obligation under that sentence, be tendered, and accept, a commission in the Environmental Science Services Administration instead of a commission in the appropriate reserve component of the Armed Forces. If he does not serve on active duty as a commissioned officer of the Environmental Science Services Administration for at least six years, he shall, upon discharge therefrom, be tendered a commission in the appropriate reserve component of the Armed Forces, if he is otherwise qualified for such appointment, and, in fulfillment of his obligation under the first sentence of paragraph (1), remain a member of a reserve component until the sixth anniversary of the receipt of his commission in the Environmental Science Services Administration. While a member of a reserve component he may, in addition to as otherwise provided by law, be ordered to active duty for such period that, when added to the period he served on active duty as a commissioned officer of the Environmental Science Services Administration, equals two years.

(6) Fully qualified and accepted aviation cadet applicants of the Army, Navy, or Air Force who have signed an agreement of service shall, in such numbers as may be designated by the Secretary of Defense, be deferred, during the period covered by the agreement but not to exceed four months from induction for training and service under this title but shall not be exempt from registration.

(c) The Vice President of the United States; the Governors of the several States, territories, and possessions, and all other officials chosen by the voters of the entire State, territory, or possession; members of the legislative bodies of the United States and of the several States, territories, and possessions; judges of the courts of record of the United States and of the several States, territories, possessions, and the District of Columbia shall, while holding such offices, be deferred from training and service under this title in the Armed Forces of the United States.

(d) Regular or duly ordained ministers of religion, as defined in this title, the students preparing for the ministry under the direction of recognized churches or religious organizations, who are satisfactorily pursuing full-time courses of instruction in recognized theological or divinity schools, or who are satisfactorily pursuing full-time courses of instruction leading to their entrance into recognized theological or divinity schools in which they have been preenrolled, shall be exempt from training and service (but not from registration) under this title.

Student and apprentice deferments; casualty ratio

SEC. 314. (a) Except as otherwise provided in this subsection, the President is authorized, under such rules and regulations as he may prescribe, to provide for the deferment from training and service in the Armed Forces of persons requesting such deferment who are satisfactorily pursuing a course of instruction at a bona fide college, junior college, community college, university, or similar institution of learning, or at a vocational school, or who are enrolled in and satisfactorily pursuing an apprentice training program or similar occupational instruction program. A deferment granted to any person under authority of this subsection shall continue until such person completes the requirements for his baccalaureate degree, completes the training program, fails to pursue satisfactorily his course of instruction, or attains the twenty-fifth anniversary of the date of his birth, whichever first occurs. Deferments provided for under this paragraph shall be restricted or terminated by the President (1) whenever he finds, with respect to persons who have been inducted into the Armed Forces under this title, that the number of such persons killed, wounded, or missing in action as the result of armed conflict during the three-month period immediately preceding his finding exceeds a number equal to 10 per centum of the total number of persons so inducted during such three-month period; or (2) whenever he determines that the needs of

the Armed Forces and of national security require such action. Such restrictions or terminations shall be in effect for the twelve calendar months next following the month in which the conditions set out in the preceding sentence are met. Whenever members of the Armed Forces of the United States are engaged in armed conflict in any area of the world, the President shall, for the purposes of clause (1) of the preceding sentence, make a finding not later than the tenth day of each calendar month respecting the number of persons killed, wounded, or missing in action in the three immediately preceding months. No person who has received a deferment under the provisions of this paragraph shall thereafter be granted a further deferment except for extreme hardship to dependents (under regulations governing hardship deferments).

(b) The President is authorized, under such rules and regulations as he may prescribe, to provide for the deferment from training and service in the Armed Forces (1) of any or all categories of persons in a status with respect to persons (other than wives alone, except in cases of extreme hardship) dependent upon them for support which renders their deferment advisable, and (2) of any or all categories of those persons found to be physically, mentally, or morally deficient or defective. For the purpose of determining whether or not the deferment of any person is advisable because of his status with respect to persons dependent upon him for support, any payments of allowances which are payable by the United States to the dependents of persons serving in the Armed Forces of the United States shall be taken into consideration, but the fact that such payments of allowances are payable shall not be deemed conclusively to remove the grounds for deferment when the dependency is based upon financial considerations and shall not be deemed to remove the ground for deferment when the dependency is based upon other than financial considerations and cannot be eliminated by financial assistance to the dependents. Except as otherwise provided in this subsection, the President is also authorized, under such rules and regulations as he may prescribe, to provide for the deferment from training and service in the Armed Forces of any or all categories of persons who have children, or wives and children, with whom they maintain a bona fide family relationship in their homes. No deferment from such training and service in the Armed Forces shall be made in the case of any individual except upon the basis of the status of such individual. There shall be posted in a conspicuous place in each area office a list setting forth the names and classifications of those persons who have been classified by such area office. Notwithstanding any other provision of this title the President shall establish national standards and criteria for the classification and deferment of persons registered under this title. Such standards and criteria shall be administered uniformly and impartially throughout all levels of the Selective Service System.

(c)(1) Any person who is satisfactorily pursuing a course of instruction at a high school or similar institution of learning shall, upon the facts being presented to the area office, be deferred (A) until the time of his graduation therefrom, or (B) until he attains the twentieth anniversary of his birth, or (C) until he ceases satisfactorily to pursue such course of instruction, whichever is the earliest.

(2) Any person who while satisfactorily pursuing a full-time course of instruction at a college, university, or similar institution is ordered to report for induction under this title, shall, upon the facts being presented to the local board, be deferred (A) until the end of such academic year, or (B) until he ceases satisfactorily to pursue such course of instruction, whichever is the earlier: *Provided*, That any person who has heretofore had his induction postponed under the provisions of section 6(i)(2) of the Selective Service Act of 1948; or any person who has heretofore been deferred as a student under section 6(h) of such Act, or any person who hereafter is deferred under the provision of this subsection, shall not be further deferred by reason of pursuit of a course of instruction at a college, university, or similar institution of learning except as may be provided by regulations prescribed by the President pursuant to the provisions of this section. Nothing in this paragraph shall be deemed to preclude the President from providing, by regulations prescribed in this section, for the deferment from training and service in the Armed Forces of any category or categories of students for such periods of time as he may deem appropriate.

Conscientious objectors

SEC. 315. (a) Nothing contained in this title shall be construed to require any person to be subject to combatant training and service in the Armed Forces of the United States who, by reason of religious training and belief, is conscientiously opposed to participation in war in any form. As used in this section, the term "religious training and belief" does not include essentially political, sociological, or philosophical views, or a merely personal moral code, but it does include a sincere and meaningful belief, which occupies a place in the life of its possessor parallel to that filled by an orthodox belief in God.

(b) Any person claiming exemption from combatant training and service because of such conscientious objections whose claim is sustained by the Selective Service System shall, if he is inducted into the Armed Forces under this title, be assigned to noncombatant service as defined by the President, or shall, if he is found to be conscientiously opposed to participation in such noncombatant service, in lieu of such induction, be ordered by the Selective Service System, subject to such regulations as the President may prescribe, to perform for a period equal to the period prescribed in section 305 such civilian work contributing to the maintenance of the national health, safety, or interest as the Selective Service System pursuant to Presidential regulations may deem appropriate. Any such person who knowingly fails or neglects to obey any such order from the Selective Service System shall be deemed, for the purposes of section 203 of this title, to have knowingly failed or neglected to perform a duty required of him under this title.

(c) Any person claiming exemption from combatant training and service because of such conscientious objections shall, if such claim is not sustained by the area office or local board, be entitled to an appeal to the regional appeal board. Upon the filing of such appeal, the appeal board shall refer any such claim to the Department of Justice for inquiry and hearings. The Department of Justice, after appropriate inquiry, shall hold a hearing with respect to the character and good faith of the objections of the person concerned, and such person shall be notified of the time and place of such hearing. If after such hearings the Department of Justice finds—

(1) That the objections are sustained, it shall make recommendations to the appeal board in accordance with the procedures of subsection (b) of this section; or

(2) That the objections are not sustained, it shall so recommend to the appeal board. The appeal board shall, in making its decision, give consideration to but not be bound to follow the recommendation of the Department of Justice, together with the record on appeal from the local board.

DURATION OF EXEMPTION OR DEFERMENT

SEC. 316. No exception from registration or exemption or deferment from training and service, under this title, shall continue after the cause therefor ceases to exist.

MINORITY DISCHARGES

SEC. 317. Notwithstanding any other provisions of law, no person between the ages of eighteen and twenty-one shall be discharged from service in the Armed Forces of the United States while this title is in effect because such person entered such service without the consent of his parent or guardian.

MORAL STANDARDS

No person shall be relieved from training and service under this title by reason of conviction of a criminal offense, except where the offense of which he has been convicted may be punished by death, or by imprisonment for a term exceeding one year.

SOLE SURVIVING SON

SEC. 319. Except during a period of a war or a national emergency declared by the Congress, if the father or one or more sons or daughters of a family were killed in action or died in the line of duty while serving in the Armed Forces of the United States, or subsequently died as a result of injuries received or disease incurred during such service, the sole surviving son of such family shall not be inducted for service under the terms of this title unless he volunteers for induction.

Bounties; substitutes; purchases of release

SEC. 320. No bounty may be paid to induce any person to be inducted into an armed force. A clothing allowance authorized by law is not a bounty for the purposes of this section. No person liable for training and service under this Act may furnish a substitute for that training or service. No person may be enlisted, inducted, or appointed in an armed force as a substitute for another. No person liable for training and service under section 4 may escape that training and service or be discharged before the end of his period of training and service by paying money or any other valuable thing as consideration for his release from that training and service or liability therefor.

Reemployment

SEC. 321. (a) Any person inducted into the Armed Forces under this title for training and service, who, in the judgment of those in authority over him, satisfactorily completes his period of training and service under section 6 shall be entitled to a certificate to that effect upon the completion of such period of training and service. Such certificate shall include a record of any special proficiency or merit attained. Upon the completion of each such person's period of training and service under this title, each such person shall be given another physical examination and, upon his written request, shall be given a statement of physical condition by the Secretary concerned: *Provided*, That such statement shall not contain any reference to mental or other conditions which in the judgment of the Secretary concerned would prove injurious to the physical or mental health of the person to whom it pertains: *Provided further*, That, if upon completion of training and service under this title, such person continues on active duty without an interruption of more than seventy-two hours as a member of the Armed Forces of the United States, a physical examination upon completion of such training and service shall not be required unless it is requested by such person, or the medical authorities of the armed force concerned determine that the physical examination is warranted.

(b) In the case of any such person who, in order to perform such training and service, has left or leaves a position (other than a temporary position) in the employ of any employer and who (1) receives such certificate, and (2) makes application for reemployment within ninety days after he is relieved from such training and service or from hospitalization continuing after dis-

charge for a period of not more than one year—

(A) if such position was in the employ of the United States Government, its territories, or possessions, or political subdivisions thereof, or the District of Columbia, such person shall—

(i) if still qualified to perform the duties of such position, be restored to such position or to a position of like seniority, status, and pay; or

(ii) if not qualified to perform the duties of such position by reason of disability sustained during such service but qualified to perform the duties of any other position in the employ of the employer, be restored to such other position the duties of which he is qualified to perform as will provide him like seniority, status, and pay, or the nearest approximation thereof consistent with the circumstances in his case;

(B) if such position was in the employ of a private employer, such person shall—

(i) if still qualified to perform the duties of such position, be restored by such employer or his successor in interest to such position or to a position of like seniority, status, and pay; or

(ii) if not qualified to perform the duties of such position by reason of disability sustained during such service but qualified to perform the duties of any other position in the employ of such employer or his successor in interest, be restored by such employer or his successor in interest to such other position the duties of which he is qualified to perform as will provide him like seniority, status, and pay, or the nearest approximation thereof consistent with the circumstances in his case,

unless the employer's circumstances have so changed as to make it impossible or unreasonable to do so;

(C) if such position was in the employ of any State or political subdivision thereof, it is hereby declared to be the sense of the Congress that such person should—

(i) if still qualified to perform the duties of such position, be restored to such position or to a position of like seniority, status, and pay; or

(ii) if not qualified to perform the duties of such position by reason of disability sustained during such service but qualified to perform the duties of any other position in the employ of the employer, be restored to such other position the duties of which he is qualified to perform as will provide him like seniority, status, and pay, or the nearest approximation thereof consistent with the circumstances in his case.

(c)(1) Any person who is restored to a position in accordance with the provisions of paragraph (A) or (B) of subsection (b) shall be considered as having been on furlough or leave of absence during his period of training and service in the Armed Forces, shall be so restored without loss of seniority, shall be entitled to participate in insurance or other benefits offered by the employer pursuant to established rules and practices relating to employees on furlough or leave of absence in effect with the employer at the time such person was inducted into such forces, and shall not be discharged from such position without cause within one year after such restoration.

(2) It is hereby declared to be the sense of the Congress that any person who is restored to a position in accordance with the provisions of paragraph (A) or (B) of subsection (b) should be so restored in such manner as to give him such status in his employment as he would have enjoyed if he had continued in such employment continuously from the time of his entering the Armed Forces until the time of his restoration to such employment.

(d) In case any private employer fails or refuses to comply with the provisions of subsection (b), subsection (c)(1) or subsection (g) the district court of the United States for the district in which such private employer maintains a place of business shall have power, upon the filing of a motion, petition, or other appropriate pleading by the person entitled to the benefits of such provisions, specifically to require such employer to comply with such provisions and to compensate such person for any loss of wages or benefits suffered by reason of such employer's unlawful action: *Provided,* That any such compensation shall be in addition to and shall not be deemed to diminish any of the benefits of such provisions. The court shall order speedy hearing in any such case and shall advance it on the calendar. Upon application to the United States attorney or comparable official for the district in which such private employer maintains a place of business, by any person claiming to be entitled to the benefits of such provisions, such United States attorney or official, if reasonably satisfied that the person so applying is entitled to such benefits, shall appear and act as attorney for such person in the amicable adjustment of the claim or in the filing of any motion, petition, or other appropriate pleading and the prosecution thereof specifically to require such employer to comply with such provisions: *Provided,* That no fees or court costs shall be taxed against any person who may apply for such benefits: *Provided further,* That only the employer shall be deemed a necessary party respondent to any such action.

(e)(1) Any person who is entitled to be restored to a position in accordance with the provisions of paragraph (A) of subsection (b) and who was employed, immediately before entering the Armed Forces, by any agency in the executive branch of the Government or by any territory or possession, or political subdivision thereof, or by the District of Columbia, shall be so restored by such agency or the successor to its functions, or by such territory, possession, political subdivision, or the District of Columbia. In any case in which, upon appeal of any person who was employed immediately before entering the Armed Forces by any agency in the executive branch of the Government or by the District of Columbia, the United States Civil Service Commission finds that—

(A) such agency is no longer in existence and its functions have not been transferred to any other agency; or

(B) for any reason it is not feasible for such person to be restored to employment by such agency or by the District of Columbia,

the Commission shall determine whether or not there is a position in any other agency in the executive branch of the Government or in the government of the District of Columbia for which such person is qualified and which is either vacant or held by a person having a temporary appointment thereto. In any case in which the Commission determines that there is such a position, such person shall be restored to such position by the agency in which such position exists or by the government of the District of Columbia, as the case may be. The Commission is authorized and directed to issue regulations giving full force and effect to the provisions of this section insofar as they relate to persons entitled to be restored to positions in the executive branch of the Government or in the government of the District of Columbia, including persons entitled to be restored under the last sentence of paragraph (2) of this subsection. The agencies in the executive branch of the Government and the government of the District of Columbia shall comply with such rules and regulations and orders issued by the Commission pursuant to this subsection. The Commission is authorized and directed whenever it finds, upon appeal of the person concerned, that any agency in the executive branch of the Government or the government of the District of Columbia has failed or refuses to comply with the provisions of this section, to issue an order specifically requiring such agency or the government of the District of Columbia to comply with such provisions and to compensate such person for any loss of salary or wages suffered by reason of failure to comply with such provisions, less any amounts received by him through other employment, unemployment compensation, or readjustment allowances: *Provided,* That any such compensation ordered to be paid by the Commission shall be in addition to and shall not be deemed to diminish any of the benefits of such provisions, and shall be paid by the head of the agency concerned or by the government of the District of Columbia out of appropriations currently available for salary and expenses of such agency or government, and such appropriations shall be available for such purpose. As used in this paragraph, the term "agency in the executive branch of the Government" means any department, independent establishment, agency, or corporation in the executive branch of the United States Government.

(2) Any person who is entitled to be restored to a position in accordance with the provisions of paragraph (A) of subsection (b), and who was employed, immediately before entering the Armed Forces, in the legislative branch of the Government, shall be so restored by the officer who appointed him to the position which he held immediately before entering the Armed Forces. In any case in which it is not possible for any such person to be restored to a position in the legislative branch of the Government and he is otherwise eligible to acquire a status for transfer to a position in the classified (competitive) civil service in accordance with section 2(b) of the Act of November 26, 1940 (54 Stat. 1212), the United States Civil Service Commission shall, upon appeal of such person, determine whether or not there is a position in the executive branch of the Government for which he is qualified and which is either vacant or held by a person having a temporary appointment thereto. In any case in which the Commission determines that there is such a position, such person shall be restored to such position by the agency in which such position exists.

(3) Any person who is entitled to be restored to a position in accordance with the provisions of paragraph (A) of subsection (b) and who was employed, immediately before entering the Armed Forces, in the judicial branch of the Government, shall be so restored by the officer who appointed him to the position which he held immediately before entering the Armed Forces.

(f) In any case which two or more persons who are entitled to be restored to a position under the provisions of this section or any other law relating to similar reemployment benefits left the same position in order to enter the Armed Forces, the person who left such position first shall have the prior right to be restored thereto, without prejudice to the reemployment rights of the other person or persons to be restored.

(g)(1) Any person who after entering the employment to which he claims restoration, enlists in the Armed Forces of the United States (other than a reserve component) shall be entitled upon release from service under honorable conditions to all the reemployment rights and other benefits provided for by this section in the case of persons inducted under the provisions of this title, if the total of his service performed between June 24, 1948, and August 1, 1961, did not exceed four years, and the total of any service, additional or otherwise, performed by him after August 1, 1961, does not exceed four years (plus in each case any period of additional service imposed pursuant to law).

(2) Any person who, after entering the employment to which he claims restoration,

enters upon active duty (other than for the purpose of determining his physical fitness and other than for training), whether or not voluntarily, in the Armed Forces of the United States or the Public Health Service in response to an order or call to active duty shall, upon his relief from active duty under honorable conditions, be entitled to all of the reemployment rights and benefits provided by this section in the case of persons inducted under the provisions of this title, if the total of such activity duty performed between June 24, 1948, and August 1, 1961, did not exceed four years, and the total of any such active duty, additional or otherwise, performed after August 1, 1961, does not exceed four years (plus in each case any additional period in which he was unable to obtain orders relieving him from active duty).

(3) Any member of a reserve component of the Armed Forces of the United States who is ordered to an initial period of active duty for training of not less than three consecutive months shall, upon application for reemployment within thirty-one days after (A) his release from that active duty for training after satisfactory service, or (B) his discharge from hospitalization incident to that active duty for training, or one year after his scheduled release from that training, whichever is earlier, be entitled to all reemployment rights and benefits provided by this section for persons inducted under the provisions of this title, except that (A) any person restored to a position in accordance with the provisions of this paragraph shall not be discharged from such position without cause within six months after that restoration, and (B) no reemployment rights granted by this paragraph shall entitle any person to retention, preference, or displacement rights over any veteran with a superior claim under the provisions of title 5, United States Code, relating to veterans and other preference eligibles.

(4) Any employee not covered by paragraph (3) of this subsection who holds a position described in paragraph (A) or (B) of subsection (b) of this section shall upon request be granted a leave of absence by his employer for the period required to perform active duty for training or inactive duty training in the Armed Forces of the United States. Upon his release from a period of such active duty for training or inactive duty training, or upon his discharge from hospitalization incident to that training, such employee shall be permitted to return to his position with such seniority, status pay, and vacation as he would have had if he had not been absent for such purposes. He shall report for work at the beginning of his next regularly scheduled working period after expiration of the last calendar day necessary to travel from the place of training to the place of employment following his release, or within a reasonable time thereafter if delayed return is due to factors beyond the employee's control. Failure to report for work at such next regularly scheduled working period shall make the employee subject to the conduct rules of the employer pertaining to explanations and discipline with respect to absence from scheduled work. If that employee is hospitalized incident to active duty for training or inactive duty training, he shall be required to report for work at the beginning of his next regularly scheduled work period after expiration of the time necessary to travel from the place of discharge from hospitalization to the place of employment, or within a reasonable time thereafter if delayed return is due to factors beyond the employee's control, or within one year after his release from active duty for training or inactive duty training, whichever is earlier. If an employee covered by this paragraph is not qualified to perform the duties of his position by reason of disability sustained during active duty for training or inactive duty training, but is qualified to perform the duties of any other position in the employ of the employer or his successor in interest, he shall be restored by that employer or his successor in interest to such other position the duties of which he is qualified to perform as will provide him like seniority, status, and pay, or the nearest approximation thereof consistent with the circumstances in his case.

(5) Any employee not covered by paragraph (3) of this subsection who holds a position described in paragraph (A) or (B) of subsection (b) of this section shall be considered as having been on leave of absence during the period required to report for the purpose of being inducted into, entering or determining by a preinduction or other examination his physical fitness to enter the Armed Forces of the United States. Upon his rejection, upon completion of his preinduction or other examination, or upon his discharge from hospitalization incident to that rejection or examination, such employee shall be permitted to return to his position in accordance with the provisions of paragraph (4) of this subsection.

(6) For the purposes of paragraphs (3) and (4), full-time training or other full-time duty performed by a member of the National Guard under section 316, 503, 504, or 505, of title 32, United States Code, is considered active duty for training; and for the purpose of paragraph (4), inactive duty training performed by that member under section 502 of title 32, or sections 206(a), (b), and (d), 301(f), 309(c), 402(f), and 1002(a)–(d) of title 37, United States Code, is considered inactive duty training.

(h) The Secretary of Labor, through the Bureau of Veterans' Reemployment Rights, shall render aid in the replacement in their former positions of persons who have satisfactorily completed any period of active duty in the Armed Forces of the United States or the Public Health Service. In rendering such aid, the Secretary shall use the then existing Federal and State agencies engaged in similar or related activities and shall utilize the assistance of volunteers.

(i) The Secretaries of Army, Navy, Air Force, or Treasury shall furnish to the Selective Service System hereafter established a report of separation for each person separated from active duty.

Right to vote; poll tax

SEC. 322. Any person inducted into the Armed Forces for training and service under this title shall, during the period of such service, be permitted to vote in person or by absentee ballot in any general, special, or primary election occurring in the State of which he is a resident, whether he is within or outside such State at the time of such election, if under the laws of such State he is otherwise entitled to vote in such election; but nothing in this subsection shall be construed to require granting to any such person a leave of absence or furlough for longer than one day in order to permit him to vote in person in any such election. No person inducted into, or enlisted in, the Armed Forces for training and service under this title shall, during the period of such service, as a condition of voting in any election for President, Vice President, electors for President or Vice President, or for Senator or Member of the House of Representatives, be required to pay any poll tax or other tax or make any other payment to any State or political subdivision thereof.

Civil relief

SEC. 323. Notwithstanding the provisions of section 604 of the Act of October 17, 1940 (54 Stat. 1191), and the provisions of section 4 of the Act of July 25, 1947 (Public Law 239, Eightieth Congress), all of the provisions of the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, including specifically article IV thereof, shall be applicable to all persons in the Armed Forces of the United States, including all persons inducted into the Armed Forces pursuant to this title or the Public Health Service, until such time as the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, is repealed or otherwise terminated by subsequent Act of the Congress: *Provided,* That with respect to persons inducted into the Armed Forces while this title is in effect, wherever under any section or provision of the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, a proceeding, remedy, privilege, stay, limitation, accounting, or other transaction has been authorized or provided with respect to military service performed while such Act is in force, such section or provision shall be deemed to continue in full force and effect so long as may be necessary to the exercise or enjoyment of such proceeding, remedy, privilege, stay, limitation, accounting, or other transaction.

Notice of title; voluntary enlistments

SEC. 324. (a) Every person shall be deemed to have notice of the requirements of this title upon publication by the President of a proclamation or other public notice fixing a time for any registration under section 3.

(b) If any provision of this title, or the application thereof to any person or circumstance, is held invalid, the remainder of the title, and the application of such provision to other persons or circumstances, shall not be affected thereby.

(c) Except as provided in this Act, nothing contained in this title shall be construed to repeal, amend, or suspend the laws now in force authorizing voluntary enlistment or reenlistment in the Armed Forces of the United States, including the reserve components thereof, except that no person shall be accepted for enlistment after he has received orders to report for induction and except that, whenever the Congress or the President has declared that the national interest is imperiled, voluntary enlistment or reenlistment in such forces, and their reserve components, may be suspended by the President to such extent as he may deem necessary in the interest of national defense.

(d) It shall be the duty of the Director to inform every registrant of all rights and procedures available to him under this title regarding classification, deferment, and exemption. Such information shall be in writing and shall be given to every person who registers under this title at the time of his registration, and shall in addition be available subsequent upon request of such registrant.

Repeal of conflicting laws; appropriations; termination of induction

SEC. 325. (a) Except as provided in this title all laws or any parts of laws in conflict with the provisions of this title are hereby repealed to the extent of such conflict.

(b) There are hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to carry out the provisions of this title.

(c) Notwithstanding any other provisions of this title, no person shall be inducted for training and service in the Armed Forces after July 1, 1971, except persons now or hereafter deferred under this title after the basis for such deferment ceases to exist.

Aliens

SEC. 326. (a) Section 101(a)(15) of the Immigration and Nationality Act, as amended (8 U.S.C. 1101(a)(15)), is amended by changing the period at the end thereof to a semicolon and adding thereafter the following:

"(K) an alien who has requested and received an adjustment of status under section 247(c) and who is not a nonimmigrant within any of the classes (A) through (J) thereof: *Provided,* That any alien whose status has been adjusted to this class (K) shall depart from the United States within one year from such adjustment: *And provided further,* That any alien who is in this class (K) shall not

be eligible for any further adjustment of status whatsoever."

(b) The Immigration and Nationality Act, as amended (8 U.S.C. 1101 et seq.), is amended by adding at the end of section 247 thereof the following new subsection:

"(e) The status of an alien lawfully admitted for permanent residence may be adjusted by the Attorney General, under such regulations as he may prescribe, to that of a nonimmigrant in class (K) under section 101(a)(15) of this Act, or in any other class under section 101(a)(15) for which he may be eligible, if such alien requests an adjustment of status in order to be exempted from the requirements of the Universal Military Training and Service Act, as amended."

(c) Section 248 of the Immigration and Nationality Act, as amended (8 U.S.C. 1258), is amended by inserting immediately after the words "paragraph (15)(D)" the words "or paragraph (15)(K)".

(d) Subsection (a) of section 315 of the Immigration and Nationality Act, as amended (8 U.S.C. 1426), is amended to read as follows:

"(a) Notwithstanding the provisions of section 405(b), any alien who is granted exemption under an existing treaty or any alien who requests and obtains an adjustment of status under section 247(c) or who applies or has applied for exemption or discharge from training or service in the Armed Forces of the United States on the ground that he is an alien, and is or was relieved or discharged from such training or service on such basis, shall be permanently ineligible to become a citizen of the United States."

TITLE IV—MISCELLANEOUS

Military youth opportunity schools

SEC. 401. (a) The Secretary of Defense, with the cooperation and assistance of the Secretary of Labor and the Secretary of Health, Education, and Welfare, and other appropriate Federal agencies, shall conduct a comprehensive study and investigation to determine the feasibility and desirability of establishing and operating military youth opportunity schools which would provide special educational and physical training, for a period not exceeding one year, to volunteers who fail to meet the minimum physical and mental requirements for military service in order to enable such volunteers to qualify for service in the Armed Forces.

(b) The Secretary of Defense shall submit a written report to the Congress of the results of such study and investigation, together with such recommendations as he deems appropriate, not later than one year after the date of enactment of this section. The Secretary of Defense shall include in such report, findings with respect to—

(1) the average annual number of volunteers for military service who fail to meet the educational and physical standards for such service, but who, with a maximum of one year's training in opportunity schools of the kind referred to in subsection (a) of this section, could qualify for military service;

(2) an estimate of the costs and benefits to the Department of Defense of establishing and operating such opportunity schools;

(3) the administrative capacity of the Department of Defense to carry out such a program;

(4) an estimate of the reenlistment rate which could be expected from volunteers trained in such opportunity schools;

(5) the advisability of requiring longer enlistment periods for volunteers receiving training in such opportunity schools; and

(6) the most effective means and measures for implementing a program of the kind described in subsection (a) of this section.

Volunteer army study

SEC. 402. The President shall conduct a study to determine the cost, feasibility, and desirability of replacing the present system of involuntary induction of persons into the Armed Forces with an entirely voluntary system of enlistments. The President shall submit the results of such study to the Congress, together with such recommendations as he deems appropriate, within six months after the date of enactment of this section.

National service corps study

SEC. 403 (a) The President shall conduct a study and investigation to determine the feasibility and desirability of establishing a national service corps in which citizens of the United States who are mentally and physically able and who desire to perform nonmilitary services designed to combat disease, ignorance, and poverty at home and abroad may serve.

(b) The President shall submit a written report to the Congress of the results of such study and investigation, together with such recommendations as he deems appropriate, not later than one year after the date of enactment of this section. The President shall include in such report such information as he deems appropriate, and in the event it is determined that the establishment of a national service corps as described in subsection (a) of this section is feasible and desirable, he shall specifically include in such report—

(1) a review of existing voluntary Federal service programs (nonmilitary) in which hardships are endured by the participants or extraordinary service is required of the participants, such as the Peace Corps and the Volunteers in Service to America, in order to determine the feasibility of establishing an expanded national service program with the broadest possible participation;

(2) a consideration of what the nature and scope of a national service program should be;

(3) the number of service opportunities which would be generated by such a program;

(4) the relationship of such a service system with the Selective Service System and the feasibility of authorizing service in such a national service corps program as an alternative to military service;

(5) the most effective means by which such a service program might be coordinated with appropriate private, local, and State programs of a public service nature;

(6) the impact of such a service program upon the labor force and the economy of the United States;

(7) the effect of such a service program upon secondary education and higher education;

(8) the role of women in such a service program;

(9) the cost of establishing and operating such a service program; and

(10) the mental and physical standards for participation, if any, and the duration of service in such a service program.

Amnesty study

SEC. 404. The President shall conduct a study to determine the appropriateness of granting amnesty in the near future to those registrants presently outside the United States who are liable for prosecution under section 203 of this title. In conducting this study, the President shall consider the number of such registrants, the implications for the morale of the Armed Forces granting such amnesty would raise, the historical precedent for granting such amnesty, and such other factors as he deems appropriate. The President shall report the results of this study to the Congress, together with appropriate recommendations, within six months of the enactment of this section.

ORDER FOR ADJOURNMENT TO FRIDAY

Mr. KENNEDY. Mr. President, I ask unanimous consent that, when the Senate completes its business today, it stand in adjournment until noon on Friday next.

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

AUTHORIZATION TO RECEIVE MESSAGES AND SIGN BILLS

Mr. KENNEDY. Mr. President, I ask unanimous consent that during the adjournment of the Senate following today's session until noon on Friday next, the Secretary of the Senate be authorized to receive messages from the President of the United States and from the House of Representatives; that the Vice President be authorized to sign duly enrolled bills; and that committees be permitted to file reports, including any minority, individual, or supplemental views.

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

Mr. TALMADGE. Mr. President, I ask unanimous consent that I may be permitted to proceed for not to exceed 15 minutes.

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

ESTABLISHMENT OF SUBCOMMITTEE ON VETERANS' LEGISLATION OF THE COMMITTEE ON FINANCE

Mr. TALMADGE. Mr. President, this morning the distinguished chairman of the Finance Committee (Mr. LONG) held a press conference announcing the formation of a subcommittee to deal with veterans' legislation. This is the first time in some 23 years that the Finance Committee has had a subcommittee to deal with veterans' legislation, and I have been honored by the distinguished chairman to be named as the chairman of that subcommittee.

Mr. President, I ask unanimous consent that the chairman's remarks at the press conference be inserted in the RECORD at this point.

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

STATEMENT BY SENATOR RUSSELL B. LONG, DEMOCRAT, OF LOUISIANA, CHAIRMAN OF THE SENATE FINANCE COMMITTEE

Today the Committee on Finance is taking a significant step forward in upgrading the stature of veterans' legislation in the Senate of the United States. In keeping with the commitment made to the Senate in October of last year we are today creating a 7-man Subcommittee on Veterans Legislation in the Committee on Finance.

This new Subcommittee will have original jurisdiction, within the Committee, over matters relating to the veterans' pension and compensation programs—programs involving $5 billion of the $7 billion budget of the Veterans Administration in the last fiscal year—and the GI insurance program with $39 billion of policies in force. It will hold hearings and make recommendations on which the full Committee can act, and thereby expedite the flow of veterans' legislation to the Senate.

The Senators who will serve on this important new Subcommittee are all highly regarded members of the Senate. Each of them has been honored by the voters of their State by being elected to at least two terms in the Senate. These are men of whom the veterans of this nation's wars can be proud

and to whose judgment they can entrust their legislative programs.

I am particularly pleased to announce that Senator Herman Talmadge of Georgia, who has just been re-elected to his third term in the Senate, will serve as Chairman of this Subcommittee. Senator Talmadge is a distinguished war veteran in his own right. His many years' service as a member of the Committee on Finance has been highlighted by a special awareness of and interest in the problems of the veteran. Without his demonstrated leadership some 3½ million servicemen who today are enrolled in the Servicemen's Group Life Insurance program would not have that benefit.

I am pleased also to announce that Senator Wallace F. Bennett of Utah will serve as ranking member of the Subcommittee. Senator Bennett, a veteran of World War I, has just been re-elected to a fourth term in the Senate. Long a member of the Committee on Finance, his dedication to, and interest in, the work of the Committee is a matter of great pride to us all. He has made valuable contributions to the consideration of veterans' measures before the Committee and has aided greatly in securing Senate passage of key veterans bills of the 89th and 90th Congresses.

Together, these two men bring thirty years of Senate service and experience to their new responsibility. The high honor with which they have served has earned for them the esteem of their colleagues. Their great prestige in the Senate will bring new significance to veterans' measures reported by the Committee on Finance.

Serving with them on the Subcommitee on Veterans' Legislation will be:

Senator Vance Hartke of Indiana

Senator Abraham Ribicoff of Connecticut

Senator Jack Miller of Iowa

Senator Len B. Jordan of Idaho.

These men are all outstanding members of the Senate. As Chairman of the full Committee, I know that Senator Talmadge would keep me fully aware of the Subcommittee's work. However, in view of my own keen personal interest in veterans legislation, I have named myself the junior member of the Subcommittee.

Six of the seven Subcommittee members are veterans. They represent every geographic region in the nation. Their average seniority rank is 27th. Their average service in the Senate is 12 years.

They are men who can penetrate the maze of technical detail that often surround the knottiest problems, isolate and define the true issues, and decide them in the best interest of the nation. They will make this new subcommittee a powerful forum for airing the problems of the veteran.

The creation of this subcommittee is a bold new departure from the path followed by the Committee on Finance for the past 23 years. Since enactment of the Legislative Reorganization Act of 1946 all our legislative work has been handled by the full Committee. It is an interesting comment on history that the last subcommittee of the Committee on Finance, 23 years ago, was a Subcommittee on Veterans' Legislation.

That Subcommittee had been headed during the World War II period by the late Senator Walter F. George of Georgia who later served with distinction as Chairman of the full Committee.

As another commentary on history, let me recall that two of the most popular veterans programs of all time originated in the Committee on Finance—the servicemen's insurance program developed during World War I, and the GI Bill of Rights enacted near the end of World War II. More recently, this Committee initiated another far-reaching measure of great significance to servicemen of the Viet Nam war when it extended war-time benefits to these men.

These landmark measures serve as a constant reminder of the great importance the Committee on Finance attaches to its veterans' jurisdiction. They demonstrate more eloquently than words how successfully the Committee on Finance has met the challenges of the past. The establishment of this Subcommittee on Veterans Legislation will strengthen the Committee and through it the Senate and the Congress in meeting the challenge of the future.

That concludes my statement.

I see present here one of the most distinguished career men in the government, a man whom all veterans have come to know and respect, Bill Driver, the Administrator of Veterans' Affairs. Sitting with him I see the Deputy Administrator, A. W. Stratton.

I am also happy to see the representatives of the veterans' organizations present. As I call off the name of your organization, please stand and be recognized by the Subcommittee: American Legion, American Veterans Committee, Amvets (American Veterans of World War II), Blinded Veterans Association, Catholic War Veterans, Disabled Officers Association, Disabled American Veterans, Fleet Reserve Association, Jewish War Veterans of the United States of America, Marine Corps League, Military Order of the Purple Heart of the U.S.A., United Spanish War Veterans, Veterans of Foreign Wars of the United States and Veterans of World War I of the U.S.A.

We certainly appreciate you gentlemen coming here today.

Mr. TALMADGE. Mr. President, this Nation, as it rightfully should, has always recognized the debt it owes to its citizens who risk their lives, who in some cases lose their lives or suffer disabling wounds, in its defense.

I do not say that we have always discharged this debt. Great as this Nation is, it does not have it in its power to adequately compensate those who have shed their blood for it. Moreover, it would be less than honest to stand here and maintain that this Nation has always done for its veterans all that it does have the power to do.

But even if we must admit that we are not now meeting the fullness of our obligations toward veterans of the U.S. Armed Forces, we can say—and say with justifiable pride—that we have made that commitment. We have come a long way toward meeting that commitment, and—to the extent that it is within our power to do so—we are going to keep trying to meet it fully.

I am, therefore, both pleased and proud to have been selected as chairman of the new Subcommittee on Veterans' Legislation of the Committee on Finance.

The Committee on Finance has always given its most devoted attention to those aspects of veterans' legislation which fall within its jurisdiction. But a brief glance at the other areas the Committee on Finance must deal with makes quite clear the probability that the 91st Congress will be a very busy time for the committee.

It is charged with all the vast programs covered in the Social Security Act, including the mounting problems of welfare, of rising costs under medicare and medicaid, and of keeping the social security program both financially sound and socially adequate. Also, there is the matter of major reforms in our income tax system and of the use of tax credits as a tool for involving private industry more in the efforts to relieve the problems of our cities.

All of these topics and more fall within the jurisdiction of the Committee on Finance, and all of them appear likely to require searching examination.

The establishment of a Subcommittee on Veterans Legislation will assure that these other, admittedly important, issues do not deprive legislation on behalf of our veterans of the attention it deserves.

Veterans legislation in one form or another is as old—or nearly as old—as the Nation itself. The Continental Congress provided for lifetime compensation to those disabled in battle in an act passed less than 2 months after John Hancock put his signature to the Declaration of Independence on July 4, 1776.

This early form of veterans' benefit—compensation to the disabled—is, of course, the expression of the most basic of obligations which a country bears toward its fighting men. So, too, the Nation has since its earliest days recognized the obligation to provide not only for its disabled veterans but also for the survivors of those who die in its service.

Compensation for service-connected disability and death has been provided in every instance in which this Nation has been at war. And, despite the many other programs that have been established for veterans, it is this service-connected compensation which still is the biggest item in the budget of the Veterans' Administration.

There are presently about 2 million disabled veterans and about 370,000 survivors of veterans who receive a yearly total of some $2.6 billion in compensation payments arising out of service-connected disability or death.

For the most part, these payments are based on service in the two World Wars, Korea, and Vietnam. But some payments are still being made as a result of deaths or disabilities arising out of the Spanish-American War.

In addition to the payments made as compensation for service-connected disability or death, pensions are also payable to aged and disabled veterans and to the survivors of veterans even though the veteran's death or disability was in no way connected with his military service.

Except in the case of living veterans of the Spanish-American War, these non-service-connected payments are made only to those who are in need. The income limitation reflects the different type of obligation which non-service-connected pensions fulfill.

The service-connected compensation payment is very definitely and clearly in the nature of a certain monthly payment for a certain loss suffered. The non-service-connected pension arises in a more indirect manner from the special relationship which the Nation enters into with those citizens whom it calls to military service in times of war.

The Nation asks these citizens to temporarily forgo many of their civilian rights and opportunities and to risk the permanent loss of health and perhaps of life.

Whether or not these risks materialize, the Nation incurs a lasting obligation toward its citizen-soldiers and toward their families—an obligation to serve them in their time of need, as they served the Nation in its time of need.

Payments under the provisions for non-service-connected pensions are now being made at the rate of about $2.1 billion a year to about 2.2 million veterans and survivors of veterans. Well over half of these payments are based on World War I service, and around 50,000 are based on service in or before the Spanish-American War.

In addition to the money payments made under the compensation and pension provisions of our veterans laws, this country observes a long tradition of providing hospital and medical care for veterans. As with the cash payments, the primary and most direct obligation is to those who need hospital or medical care as a result of some condition incurred or aggravated during their active service.

Veterans' Administration hospitals also, to the extent that space is available, take care of disabled veterans needing hospitalization for reasons not service connected and of nondisabled veterans who are unable to afford needed hospitalization elsewhere.

We are presently spending about $1½ billion to provide hospital and medical care for an average of more than 120,000 veterans a day.

In 1944, while this country was still engaged in the Second World War, a new tradition in assistance to veterans was established with the passage of the Servicemen's Readjustment Assistance Act of 1944, popularly known as the GI bill.

This act provided special benefits to help those returning from military service to take their proper place in civilian life. Specifically, it provided for a program of loan guarantees to enable returning veterans to buy their own homes or businesses. It also provided for education and training benefits, which I regard as extremely important.

This act was reported to the Senate by the Committee on Finance in March of 1944, and was signed into law in June of the same year. It has since been revised and extended to cover the veterans of the Korean and the post-Korean periods. Since the Legislative Reorganization Act of 1946, however, jurisdiction over GI bill programs has been vested in the Committee on Labor and Public Welfare.

The objective of the loan guarantee program is to make it possible for young veterans to buy their own homes or businesses even though their military service has prevented them from establishing the credit or saving the sizable downpayment which would ordinarily be required.

In the first 20 years that this program was in operation, private lenders made over 6½ million loans which were guaranteed by the Veterans' Administration. Ninety-five percent of these were made to enable veterans to purchase homes.

According to the projections in the 1970 budget, more than a quarter of a million guaranteed loans to veterans are expected to be made in that year.

The results of the education and training provisions of the GI bills have been especially impressive.

The World War II provisions were in effect for 12 years: 1944 to 1956. During that time nearly 8 million veterans received training. Over 2 million of them went to college, and 3½ million went to school below the college level. Another 2 million-plus took on-the-job training or institutional on-farm training.

Under the Korean war GI bill, yet another 2.3 million veterans received education and training, and, under the 1966 act covering veterans of the post-Korean period, nearly half a million veterans are expected to further their education or receive job training in fiscal 1970 alone.

In 1943, when President Franklin Delano Roosevelt recommended an education and training program for World War II veterans, he predicted:

> The money invested in this training and schooling program will reap rich dividends in higher productivity, more intelligent leadership, and greater human happiness.

It is, of course, impossible to measure exactly the extent to which that prediction has been fulfilled.

I suspect, however, that it would not be too unreasonable to attribute a good portion of the growth and prosperity which this country has seen in the past quarter century to the wise investment in human resources which the original GI bill and its successors have made.

Through the programs I have mentioned together with other veterans programs—smaller but also important—this country has come a long way toward fulfilling the obligation it owes those who take up arms in its defense.

But, as time passes, needs and opportunities change.

We must ever be alert for new and better ways to be sure first of all that this Nation never shows itself ungrateful to those who have served it, and secondly, that no chance is lost to develop to its fullest potential that precious human resource, that easily identifiable cross section of our citizenry who bear with rightful pride the title of veterans.

Today our veteran population numbers more than 26 million and an additional 800,000 are returning from service each year.

It shall be the objective of the new Subcommittee on Veterans' Legislation of the Committee on Finance to assure that their interests and this Nation's interests are not ignored. I am honored to have been chosen chairman of this subcommittee.

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

Mr. TALMADGE. I am delighted to yield to my distinguished friend and colleague on the committee, the Senator from Indiana.

Mr. HARTKE. I associate myself with the remarks of the Senator from Georgia. I congratulate him on his appointment as chairman of the Veterans' Affairs Subcommittee of the Committee on Finance. I know of his deep concern for the problems of veterans which I share. I know of his conscientious and diligent work on the Committee on Finance, and I know that he will use the same type of inspirational approach toward the problems of the veterans of the United States.

We have in the State of Indiana the national headquarters of the American Legion. Therefore we feel special pride in the matters with which veterans are concerned. In Indiana, we also have, of course, many other veterans' organizations which have strong local chapters, and frequently we have a chance to work with them, as do other Senators.

One of the reasons why Congress has always given attention to veterans affairs is because these men and women have taken time out of their lives to devote to the general welfare of the Nation as a whole. Therefore, it is only fitting and proper that they should be given some recognition of the contribution they have made to their country.

I have benefited from the veterans legislation which was enacted in other Congresses. Under the GI bill of rights, I had a chance to finish my college education, and I am appreciative of that fact. At the same time, I think those of us serving on this committee must constantly be alert to the fact that, in coming generations, the problems of the veterans will be greater and more severe than those in our generation.

I congratulate the Senator from Georgia upon his appointment as chairman, and I congratulate the Senator from Louisiana (Mr. LONG) for taking the initiative in establishing this subcommittee. I look forward to working with my distinguished colleagues of this subcommittee in providing and insuring as is only fitting, legislation that will enhance and better the lives of these men and women to whom this Nation is so deeply indebted.

Mr. TALMADGE. Mr. President, I am extremely grateful to my friend and colleague, the distinguished Senator from Indiana, for his remarks. Having served with him on the Committee on Finance for a period of a number of years, I know of his diligence and devotion to the cause of protecting the interests of disabled veterans and veterans generally, their widows, and the orphans of deceased veterans. I know he will make a great contribution to the work of the subcommittee as well as the full committee, in carrying out the charge that has been entrusted to us.

I pledge to him and to the veterans of this country that this subcommittee will do its utmost to see that the debt of gratitude we all owe to every veteran in America shall continue to be recognized, and that we shall continue to review, from time to time, that debt of gratitude, to see that the laws of this country are kept abreast of the measure of that debt.

Mr. President, I thank my distinguished colleague from Utah, who has been very generous in permitting me to proceed for this period of time.

Mr. MOSS. Mr. President, I congratulate my friend from Georgia on his appointment as chairman of the Subcommittee on Veterans' Affairs. May I say that I, too, would like to cooperate and work in every way I can in this most important field.

S. 1148 AND 1149—INTRODUCTION OF BILLS TO AMEND THE ORGANIC ACTS OF GUAM AND THE VIRGIN ISLANDS

Mr. MOSS. Mr. President, I introduce for myself, the Senator from New Mexico (Mr. ANDERSON), the Senator from North Dakota (Mr. BURDICK), the Senator from Idaho (Mr. CHURCH), the Senator from Washington (Mr. JACKSON), the Senator from Montana (Mr. METCALF), the Senator from Wisconsin (Mr. NELSON), and the Senator from Alaska (Mr. STEVENS), two bills to amend the Organic Acts of the territories of Guam and the Virgin Islands to make the colleges there land-grant colleges eligible for the grants and services that such institutions receive.

This would mean that both the College of the Virgin Islands and the College of Guam would provide agricultural and mechanical arts education, and agricultural extension services.

In lieu of the donations of public land or land script provided to other land-grant colleges, both the colleges at Guam and the Virgin Islands would receive an appropriation of $3 million. Beyond that they would receive only the same annual proportionate share of funds and services that other land-grant colleges receive.

Mr. President, I send the two bills to the desk and ask that they be appropriately referred.

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

The bills, introduced by Mr. Moss (for himself and other Senators), were received, read twice by their titles, and referred to the Committee on Interior and Insular Affairs, as follows:

S. 1148. A bill to amend the Revised Organic Act of the Virgin Islands; and

S. 1149. A bill to amend the Organic Act of Guam.

S. 1151—INTRODUCTION OF A BILL TO CONTROL FISH DISEASES

Mr. MOSS. Mr. President, our fresh water and marine fish cultural industries are threatened by serious communicable diseases similar to those which have endangered the livestock and poultry industries in the past, but which we have long since brought under control.

These fresh water and marine fisheries resources are the key to a bountiful supply of food for the hungry mouths of the world—we cannot stand idle and allow them to be destroyed.

We are beginning to hear a strong nationwide cry for assistance from conservation workers and commercial fish producers. We cannot afford to ignore them. Time is an important factor, and we should enact effective disease control legislation before the problem gets out of hand—not afterwards.

A number of red flags are already flying. We should heed the danger signals now. For example, whirling disease, which cripples and kills trout and salmon, has moved from Pennsylvania, where it was introduced in the 1950's, into Connecticut, Virginia, Ohio, and Michigan. The fight is on to keep this incurable parasitic disease from infecting the coho salmon of Lake Michigan, where its impact on that new and booming salmon fishery could be devastating.

Should the cross-country march of this disease continue and lead to the infection of the valuable trout hatcheries of the West, it would be both an economic and recreational catastrophe. In northern Utah and southern Idaho, some 10 million pounds of trout are produced annually for market and for the sport recreation of vacationers. Think what the impact of this disease would be on the salmon and steelhead fisheries of Washington, Oregon, and California.

We are also facing some particularly difficult problems due to viral infections. They have taken, I am sorry to report, a heavy toll of fish in hatcheries across the United States and around the world. Viral diseases can be shipped into uninfected hatcheries with fish eggs spawned from infected broodstocks. The rapid air shipment of these eggs makes it a simple matter to transport infections half way around the world in less than a day. Trout hatcheries in France are now suffering outbreaks of one of our North American viruses shipped over via air freight. On the other hand, the trout and salmon of the United States could become hopelessly infected with the exotic virus, not yet found in this country, that is running rampant through the trout hatcheries of Western Europe.

Researchers have very recently discovered that several epidemics in channel catfish hatcheries of the South-Central States were also caused by an incurable virus infection. This is a potentially serious problem for this rapidly growing industry which is currently producing some 36 million pounds of channel catfish each year. If this developing fishery is to be saved from destruction every possible effort must be made to prevent the spread of this and other serious diseases.

Recognition of the sea as a source of food for the future has led to a recent surge of activity in marine aquaculture. This expansion has caused an increase in the importation or transfer of many exotic species of shellfish into waters already producing native shellfish for market. The foreign diseases and predators of these imports, once established, kill high numbers of the native shellfish in the area. As an example, consider what has happened to the oysters in Delaware Bay and lower Chesapeake Bay. In these waters a parasitic disease, transferred from oyster bed to oyster bed since the mid-1950's, has claimed as much as 95 percent of some oyster populations. Indiscriminate shipping of oysters has also been responsible for the transfer of oyster drills from the east coast to the west coast and the exportation of this enemy to Europe. These diseases and these predators of shellfish have caused substantial, but possibly preventable, losses to our marine fisheries.

These problems of fish disease control have not escaped the attention of American and international fisheries experts. I am sure that the apparent lack of control over the spread of serious fish diseases is not due to apathy on the part of these workers. The problem lies with the development of effective control programs. Many countries are now establishing agencies to control fish diseases as a result of resolutions advanced at two meetings of the International Conference on Fish Disease. American fishery experts have taken part in these international conferences and some limited progress has been made in this country as a result. In 1964 the American Fisheries Society, the oldest and largest scientific fisheries organization in the United States, established a special fish disease committee. This group has been instrumental in warning Federal, State, and commercial fisheries leaders of the dangers confronting us today; however, little real action has taken place.

Now that Whirling Disease threatens our trout and salmon fisheries with disaster, now the viral diseases endanger millions of fish in our trout and catfish hatcheries, and now that we have seen imported pests wipe out commercial oyster beds, I feel that concern for the future of these valuable resources has gained sufficient momentum for action.

I am therefore introducing a bill today, for myself and Mr. BROOKE, Mr. ERVIN, Mr. GRAVEL, Mr. HART, Mr. MCGEE, Mr. METCALF, Mr. MUSKIE, Mr. NELSON and Mr. YARBOROUGH, to grant sufficient authority to the Secretary of the Interior to develop, together with the States, regulations and programs that will effectively control and eradicate these diseases that constitute a threat to the fish resources of the Nation.

I ask unanimous consent that a copy of the bill be included in the CONGRESSIONAL RECORD at the close of my remarks.

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

(See exhibit 1.)

Mr. MOSS. Mr. President, I foresee effective regulations developed under this authority that would establish, for the first time, well coordinated fish disease control efforts. Since the principles of fish disease control and animal disease control are essentially the same, many of the provisions of this bill are closely patterned after the laws that have enabled us to successfully protect our livestock and poultry industries. This bill is not designed to take the initiative from existing or future State fish disease control programs but is intended instead to provide national unity and direction of the combined efforts of our Federal and State fisheries experts.

This proposal has several very important features that will do much to protect the fish resources of the Nation. Working closely together, our Federal and State fisheries workers would, whenever the nature of a serious outbreak warrants, be able to seize, quarantine, or dispose of any fish that pose a disease threat to our fisheries. The term "fish," as used in this context, includes fresh water and marine fish and shellfish in the broadest sense. This quarantine and disposal authority applies to fish imported from foreign countries as well as fish transported in interstate commerce.

With regard to the impact of effective disease control regulations on the commercial producer, the Secretary of the

Interior should be authorized to compensate growers for losses encountered in the course of fish disease control programs. This compensation should be, when combined with compensation received from States or other sources, based on the fair market value of the product involved. The most effective cooperation could be expected from commercial fish producers when there is a guarantee of proper indemnification for those losses that are caused by the execution of disease control regulations.

Another essential element of this proposal is the call for the development of State-Federal cooperative programs for the control of fish diseases. Both funds and personnel would be shared in order to solve common problems. State involvement in the total program is an important aspect. I hope it stimulates many States to draft fish disease regulations that are sufficiently well coordinated and enforced as to minimize the need for extensive Federal efforts.

The spread of serious fish and shellfish diseases must be prevented, as I outlined earlier, if their control is to be achieved. This bill would prohibit the interstate transportation of diseased fish or shellfish by common carrier or by personal means. This requires the development of inspection procedures, techniques and capabilities somewhat similar to those used in agriculture but on a much smaller scale. Finally the bill spells out penalties for the violation of fish disease control laws and regulations and provides for the protection of employees carrying out their assigned duties.

The single most important factor in the protection of our fish resources is not recognized in the provisions of this bill. This factor is timeliness. Time is no longer in our favor. We cannot afford to ignore the warnings that are being voiced by fisheries workers and producers. The spread of serious fish diseases via modern transportation is sufficient evidence to tell us that time has run out and that protective legislation must be provided. If we continue to wait the dangers to our fish resources will rapidly increase, the cost of control measures will multiply, and some diseases may indeed get out of control altogether.

In conclusion, I should like to point to three resolutions passed at meetings of trout growers and representatives of allied industries indicating their deep concern about the spread of fish diseases in the United States, and asking that something be done about them.

The first is a resolution passed at the 16th annual convention of the U.S. Trout Farmers Association, held at Twin Falls, Idaho, October 9–11, 1968, which asked Federal assistance in controlling whirling disease of trout and other salmonoids.

The resolution states that:

The U.S. Trout Farmers Association strongly urges the Government of the United States of America to appropriate funds and utilize its agencies and resources to research and help solve the national problem of Myxosoma Cerebralis (whirling disease) which has infected many salmonoids of the hatcheries, streams and lakes of various parts of our Nation, and which threatens to infect many additional hatcheries, streams and lakes to the extent that it poses a threat to the Federal fish program, the various state fish programs, and the commercial fish industry.

The other two resolutions were passed at the ninth annual meeting of the American Fisheries Society in Portland, Oreg., September 22–24, 1965, and ask first for a national Reporting Service on Fish Diseases, and second for help in preventing the importation of viral hemmorhagic septicemia.

I ask unanimous consent that these resolutions be printed in the RECORD at this point.

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

ESTABLISHMENT OF A NATIONAL REPORTING SERVICE ON FISH DISEASES

Whereas it is recognized that certain fish diseases constitute a threat to fisheries resources of North America and commercial hatcheries raising trout and salmon; and

Whereas these diseases such as infectious pancreatic necrosis (IPN), viral hemorrhagic septicemia (Egtved), and whirling disease caused by Myxosoma cerebralis, once established cannot be effectively treated; and

Whereas it is important to limit the further spread and effect of these diseases: Therefore be it

Resolved, That the following actions be taken:

(1) That the committee should meet at least once during the coming year to review the status of fish diseases, review and recommend standard methods for detection and identification of fish diseases, and make recommendations for effective disease control to appropriate officials and agencies in North America.

(2) That this committee contact the various agencies to determine an effective way to establish a permanent program for the control of diseases of trout and salmon.

(3) That the Fish and Wildlife Service be empowered to utilize their existing facilities and personnel and to expand, if necessary, their facilities and staff to provide examination and diagnostic services to control fish diseases, especially on an interstate basis, and to provide assistance where the requirements exceed technical capabilities of state and commercial fish interests; and

Be it further resolved: That a National Reporting Service be estabilshed to obtain pertinent data on fish diseases.

PREVENTION OF THE IMPORTATION OF VIRAL HEMORRHAGIC SEPTICEMIA

Whereas it is recognized that viral hemorrhagic septicemia commonly known as Egtved is a serious problem to trout fisheries in various European countries; and

Whereas this virus disease of trout is readily transmitted to trout of all ages by live fish and may be transmitted by fish eggs; and

Whereas this disease is not yet recorded in trout of North America; and

Whereas the importation of this disease unquestionably would lead to catastrophic damage to trout fisheries in North America: Therefore be it

Resolved, That official recognition be taken of the seriousness of this threat to the fishery and that the following actions be taken:

(1) Voluntary action to be taken by all concerned to prevent the importation of this disease by refraining from importing live fish or fish eggs from areas where this disease occurs.

(2) That legislation be enacted to prevent the importation of live fish or fish eggs unless the products are certified by a competent authority to be free of the disease.

The bill (S. 1151) to provide protection for the fish resources of the United States including the freshwater and marine fish cultural industries against the introduction and dissemination of diseases of fish and shellfish, and for other purposes introduced by Mr. Moss, for himself and other Senators, was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the RECORD.

EXHIBIT 1

S. 1151

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That as used in this Act, unless the context indicates otherwise, the term—

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

(2) "Department" means the Department of the Interior;

(3) "fish" includes all species of freshwater and marine fish, mollusks, and crustaceans, including their eggs or young, whether wild or reared in captivity, whether live or dead;

(4) "United States" means the States thereof and Puerto Rico, Guam, the Virgin Islands, and the District of Columbia;

(5) "interstate commerce" means commerce from a State or other area included in the definition of "United States" to or through any other such State or area; and

(6) "foreign commerce" includes commerce with a foreign country.

SEC. 2. (a) The Secretary, whenever he deems it necessary in order to guard against the introduction into, or dissemination within, the United States of a communicable disease of fish, may, subject to the provisions of subsection (d) of this section, seize, quarantine, or dispose of, in a reasonable manner after taking into consideration the nature of the disease and the necessity of such action to protect the fish of the United States, (1) any fish which he finds are moving or are being handled or have moved or have been handled in interstate or foreign commerce contrary to any law or regulation administered by him relating to the prevention of the introduction or dissemination of any communicable disease of fish; (2) any fish which he finds are moving in interstate or foreign commerce, and which are infected with or have been exposed to any communicable disease dangerous to fish; and (3) any fish which he finds have moved in interstate or foreign commerce, and at the time of such movement were so infected or exposed.

(b) By reason of the fact that the existence of any dangerous, communicable exotic disease of fish, such as viral hemorrhagic septicemia of Rainbow Trout, on any premises in the United States would constitute a threat to the fish resources of the United States and would burden interstate and foreign commerce, the Secretary, if he determines that an emergency exists because of the existence of such a disease within the United States, may, subject to the provisions of subsection (d) of this section, seize, quarantine, or dispose of, in such a manner as he deems necessary or appropriate, any fish in the United States which he finds are or have been infected with or exposed to any such disease, or any fish product or article which he finds were so related to such fish as to be likely to be a means of disseminating any such disease: *Provided,* That action shall be taken under this subsection only if the Secretary finds that adequate measures are not being taken by the appropriate State or other governmental entity. The Secretary shall notify the appropriate official of the State or other govern-

mental entity before any action is taken pursuant to this subsection.

(c) The Secretary, if he determines that such action is necessary to protect the fish of the United States, is authorized to promulgate regulations prohibiting or regulating the movement in interstate or foreign commerce of any fish which are or have been infected with or exposed to any communicable fish disease, or which have been treated for any such disease, or which he finds would otherwise be likely to introduce into, or disseminate within, the United States any such disease.

(d) The Secretary may order, in writing, the owner of any fish, fish product, or article referred to in subsection (a) or (b) of this section, or the agent of such owner, to maintain in quarantine or to dispose of such fish, fish product, or article in such a manner as the Secretary may direct pursuant to authority vested in him by this Act. If such owner or agent fails to do so after receipt of such notice, the Secretary may take action as authorized by such subsections (a) and (b), and recover from such owner or agent the reasonable costs of any care, handling, and disposal incurred by the Secretary in connection therewith. Such costs shall not constitute a lien against the fish, fish product, or article involved. Costs collected under this Act shall be credited to the current appropriation for carrying out fish disease control activities of the Department.

(e) Except as provided in subsection (f) of this section, the Secretary shall compensate the owner of any fish, fish product, or article destroyed pursuant to the provisions of this Act and reimburse any such owner for costs, as determined by the Secretary to be reasonable, that have been incurred in connection with seizure, quarantine, or destruction. Such compensation shall not exceed the fair market value of any such fish, fish product, or article as determined by the Secretary at the time of its seizure, quarantine, or destruction. Compensation paid any owner under this Act shall not exceed the difference between any compensation received by such owner from a State or other source and such fair market value of the fish, fish product or article. Funds heretofore or hereafter available for carrying out fish disease control activities of the Department shall be available for use in carrying out this subsection.

(f) No such compensation or reimbursement shall be paid by the Secretary for any fish, fish product, or article which has been moved or handled by the owner thereof or his agent knowingly in violation of a law or regulation administered by the Secretary for the prevention of the dissemination of the communicable disease, for which the fish, fish product, or article was seized, quarantined, or destroyed, or a law or regulation for the enforcement of which the Secretary enters or has entered into a cooperative agreement for the control and eradication of such diseases, or for any fish which have moved into the United States contrary to such law or regulation administered by the Secretary for the prevention of the introduction of a communicable disease of fish.

SEC. 3. (a) It shall be the duty of the Secretary to prepare such rules and regulations as he may deem necessary for the prompt and effectual suppression and extirpation of dangerous communicable diseases of fish and to certify such rules and regulations to the executive authority of each State or other governmental entity covered by this Act, and invite such authorities to cooperate in the execution and enforcement of the provisions of this Act. Whenever the rules and regulations of the Secretary shall be accepted by any such State or entity in which a communicable disease is declared to exist, or such State or entity shall have adopted plans and methods for the suppression and extirpation of such diseases, which plans and methods are acceptable to the Secretary, and the governor of a State or other properly constituted authority signifies his readiness to cooperate for the extinction of any such communicable disease in conformity with the provisions of this Act, the Secretary is authorized to expend so much money appropriated for carrying out the provisions of such disinfection and quarantine measures as may be necessary to prevent the spread of the disease anywhere within the United States.

(b) The Secretary, either independently or in cooperation with States or any other governmental entity covered by this Act, fish farmers' associations and similar organizations, and individuals, is authorized, in accordance with such regulations as the Secretary may prescribe, to control and eradicate any communicable diseases of fish, including incipient or potentially serious outbreaks of diseases of fish, and contagious or infectious exotic diesases of fish which, in the opinion of the Secretary, constitute an emergency and threaten the fish resources of the United States, including payment of claims growing out of destruction of fish, fish products, or articles, infected by or exposed to any such disease.

SEC. 4. No airline company, railroad, or common carrier shall knowingly receive for transportation or transport in interstate or foreign commerce any fish with any communicable disease; nor shall any person, company, or corporation deliver for such transportation to any airline, railroad, or other common carrier, any fish knowing them to be infected with any communicable disease; nor shall any person, company, or corporation transport in private conveyance in interstate or foreign commerce any fish, knowing them to be infected with any communicable disease: *Provided,* That such fish may be so delivered and received for such transportation and so transported and moved if the Secretary determines that such action will not endanger the fish resources of the United States and authorizes such action, and such delivery, receipt, transportation, and movement are made in strict compliance with such rules and regulations as the Secretary may prescribe to protect the fish of the United States.

SEC. 5. Any officer or employee of the Department designated by the Secretary for the purpose, when properly identified, shall have authority (1) to stop and inspect, without a warrant, any person or means of conveyance, moving into the United States from a foreign country to determine whether such person or means of conveyance is carrying any fish, fish product, or article regulated or subject to disposal under any law or regulation administered by the Secretary for the prevention of the introduction or dissemination of any communicable fish disease; (2) to stop and inspect, without a warrant, any means of conveyance moving interstate upon probable cause to believe that such means of conveyance is carrying any fish, fish product, or article regulated or subject to disposal under any law or regulation administered by the Secretary for the prevention of the introduction or dissemination of any communicable fish disease; and (3) to enter upon, with a warrant, any premises for the purpose of making inspections and seizures necessary under such laws and regulations. Any Federal judge, or any judge of a court of record in the United States if authorized by State law, or any United States commissioner, may, within his jurisdiction, upon proper oath or affirmation indicating probable cause to believe that there is on certain premises any fish, fish product, or article regulated or subject to disposal under any law or regulation administered by the Secretary for the prevention of the introduction or dissemination of any communicable fish disease, issue warrants for entry upon such premises and for inspections and seizures under such laws and regulations. Such warrants may be executed by any employee of the Department authorized by the Secretary.

SEC. 6. It shall be the duty of the several United States attorneys to prosecute all violations of sections 2, 3, and 4 of this Act which shall be brought to their notice or knowledge by any person making the complaint under oath; and the same shall be heard before any district court of the United States having jurisdiction over the district in which such violation has allegedly occurred.

SEC. 7. (a) Whoever knowingly violates any provision of sections 2, 3, and 4 of this Act, or any regulation promulgated pursuant thereto, shall be punished by a fine not exceeding $1,000 or by imprisonment not exceeding one year or both.

(b) The Secretary may bring an action to enjoin the violation of, or to compel compliance with, any provision of sections 2, 3, or 4 of this Act or any regulation promulgated or order issued under said section, or to enjoin any interference by any person with an employee of the Department in carrying out any duties under said sections, whenever the Secretary has reason to believe that such person has violated, or is about to violate, any such regulation or order, or has interfered, or is about to interfere, with any such employee. Such action shall be brought in the United States district court for the judicial district in which such person resides or transacts business or in which the violation, omission, or interference has occurred or is about to occur. Process in such cases may be served in any judicial district wherein the defendant resides or transacts business or wherever the defendant may be found, and subpenas for witnesses who are required to attend the court in any judicial district in any such cases may run into any other judicial district.

SEC. 8. The authority conferred upon the Secretary by this Act shall be in addition to any other authority conferred upon him by other laws of the United States.

SEC. 9. If any provision of this Act or application thereof to any person or circumstances is held invalid, the remainder of this Act and the application of such provision to other persons and circumstances shall not be affected thereby.

SEC. 10. There is authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

THE 174TH IOWA NATIONAL GUARD TACTICAL FIGHTER SQUADRON

Mr. MILLER. Mr. President, our men in Vietnam are the finest in the world. They are over there trying to do a job which, while certainly not to their liking, must be done—and they realize it.

They deserve the support of all Americans, not the condemnation which some are so quick to give. They deserve our thanks and our prayers, not the anti-American demonstrations in our streets.

Even while they are fighting a war, their thoughts go to the needs and welfare of those for whom they are fighting.

Among such men are those in the 174th Iowa National Guard Tactical Fighter Squadron. They have "adopted" an orphanage located 10 miles from Phu Cat, and, through their friends in Iowa, have furnished the children with toys, gifts, and medical supplies; in fact, so many parcels have been sent from Iowa that part were given to a leprosarium and a refugee center.

Those who are so quick to criticize should think of these humanitarian activities.

I ask unanimous consent that an article published in the Sioux City Journal of January 19, telling of these efforts, and an accompanying article profiling the men of the 174th, 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 174TH HELPS VIET ORPHANS—NORTHWEST IOWA FIGHTER-BOMBERS EARNING RESPECT

(By A1C T. P. Sullivan)

PHU CAT, VIETNAM (7th AF).—For months now, persons from the Sioux City, Iowa, area have been answering a call for help put out by members of the 174th Tactical Fighter Squadron at Phu Cat Air Base.

The men, all activated Air National Guardsmen from Iowa, asked their friends back home to send clothing, food, medicine and other items for the Kim Chou orphanage which is situated about 10 miles from Phu Cat.

The response the men received has been overwhelming. At Christmas time alone more than 300 boxes of gifts for the orphans were received. Many of the packages came from individuals or small organizations.

The local newspaper was instrumental in sponsoring a drive which resulted in some 30 boxes of toys, dolls and Christmas presents for the orphans at Kim Chou.

Sioux City doctors also took an interest in the project and sent many boxes of medical supplies to Maj. Gerald McGowan, one of their associates who is now serving in the combat zone.

Gifts have come from everywhere, and nearly everything imaginable was received. So much, in fact, that part of the packages were taken to the Qui Hoa leprosarium near Qui Nhon and the refugee center in Phu Cat village. Too much was received for the orphans to handle at one time, but all the gifts were put to good use at the other two institutions.

PHU CAT, VIETNAM (7th AF).—Twenty-three years ago a unit of the Iowa Air National Guard was founded at the Sioux City Airport. It's title—the 174th Fighter Bomber Squadron. The unit is perhaps one of the most colorful in the entire Air National Guard.

A few men are still around who can tell its story, from the time of it's founding, through a war in Korea, crises in Berlin and Cuba, and up to the present day, serving with the combat Air Force in the Republic of Vietnam.

CHARTER MEMBERS

Sr. M. Sgt. Robert D. Petrik, 42, Sioux City, was one of the original members of the raggity ann militia that grouped forces back in 1946. Petrik has seen the outfit grow from a handful of civilians with a yearning to fly, to a highly trained team of men and supersonic machines.

When Petrik and his friends began the 174th, they were flying P–51 "Mustangs" and their mission was that of a fighter-bomber squadron. There was a young pilot who joined the outfit not long after it was formed. He was Lt. Gordon L. Young. Today, Lt. Col. Young commands the 174th Tactical Fighter Squadron serving at Phu Cat Air Base, Republic of Vietnam.

Petrik also has seen a pair of enlisted men rise in the ranks. Today they are both chief master sergeants. With a total of 53 years of service between them, James W. Thompson and Monte F. Colbert, each 52, have served with the unit since shortly after it's conception, through the lifetimes of four different aircraft. At Phu Cat the two chiefs are serving with the 37th Tactical Fighter Wing, Thompson as the maintenance scheduling superintendent and Colbert as maintenance superintendent of the 174th.

Capt. Richard E. Dickson, 40, Sioux City is another long-time member of the 174th. He began his military career as an enlisted troop with the outfit and three years ago was given a direct commission.

MUCH AIR FORCE DUTY

Dickson is the officer in charge of avionics, airborne electrical equipment, and is assigned to the 37th Armament and Electronics Maintenance Squadron at Phu Cat. Dickson was a member of the unit when the war in Korea reached a turning point and the 174th was called to active duty. During that period the men were stationed stateside to replace regular Air Force units that were deployed to Korea.

Sr. M. Sgt. John D. Smosky, 45, Sioux City, is another man whom Petrik has been working with for a long time. Today, Smosky is the weapons superintendent for the 174th, but he was part of the Guard which flew F–80 and F–84 aircraft with their fighter-bomber mission.

A veteran of World War II, before joining the 174th, M. Sgt. Norman J. Moon, 48, Sioux City, is the phase dock inspection chief for the 174th. Two more veterans of World War II are flying members of the 174th. Lt. Col. Benton B. Boyer, 45, Hawarden, Iowa, and Maj. Eugene T. Atkinson, 41, Papillion, Neb., were far from rookies when they were deployed to Vietnam. Both of them have hundreds of combat hours flying several different military aircraft.

The list of men Petrik has worked many years with goes on. M. Sgts. George Prescott, Wilbur J. Toel, Donald D. McCabe, Richard R. Mercural and Gordon Wilson, have all been around for the last 20 years, building the unit into what it is today.

Twice these men have left the Guard and become members of the regular Air Force. On two other occasions, the Cuban missile crisis and the Berlin contingency, the unit was put on alert and was ready to answer a call within a matter of hours.

FIGHTER-BOMBERS

These NCOs and officers have built their outfit from just a handful of men, who didn't even have matching uniforms, to a squadron and then later to a full group. They have had one major mission for most of their 23 years—fighter bomber. The 174th also had a photo reconnaissance mission for a period of about two years.

In 1960 the 174th was enlarged to a group, becoming the 185th Tactical Fighter Group. Among the several squadrons in the group was the 174th Tactical Fighter Squadron.

It was the 174th, along with support personnel from the remaining support squadrons who were deployed to Phu Cat in May. When they arrived, many men in regular branches of the service were skeptical as to what the Guardsmen could do. But within a few hours after the 174th Tactical Fighter Squadron and their F–100 Supersabre jet aircraft arrived at Phu Cat the planes were flying combat missions in support of the Free World cause.

A week after they began, doubts were erased and replaced with confidence. As the months went by the confidence was replaced with respect for a group of men with a very fine record.

WITH DISTINCTION

The 174th is made up of a majority of young men with one, two and three years in the service. They could hardly be called "experienced troops." But Petrik and his friends had trained and molded these young men into capable airmen. With one weekend a month and two weeks each summer, the full-time air technician had produced an outfit of part-time "weekend warriors" that could go anywhere and perform with pride and distinction.

There are several other men, who, along with Petrik, were in the first group of men of the 174th, but they were reassigned to different places in the world when the unit was deployed to Southeast Asia. Col. Donald Forney, commander of the 185th, is now serving in Korea; Lt. Col. James Konopisos is the group's detachment holding commander, and Maj. Richard Marx is serving on Guam. They too were part of the founders, and along with Petrik and many more longtime Guardsmen, they have contributed to the success demonstrated by the 174th throughout the years, and at the present time.

REPORT OF THE BIAFRA STUDY COMMISSION

Mr. GOODELL. Mr. President, Biafra increasingly occupies the thoughts of Americans and, indeed, of people around the world. The Biafran people have been beset by famine while fighting a civil war. Only in recent weeks has their plight received significant attention in the world community. More and more, it is clear that Biafra is one of the great nutritional disasters of modern times.

Recognizing that a full factual study of the Biafran famine and all its consequences had not been made, I sponsored and led a "study mission to Biafra." The men who went with me on the mission were: Prof. Jean Mayer, Harvard University; Dr. Roy Brown, Tufts University; Prof. George Axinn, Michigan State University; Mr. George Orick, former consultant to UNICEF; and Dr. Charles Dunn, my administrative assistant. These men were exposed to bombing every day, taking cover when necessary in trench, bunker or ditch. They performed their voluntary commitment to this factual mission with cool professional skill.

Prior to the blockade of Biafra, imposed some 3 months before secession was declared, severe malnourishment was virtually unknown in this area. Calorie needs were met by local production of yams, maize, cassava, bananas, rice, and other products. Eighty percent of the protein needs of the people were met by imports, primarily meat and stock fish.

During 1968, Biafra faced a protein crisis. That protein crisis will continue through 1969, but will be many times compounded in the months ahead by a major calorie crisis. A calorie crisis presents far greater problems of transportation and relief than does a protein crisis. For example, our team estimates that if present airlift capacity is maintained throughout 1969, approximately 50,000 tons of food can be delivered into Biafra. This will be 35,000 tons short of the animal protein needs required to prevent substantial starvation. The calorie deficit in 1969 will be approximately 800,000 tons. Our experts estimate that a portion of the calorie deficit can be made up by substitution of foods not usually consumed.

Even the most optimistic projections, however, starkly reveal that Biafra will face a calorie deficit in the range of 500,000 to 600,000 tons this year. This amounts to a calorie deficit of 271 calories per person per day. Even more critical will be a shortage of 730 calories per person per day for the 4-month period from April through July. Obviously, the combined protein and calorie crisis, imminent in Biafra, cannot be met by the meager deliveries of even an unhampered

airlift and planes and the airfield being utilized today.

A protein deficiency produces kwashiorkor and attendant diseases to which the population is particularly vulnerable in the weakened condition of malnourishment. A calorie deficit will produce marasmus and far greater vulnerability to disease. If the children, the pregnant women and the elderly do not die directly of starvation, many will die from anemia, measles, smallpox, tuberculosis, and other diseases. The dangers—in fact the probability—of epidemic are self-evident. Only 11 of the 48 hospitals originally in Biafra remain under Biafran control. These hospitals are severely overtaxed as are the medical and paramedical personnel. There greatest shortage, however, is medical supplies.

Unless something dramatic is changed almost immediately, a minimum of 1 million and probably 2 to 2.5 million Biafrans will die in the next 12 months. The study mission which I took to Biafra has made specific and technical recommendations in their fields of professional expertise. I make further recommendations in the political arena. There can be no acceptable solution to this massive human tragedy without a political solution.

First, there must be an immediate cease-fire, or if a cease-fire is impossible, a temporary truce for a limited period.

Second, there must be an immediate end to all arms shipments into Nigeria and Biafra. This means, among others, that the British and Russians must stop shipping arms to Nigeria and the French must stop shipping arms to Biafra. In the absence of such action, there is grave danger that Nigeria and Biafra will become suffering pawns in a calamitous great power confrontation.

Third, the United Nations should face its urgent responsibilities in this humanitarian crisis. If the United Nations cannot meet this kind of humanitarian crisis with effective compassion, it is even more debilitated than its worst critics contend.

Fourth, I am assured that the U.S. Government will make available to relief agencies on a feasible and emergency basis such cargo planes, ships, maintenance personnel, and parts as are found to be necessary to perform the humanitarian mission of getting food and medical supplies to the starving people in Biafra and in Nigeria.

Fifth, in any event, the United States unilaterally should make available more than obsolete C–97 cargo planes that are plagued with shortages of replacement parts and with numerous maintenance problems.

Sixth, the United States, the United Nations, the Organization of African Unity and all great powers should offer their good offices to bring about direct negotiations between the leadership of Nigeria and the leadership of Biafra.

Whether by design or not, a form of physical and intellectual genocide is taking place today in Biafra. Perhaps the most poignant summation of the Biafran crisis is the agonizing fact that today one of their greatest shortages is the shortage of coffins. So many young children have died so fast that they are buried in mass graves. Is this human tragedy really necessary?

Cannot the brothers and sisters of the human race prevent the even greater calamity that liest just ahead? In the words of the Ibo proverb:

The right hand washes the left
The left hand washes the right
That both may be clean
It is natural and right
To help one another.

I ask unanimous consent to have printed at this point in the RECORD the text of the full report of the study mission to Biafra, which I sponsored.

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

REPORT OF THE BIAFRA STUDY MISSION

FOREWORD BY SENATOR CHARLES E. GOODELL

There are those who assert that there are only 3.5 million people in Biafra today. We now know that there are over 8 million.

There are those who assert that only a few thousand Biafrans died of starvation in the past six months. We now know that an absolute minimum of 1 million Biafrans died in that period.

There are those who assert that Nigeria is not interferring with shipments of food and medicine into Biafra. We now know that a lone Nigerian bomber (The Intruder) drops 6 to 9 bombs every night on Uli Airport, thereby cutting mercy flights to one-third their potential and bringing great hazard to the crews.

There are those who assert that maintenance of present relief efforts will hold future starvation deaths to far fewer than in the past six months. We now know that present hobbled efforts are so inadequate that, without dramatically increased relief, more Biafrans will die of starvation in the next 6 months than in the past 6 months.

These are the kind of facts that the world needs to know. Such was the purpose of the Study Mission to Biafra sponsored by me. The qualifications of the professional team are unassailable. Their findings are irrefutable.

I pay tribute to the personal courage and commitment of these men. They were exposed to bombing every day, taking cover when necessary in trench, bunker or ditch. They performed their voluntary commitment to this factual mission with cool professional skill. We are concerned about starvation wherever it occurs.

It occurs in Nigeria as well as in Biafra. The United States has provided 32 thousand tons of food for relief to Nigeria and is now pledged to a total of 73 thousand tons. Medical teams and other skilled volunteers are needed. Our embassy team in Lagos has full access to the needy population in Nigeria. They do not have access to blockaded Biafra. It was our purpose to fill this factual void.

May the findings of this Study Mission to Biafra bestir the world's leaders. Incisive action is necessary to prevent an indirect form of genocide that will wipe out more than 1 million Biafran women and children in the immediate months ahead.

A. INTRODUCTION

A technical mission made up of United States citizens and traveling with and under the sponsorship of a member of the United States Senate, with the full knowledge and encouragement of the United States Secretary of State, arrived in Biafra on the 7th of February 1969 (under a bombing attack) and left on the night of the 11th—12th (also under a bombing attack). The group, selected by Dr. Mayer at Senator Goodell's invitation, was made up of the following persons:

Dr. George H. Axinn, Professor of Agriculture, Assistant Dean of International Programs, and Associate of the African Studies Center at Michigan State University, who had been in Eastern Nigeria most of the time from the beginning of 1961 to July 1967, and served at the University of Nigeria, Nsukka, in various capacities, including Acting Vice-Chancellor and Visiting Professor of Rural Sociology.

Roy Brown, M.D., Associate Professor of Preventative Medicine and Pediatrics at Tufts University, who had spent three years at the Makarere Medical School in Kampala in pediatrics, and six months in Ethiopia.

Mr. George Orick, until last December consultant to UNICEF, who had lived and worked in Nigeria for six years, had traveled extensively in Eastern Nigeria during that period, had last visited Biafra in September–October 1968, and who was the group's consultant on logistics and transport.

Dr. Jean Mayer, Professor of Nutrition, Lecturer on the History of Public Health and member of the Center for Population Studies at Harvard University, who had participated in a number of missions to West Africa for FAO, WHO, and UNICEF, including repeated missions to Ghana as nutrition advisor, acted as informal Chairman of the expert group.

The Honorable Charles E. Goodell, United States Senator from the State of New York, who sponsored the group, was accompanied by his Administrative Assistant, Dr. Charles W. Dunn.

Drs. Axinn and Brown and Mr. Orick flew into Biafra in a Joint Church Airlift plane from Sao Tome, where they had inspected the airlift facilities. Dr. Mayer arrived with Senator Goodell and Dr. Dunn in an International Committee of the Red Cross plane from Cotonu, Dahomey. The second group had spent several days in Lagos, Nigeria, in conference with high Nigerian government and professional personnel, including General Jakabu Gowon, the Head of the Federal Military Government. The total mission met for the first time in Umuahia, the current capital of Biafra.

The stay of the team was short. But all of its members were familiar with Black African problems; two of its members had intensive knowledge of government and technical personnel; one of them had been in Biafra recently. The cooperation, openness, and trust of all departments of government were complete; they gave us free access to their data, were most generous with their time, and insured that our own time was spent to best advantage. We were able to traverse the length of the country and thus were able to see a great deal.

We saw hospitals, refugee camps, feeding stations, kwashiorkor centers, government departments, laboratories, farms, yam barns, factories, schools, and research organizations; had two interviews with the head of government, and saw the constituent assembly in session. Especially useful for the purpose of this report was the fact that Biafran physicians, agriculturalists, economists, scientists, and administrators made available to us their own files of recent reports and statistics which we checked against one another and verified with our own independent observations. These have enabled us, we feel, to get as good a picture as could be obtained in a country under siege, of which half of the more than eight million inhabitants are refugees; where more than a million persons have died of starvation in the past eight months; and where hospitals, schools, refugee camps, and market places are being systematically strafed and bombed daily.

We feel we should make a point of terminology clear. When we speak of Biafra in this report, we mean to designate the area now under the administration of the Government of the Republic of Biafra, not the original Biafran area which declared its independence on 30 May 1967. For the Nigerian Government, of course, there is no Biafra, only a "rebel" government and "liberated" or "reconquered" territories. Suffering does not acknowledge such borders. The wants are enormous on both sides. We have concentrated our efforts of fact finding on the Biafra

side because our government has no official link with Biafra.

In Nigeria, by contrast, we have a large embassy and an AID mission with access to all but the military areas. That our fact finding efforts (including medical team) have been greater in Biafra does not mean that we have forgotten the million victims of famine and the two million displaced persons on the Nigerian side. Senator Goodell and Dr. Mayer, in their conversations with Nigerian officials, have emphasized that Americans are as concerned for the victims of the war on the Nigerian side as they are for those victims of the war on the Biafran side. Our government has made large amounts of supplies available to the Nigerians and those members of the mission who have been in Nigeria recommend increased medical and food aid in the Nigeria-held areas as well.

Our report was a collaborative undertaking. It was begun as soon as the team reached San Tome (our first stop on the long voyage home). It was continued on planes, at the Luanda (Angola) Airport, and in hotel rooms in Lisbon, where the team stopped for a few hours before the final leg of the journey. Members of the mission typed all the way to Kennedy Airport. While each one of us wrote primarily in his areas of competence, all chapters were seen and relevant suggestions made by all members. Dr. Mayer assumed responsibility for final editing. The philosophy which inspired the writing and editing was that the urgency of the situation made it imperative to report immediately the facts gathered by the team, even though it meant that prewar data and other pertinent background information of obvious interest could not be included and numerical data could not be collated. Inasmuch as many conditions described in the report are likely to evolve considerably in the next few weeks, it is important to note it describes the situation as we saw it on or around February 10, 1969.

Finally, we would like to conclude this introduction by saying that while this document is our best effort to produce a factual, technical report, we want it to stand as a small memorial to the millions of victims of Man's inhumanity to Man and to the unflinching dignity of the victims as we witnessed it in Biafra. The unfailing courtesy of our hosts from the head of the government to the humblest villagers, their grace under the most difficult circumstances, the resilience and continued inventiveness of people who had endured horrors and continued disappointments, the depth of their commitment, their determined hope, which the whole population shared, that the world was bound to see the justice of their case—these things will stay with us as long as we live.

B. DEMOGRAPHY

Unlike many other parts of the developing world, Biafra has a long background of sound public health policies, many well-trained physicians and nurses, many hospitals and clinics and generally a good water supply. Before the Nigerian blockade, food was plentiful, with most of the staples and vegetables produced within the area of Biafra and large supplements of food of animal origin imported. There was no major population problem and severe malnutrition among the children was infrequent, as were such conditions as severe anemia, tuberculosis and dysentery.

Imports were stopped by the blockade of land, sea and air routes into Biafra imposed by the Nigerian government early in 1967 (several months *before* the secession of the Biafran state). This act abruptly interrupted the import of protein foods representing nearly 80% of the normal protein supply. Following the slaughter of 30,000 to 40,000 Ibos and other Southerners during the programs of May, July and September-October 1966, a large number of persons left their positions throughout Nigeria and they and their families, totaling about 2,000,000 people, returned to Biafra. Additional numbers of refugees—Ibos and minority groups—have kept on pouring into the shrinking area of Biafra to avoid capture by the advancing Federal Nigerian troops whose reputation for slaughtering entire villages developed during the early weeks of war. As a result, within the much diminished land area encompassed by the present borders of Biafra can be found at present the original population of that area, the entire Biafran government personnel and their families, the Biafran Army, and large numbers of displaced persons henceforth referred to as refugees. The latter live either in the villages with relatives or within refugee camps.

The original land area of Biafra was 29,000 square miles. Present boundaries enclose only 7,250 square miles of "free" Biafra, one fourth of the original area. This remaining land is not the best for crop raising and is completely land-locked.

There have been a number of estimates, based on different methods, to determine the population currently within the Biafran borders. These estimates have been made by the Biafran government and by the major relief agencies (such as the International Committee of the Red Cross) with responsibilities extending over the whole of the Biafran territory. Our own estimate, which agrees well with those of others in Biafra, is based on the following considerations.

Both Biafran statisticians and a well-known U.S. economist, Dr. Victor E. Smith of Michigan State University, have estimated the original population living in Biafra as being between 12 and 13 million people. This population range was based on the figures of the 1963 Population Census of Eastern Nigeria and assumed the very conservative rate of 2 per cent per annum for the national annual rate of population increase, chosen by the Biafran government officials over the figure of 2.3 per cent per annum chosen by Dr. Smith. (Both figures are lower than the usual 2.4 to 2.5 per cent compound growth rates found in any African countries.)

On the basis of our consultations and of our observations, we are assuming that 65 per cent of the population living in Biafra before the war is now squeezed inside the present boundaries of Biafra, leaving 35 per cent outside the heartland either living or dead behind Federal lines. (This represents, in addition to the original inhabitants of the present enclave, the great majority of the Ibos and about 40 percent of the minority groups in the Federally occupied areas of the initial Biafra.) Correcting for the refugees from other areas of Nigeria (2 million) and for deaths from famine (1.5 million) we arrive at an estimated 8 to 9 million people living inside Biafra now. The refugee population within the Biafran enclave amounts to about 3 million people, of whom 1 million are in refugee camps and registered and at least 2 million are people from the occupied areas and the fighting zone, unregistered and living with their original families and with friends in villages. The original population of 4.5 million people who lived within the present boundaries of Biafra has thus been almost doubled. The average population density is calculated as 1,100 persons per square mile. Incidentally, it may be of interest to note that the USAID Measles-Smallpox Immunization teams operating on the Nigerian side have arrived, for the areas under Federal control, at figures of 800,000 refugees in camps, 200,000 people floating in and out of camps and 1,000,000 refugees not in camps. Adding up these figures and those for Biafra will give an idea of the magnitude of the displacement of people and of the relief problems posed by the Nigeria-Biafra conflict.

Although we advance a range of 8 to 9 million as the best estimate which can be made of the Biafran population, we recognize that even this range may not encompass the actual figure. There are many reasons why it is particularly difficult to accurately count local populations under present conditions. There are frequent mass movements out of a zone near a suddenly active front, many settlements of migrating populations are located deep in the bush, as far away as possible from paved roads in order to avoid involvement in military clashes; the extended family system of Biafra makes it customary for any returning members of the family to be incorporated within the village family units and the villages have also been very hospitable to fellow Biafrans in need. Relief systems have not been able to cope with the frequent situations in which village populations, already hard pressed, have been further taxed by a doubling and sometimes a tripling of their number by the influx of refugees. A typical parish, far from the main road, which we visited, had had a prewar population of 12,000 living in several villages. It has now swollen to 23,500. (Since the feeding programs do not reach villages, it is not surprising that people who live deep in the bush, particularly near the front line, appear to be in much worse nutritional state than the inhabitants of refugee camps.)

There appears to be general agreement that the birthrate of Biafrans is markedly decreased. What figures are available confirm this. Probable factors are the enlistment of young men into the Army, the dislocation of families, the assignment of personnel to posts away from their wives and the lack of privacy in overcrowded families. Considerable intentional limitation of family size because of fear for the future safety of the family is taking place in spite of the extreme shortage of contraceptive equipment.

In arriving at a figure of approximately 8.5 million for the population we have also taken into consideration the enormous mortality rates, particularly those for young children and for the elderly. The rock bottom minimum estimate of mortality due to famine during the months of August, September and October, 1968 is 500,000.

We estimate that an additional 500,000 died of starvation in the six months preceding that period and in the three months since, for a minimum total of 1,000,000. Informed foreign relief personnel working in Biafra in 1968–69 have made estimates on the basis of their samplings which go up to twice that figure. Our own estimate, based on all figures currently available and on checks for Catholic parishes, is that mortality from famine and associated causes of death in the past twelve months was greater than 1,000,000 persons but well below 2,000,000. We have taken the figure of 1,500,000 for our calculations.

To summarize, our estimate is based on the following figures:

[In millions]

Original inhabitants	4.5
Refugees from Western and Northern Nigeria	2.0
80 percent of Ibos in Nigerian-occupied areas (originally 2.5 million)	2.0
40 percent of minority groups in Nigerian-occupied areas (originally over 5 million)	2.0
Total	10.5
Minus extraordinary mortality due to 1968 famine	1.5
Difference	9.0

Because an extraordinarily high mortality has been in existence for at least two years and because of the inaccuracies attached to several of these figures, we consider that giving a range of 8 to 9 million is indicated.

C. FOOD SITUATION

Before the war, the main calorie sources were cassava, yams, plantains, rice and palm

oil. Biafra was not only self-sufficient in the production of these foods but was able to export some items to the rest of Nigeria. By contrast, only about 20 percent of the protein needs was produced locally, mainly as goats, poultry and fish. The remaining 80 percent of the protein supply came mostly from Northern Nigeria (beef, beans, dried fish) and from Europe (stock fish, milk).

At present, the prevailing shortage of foods is serious; and is likely to reach famine proportions during the next few months (March, April and May). The present high cost of yams, garri and other foodstuffs is the result of both general inflation and high prices and a general shortage in the supply of these commodities.

Prices of all basic foodstuffs have risen sharply over the past two years. Yams are selling in local markets for approximately 10 times their former price; garri is up 14 times; and rice 18 times. Plantain is averaging 20 times its preblockade price, and chicken and goats, which are difficult to find, run 15 times their former price.

Price alone does not provide an adequate reflection of supply of such commodities, since the pressure of population and the scarcity of consumer goods have reduced the effective purchasing power of the Biafran pound. It is difficult to correct for this since only gross estimates are available. Staff of the Biafran Ministry of Economic Planning have unofficially estimated a purchasing power of three-quarters, which would put the yam price up only 7.5 times its preblockade figure, and rice, garri, and plantain prices up 13.5, 10.5 and 15.0 times respectively. Even if the less conservative estimate of purchasing power at 50 percent were made, prices would be up as follows: rice—9 times; garri—7 times; plantain—10 times; and yams—5 times. Chickens and goats would be up 8 times.

Another approach is to compare these crops in short supply with the typical major export crop of Biafra, which is not in short supply, palm oil. Dislocations brought on by transportation difficulties and an increased (per capita) demand as a result of use for light, fuel, and (increasing) human consumption, plus the stoppage of production in many palm oil pressing plants, confuse this picture. However, this comparison produces a very conservative estimate of the shortage in supply, which comes out as about one-third of normal for yams; one-sixth for rice; one-fifth for garri; one-seventh for plantain, and one-fifth for chickens and goats. It is our judgment that food supplies are at least this much below normal. See tables I and II for details.

There are several reasons for the food shortage. The land, sea, and air blockade imposed on this area by the Nigerian Federal Government early in 1967, before Biafran independence was declared, cut off normal supplies of beef, beans and other legumes, wheat flour, fish, milk and other foodstuffs. This has been particularly critical since a large proportion of the protein, particularly animal protein, consumed in Biafra was formerly imported from other parts of the Federation of Nigeria, and from abroad.

In addition, the Nigerian occupation of approximately 21,750 square miles of the original 29,000 square miles which declared Biafran independence, including some of the best farm land, has cut into agricultural productivity. Diversion of many able-bodied young men to the defense effort has reduced drastically the number of farmers. Both the early influx of refugees from disturbed parts of Nigeria and the later flood of Biafrans from the land they normally cultivated to the present 7,250 square miles contributed to the food shortage, especially since much of the foodstuffs produced last year was not evacuated with farmers as they made their hasty retreat.

TABLE I.—AGRICULTURAL COMMODITIES RETAIL PRICE PER HUNDREDWEIGHT FROM JANUARY TO DECEMBER 1968, AS PROVIDED BY AGRICULTURAL ECONOMICS UNIT, UMODIKE AGRICULTURAL RESEARCH CENTER, BIAFRA FEBRUARY 1969

Commodities	January	February	March	April	May	June	July	August	September	October	November	December
Rice	30/8	35/6	58/–	61/10	90/10	72/3	92/11	142/7	220/11	231/11	239/9	280/3
Yams	64/4	70/3	107/1	193/4	190/4	188/8	216/11	203/3	212/8	222/5	232/1	274/11
Rice	94/3	115/8	154/2	194/2	293/4	326/9	478/–	483/9	598/10	796/2	939/10	1108/4
Maize	84/8	111/4	153/4	185/9	171/10	250/11	149/4	220/–	271/2	284/10	339/5	352/10
Cassava	12/6	12/6	15/4	24/6	21/1	21/9	24/10	52/7	73/5	59/10	69/2	87/4
Cocoyam	38/–					101/6	126/2	156/–	146/2	129/9	73/4	101/1
Plantain	48/8					130/7	139/1	154/7	166/2	162/7	125/1	159/5

TABLE II. PRICE RISE OF BIAFRAN FOODS, PREBLOCKADE TO FEBRUARY 1969

[Number of times increase]

	Raw price [1]	Biafran pound at ¾ [2]	Biafran pound at ½ [3]	Corrected for palm oil at 3 times [4]
Rice	18	13.5	9.0	6.0
Cassava/garri	14	10.5	7.0	4.6
Plantain	20	15.0	10.0	6.6
Yams	10	7.5	5.0	3.3
Chicken	15	11.3	7.5	5.0
Goats	16	12.0	8.0	5.3

[1] Based on interviews conducted in Biafra February 8–11, 1969, and data made available by Biafran Ministry of Economic Planning and Biafran Agricultural Research Center at Umodike and verified in visits to markets throughout Biafra.

[2] Estimating that the purchasing power of the current Biafran currency is approximately ¾ of that of the currency in use prior to the blockade.

[3] Estimating that the purchasing power of the current Biafran currency is approximately ½ of that of the currency in use prior to the blockade.

[4] Estimating that the price rise currently observed in Biafra of palm oil, at 3 times its preblockade price, and estimating that supply is not substantially reduced within Biafra, the purchasing power of the Biafran pound is assumed here to be ⅓ of its preblockade value.

Disruption of communications and transportation by the war has intensified the problem by cutting off certain routes to areas of severe food shortage from those of greater abundance. There has also been a lack of facilities for storage of food during the time of harvest, so that stockpiles of food could not be built up.

In addition to the crops mentioned above, many other foods are in short supply. Beans and cowpeas are produced in Biafra, although the bulk of the supply formerly came from outside. Whereas women formerly paid a shilling for six cups of beans in local markets, the current price runs around ten shillings for one cup. Bananas which sold at four for three pence are now four for five shillings, and paw paw has gone from one to three pence to five shillings.

Oranges are now four for a shilling, instead of two for a penny. Then small tomatoes, which formerly would have brought three pence, sold while we were in Biafra for two pounds (160 times the former price). Okra, which sold for five shillings before, is now bringing three pounds. And a large onion, which would have sold on the Umuahia market for about two pennies in the past, even though shipped down from the north, went for one pound ten shillings (or 360 pennies)! Official Ministry of Agriculture price reports show one pound of onions at 7.7 pence in January of 1967 and at 480 pence in January of 1969.

The current food shortage involves almost all foodstuffs, but more especially meat, fish, beans and legumes, rice, onions, maize, groundnuts, sugar, melons, and some other vegetables.

Some price data are missing from the above analysis because the car carrying the official of the Biafran Government bringing it to the study team was strafed during one of the daily bombing attacks and the official was wounded and hospitalized. Other data reported above were collected from a variety of different government offices, all of which were opened to the team, and from the staff of the University of Biafra. These data, in turn, were verified by members of this study team in personal interviews conducted at various points from Uhafia, in eastern Biafra, to Uli, on the west side.

Using as a base FAO figures published in 1966 and adjusting for recent changes, it is possible to project estimates of human requirements and potential deficits for major foodstuffs produced in Biafra. Striking among these are estimated deficits for 1969, for human consumption, of 44,200 tons of maize; 1,217,000 tons of yams; 642,100 tons of cassava; and 90,800 tons of vegetables.

With respect to high protein foods, the deficit for meat (including beef, mutton, goat, and pork) is anticipated at 22,000 tons. Poultry meat is anticipated to be 4,100 tons short, fish 61,600 tons short; and eggs 500 tons in deficit. Details are provided in table III.

In an effort to overcome these deficits, Biafra has established an Emergency Food Production Programme, aimed at the total mobilization of all available resources for increased food production. This includes farming and gardening by individuals and family units; farming by communities and cooperative societies; farming by the Land Army, which is a new concept being tried out to help boost production; farming by governmental and quasi-governmental food producing agencies; and special projects supported by such organizations as the World Council of Churches and Caritas International.

TABLE III.—ESTIMATE OF FOOD PRODUCTION DEFICIT WITHIN BIAFRA FOR 1969 [1]

[In thousands of tons]

	Production estimate for 1969	Net requirement for 8,000,000 people	Anticipated deficit
Maize	27.5	71.7	44.2
Rice	10.4	27.1	16.7
Yams	760.0	1,977.0	1,217.0
Cassava	401.3	1,043.4	642.1
Cocoyam	103.0	267.8	164.8
Beans	2.6	6.8	4.2
Groundnut	2.6	6.9	4.3
Mellon	5.5	14.2	8.7
Vegetables	55.0	145.8	90.8
Fruit	17.0	68.0	51.0
Meat	13.0	35.0	22.0
Poultry	2.6	6.7	4.1
Fish	2.9	64.5	61.6
Eggs	2.6	3.1	.5

[1] Based on Agricultural Development in Nigeria, 1965–80. FAO: Rome, 1966, p. 393.

The first phase of the programme is taking place from January through May of this year, and involves the period when none of the staple starchy energy foods, such as yams, maize, sweet potators, cocoyams, and cassava

(planted in 1969) is mature enough or available for harvesting. Crops being planted in hopes of harvesting, and consumption during this period include African spinach or greens, Indian spinach, eli-emionu, Arira or krenkre, afufa, tomatoes, egg plant, Telfairia or ugu, waterleaf, chillies and peppers, pumpkins, melons, early okra, akidi and bitterleaf. During this phase, crops which take longer to mature will also be planted. These include yams, cassava, some maize, sweet potatoes, bananas and plantains, cocoyams, pigeon peas, yambeans, cowpeas, late okra, and pineapple.

Although near-famine conditions may prevail during this first phase, certain foods from perennial crops and annuals planted at various times during previous years are usually available in reasonable quantities. These include cassava, bananas and plantains which can be eaten while they are still green and high in starch, bread fruit, pineapple, other fruits, sweet potatoes, coconuts, oil beans, castor beans, etc. It is also expected that leaves and fruits of plants which grow in wild or semiwild conditions will be used.

The following eight point programme for increasing food production is being furthered by Biafran officials:

1. Bringing more land into production
2. Producing higher yields per unit area by use of better cultural and management practices, use of fertilizers, use of improved crop varieties, etc.
3. The effective control of pests, insects, and diseases
4. The use of machinery or mechanization
5. The reclamation of land that would have otherwise been unsuitable for farming
6. Better processing, storage, and conservation of what is already produced
7. Using new and novel sources of food
8. Better use of the sea and forest resources.

As in many other periods of food scarcity since cassava was introduced to West Africa in the early 1700's, it may be this crop which proves the margin against starvation in the current crisis. Much cassava is still in the ground, where it is safely stored until consumed. Although there is little growth during the present dry season, when the rains return that which remains will continue to grow. The Biafran Ministry of Agriculture is recommending that during the first ⅓ of this year, ¼ of the available acreage be planted in cassava. This will include as much newly cleared land as possible. Then, during the second ⅓ of the year, ½ of the available acreage will be planted, with the final quarter of the land area planted in the last ⅓ of the year. It usually takes from 9 to 18 months to harvest cassava.

On the negative side, the total acreage of cassava within the undisturbed portions of Biafra has declined as a result of war conditions. Also it is currently being harvested before coming to full maturity . . . as early as 6 months after planting, rather than 12 or 18 months. More marginal land is being used now than normal. Thus cassava continues to supply the foundation of starch in the Biafran diet, but in itself it does not appear to be adequate.

In addition to cassava, bread fruit, plantain, and banana will supply starch until after June when maize will be ripe. Much maize will be planted with the earliest rains. Then, after July, yams will again be harvested early.

Supply of seed yams in yam barns is reduced in most parts of Biafra, but plentiful in the Bende division. Further, people are being urged to save the seed tops from other yams before consumption. Military action on the road between Awka and Onitgha has interferred with movement of seed yam from the Awkuzu and Aguleri areas where the supply is also plentiful. Seed supplies of cocoyam are reduced and although this crop will contribute to the food supply, volume will be less than normal.

The smuggling of food from Nigerian-held territory into Biafran territory is being discouraged by both armies. Only a small volume of food (mostly salt) is moving via this route. In addition to the danger of being caught by the Nigerians, some of the food which has entered Biafra this way has been found to contain poisonous ingredients.

Deliberate poisoning of food supplies was first suspected in 1967 when several deaths were thought to have resulted from the ingestion of toxic foods. A Biafran committee was established which includes a chemist, a microbiologist, a pharmacist, a miro-chemical analyst, and a specialist in forensic medicine. The committee developed routine techniques for checking common foods and cigarettes with a laboratory originally set up in Port Harcourt and later moved to Owerri, and eventually to Umuahia.

The most tangible evidence of poisoning seems to be in salt, which is also the principal item being smuggled in. Of 1,487 samples tested during the last part of 1968, 20 samples contained toxic quantities of arsenic 50 samples contained cyanide; and all others were non-toxic and non-infectious.

Cigarettes (107 samples) and assorted tins (300 samples) tested during the same period were all found to be non-toxic. Of 71 tins of powdered milk tested, 10 contained arsenic. Only 12 of the 2,522 tins of evaporated milk tested were found to be contaminated with arsenic.

Solving the food shortage

Several approaches will contribute to overcoming the anticipated food deficits. The Biafrans are attempting to expand production, which may increase supplies of certain foods as much as 25% for the year. Expanded use of palm oil will also help. And a continued and expanded airlift of food from outside will be necessary.

To expand agricultural production; the Land Army is organizing to clear 100 acres for each village. Men between the ages of 12 and 35 who are not in military service are being given special Land Army training. In addition, persons up to 50 will assist with the land clearing. The Land Army will plant as much seed yam as it can get; then plant early maize on the remaining available land. It is hoped that a rapid broiler (poultry) production can be developed as soon as the maize is ready. Research at Umodike in the past few months has demonstrated that up to 40% of the poultry ration can be cassava meal, but maize will also be necessary, along with palm kernel meal and groundnut meal. (Members of this team have serious doubts about the feasibility of large scale poultry production in Biafra at this time.)

Agriculturists are now multiplying sweet potato seed; so that the early maize crop may be followed by sweet potatoes, along with ground nuts, cow peas, other legumes, and late maize. The limitation here will not be land, but seed. It is to be hoped that some seed will be flown in, but the Biafran government is concerned with plant disease infection, and there will be rigid plant quarantine control.

Other needed imports associated with agricultural production include insecticides, which can save approximately 50% of certain crops; ground nut seed, which should be imported unshelled, and then shelled and treated within Biafra; some other seeds and farm tools.

Part of the deficit in calories can be made up through increased consumption of palm oil, which appears to be in relatively ample supply in Biafra. The former Eastern region of Nigeria produced approximately 300,000 tons of palm oil annually. Of this, 160,000 tons was exported (140,000 overseas, 10,000 to Northern Nigeria, and 10,000 to the Cameroons) and 140,000 tons was consumed within the region. F.A.O. estimates are that about 25 pounds of this was consumed per person per year, making up 274 calories per day of an estimated 1774 calory per person per day diet.

Assuming that approximately one-half of the palm oil producing land remains within Biafra, and that more intensive harvesting can increase production by 25%, 187,500 tons of palm oil could be available to serve as a calory supplement within Biafra. This could supply 567 calories per person per day, which is more than twice the normal consumption level, but quite feasible if the addition to the diet is made gradually.

Particularly for those in refugee camps and feeding centers, some food commodities are being flown in each night. (See section on transportation for details). A sample of flight manifests taken at the airport at Sao Tome, and representing the latter half of December, 1968 and January, 1969 indicates an average of 10.9 flights per night (no daylight flights operating at this time). These planes, on the average, carried 37.2 tons of such fortified starchy foods as CSM Formula II, corn meal, oat meal; 41.0 tons of such protein foods as stockfish, tinned meat, and Hi-Pro baby foods; and 15.4 tons of fortified milk powder and condensed milk each night. In addition, they averaged 6.2 tons of salt per night. (See Table IV).

TABLE IV.—AIRLIFT FOOD SUPPLIES TO BIAFRA, 1969

[Based on sample taken from flight manifests in São Tomé representing December 1968 and January 1969, projected to other sources and the total year]

	Average kilograms per night, São Tomé	Tons per night, São Tomé	Estimate ½ volume from other locations	Total daily average in tons	For 365 nights (in thousands of tons)
Cereals formula II, etc	33,700	37.2	18.6	55.8	20.4
Tinned meat, stockfish, etc	37,240	41.0	28.2	84.6	30.9
Milk powder, Stardit, etc	13,993	15.4			
Total		56.4			
Salt	5,650	6.2			

If we assume that airlift food from other locations supplies at least one half as much as that from Sao Tome (an estimate which seems to represent the situation in the past month) and that night flights from there remain at levels reported above, then around 20.4 thousand tons of fortified cereals and 30.9 thousand tons of animal protein would come in during 1969. This provides approximately 58.3 calories per person per day and 6.4 grams of protein per day.

The deficit from Biafran production of carbohydrate foods (including maize, rice, yams, cassava, cocoyam, beans, and groundnut) is anticipated to be 27 calories per person per day for the year, based on the pre-war consumption of 1774 calories per person per day. At 1503 calories per person per day if distribution through the year and geographically were perfect, it would barely meet a minimum nutritional standard of 1500 calories per person per day.

However, the deficit in protein foods is estimated at 17.1 grams per person per day when measured against a minimal standard of 30 grams per person per day. Even if the airlift continues at the present rate, there will be a shortage for the year of 10.7 grams of protein per person per day. (See Table V for details).

TABLE V.—PRODUCTION WITHIN BIAFRA 1969

Item	(In thousand tons) Net estimated production based on ¼ land area	(In thousand tons) Adjusted production	Production converted to calories and protein per capita/day (8,000,000) Calories	Protein (in grams)
Maize	27.5	34.4	41.9	1.1
Rice	10.4	10.4	12.8	2.4
Yams	760.0	760.0	351.0	6.0
Cassava	401.3	[1] 501.6	187.2	1.5
Cocoyam	103.0	103.0	317.4	.7
Beans (cowpea)	2.6	2.6	3.0	.2
Groundnuts	2.6	2.6	5.1	.2
Melon	5.5	[1] 6.9	6.9	.3
Palm Oil	[2] 150.0	[1] 187.5	567.0	
Vegetables	55.0	[1] 68.0	5.5	.3
Meat	13.6	4.0	1.5	.2
Poultry	2.6	1.3	.6	
Fish	2.9	1.4		
Eggs	2.6	1.3	.7	
Fruit	17.0	17.0	2.6	
Total			1,503.2	12.9

[1] Increased total by 25 percent.
[2] ½ of land area of oil palm production.

More critical than the situation for the year as a whole is the anticipated deficit for the months of April, May, June, and July of 1969. This is the period in which stores from the previous growing season are largely depleted, and new crops of maize, yams, and cocoyams are not yet ready for harvest. Table VI estimates that local production during this period is likely to be of the order of 770.6 calories per person per day and 2.3 grams of protein per person per day. Thus outside sources would have to supply 730 additional calories per person per day during this period to meet the minimum standard (1500 cal.) for eight million persons, this amounts to 5,840,000,000 calories per day. If this were supplied in the form of corn, it would require 1,460,000 kilograms of corn per day.

Further, the 770 calories referred to above includes 567 calories from palm oil. This can only be utilized if other calories are supplied, since the maximum tolerance for such food is approximately 50% of the calory intake.

On the protein side, the airlift at its present rate plus anticipated Biafran production will supply 8.7 grams per person per day during this famine period, leaving a deficit of 21.3 grams of protein per person per day.

BIAFRAN FOOD PRODUCTION, APRIL THROUGH JULY 1969

[Estimated per capita food production per day]

Item	Calories	Protein (grams)
Cassava	187.2	1.5
Palm oil	[1] 567.0	
Vegetables	11.0	.6
Meat	1.5	.2
Poultry	.6	
Eggs	.7	
Fruit	2.6	
Total	770.6	2.3

[1] Utilizable only if supplemented with equal amount or more of calories from other sources.

In part, the calorie deficit will be made up by substitution of foods not usually consumed in the magnitude now required. These include breadfruit, unripe bananas, unripe plantain, coconut, sweet potato, and oil beans. But massive external supply will also be necessary.

The additional food supply required during the critical April through July period (671.7 calories per person per day and 21.3 grams per day per person of protein) could be provided by 1,353.6 tons per day of C.S.M., the cereal formulation which is now being airlifted in in smaller quantities. This would add 676.7 calories per person per day and 30 grams of protein. If the average aircraft carried ten tons per flight, this would necessitate 135 flights per day. Thus, while the deficit in protein could be overcome by expansion of the present airlift, the calorie deficit is clearly of a different order of magnitude.

D. STATE OF NUTRITION

The extent of caloric and protein malnutrition, and the scope of outright famine have been so overwhelming as to make the Nigeria-Biafra conflict one of the great nutritional disasters of modern times. To understand fully the situation, we must remember that before the war, Biafra, though a fertile producer of such foods as yams, cocoyams, cassava and palm oil, had to import nearly 80 percent of her protein needs. (This included all the milk, much of the meat and a considerable tonnage of fish, as well as large amounts of beans and groundnuts [peanuts].) Because of the industriousness of the Biafrans, their tendency at a given income to spend a somewhat higher proportion of this income on food than did neighboring populations, and the primary attention they paid to the nutrition of their children, the prevalence of Kwashiorkor was much less than the local agricultural pattern would have suggested. Some data on the diet and the prevalence of nutritional diseases in Biafra before the war are an indispensable background to full understanding of the present catastrophe.

A number of competent surveys were conducted in Biafra and Eastern Nigeria before the war and the reader should consult those for specific information. FAO, ICNND and a number of excellent investigators such as Nichol, Dema, Collis and others have contributed to our knowledge of dietary intakes in that area. In general, it can be said that the main source of fat in the diet was palm oil, providing a very good source not only of polyunsaturated fatty acids, but also of carotene (provitamin A) throughout the year. The main sources of calories were high carbohydrate foods—mostly low protein tubers, cassava, yams and cocoyams. There were also smaller quantities of cereals available, i.e., corn (maize) and rice. Yams, cocoyams, and corn are seasonal plants but cassava grows and is available throughout the year.

The protein supply of Biafra, as indicated above, was largely imported. Beef came from Northern Nigeria and constituted the main source of meat. To lessen this dependence on imported meat, Biafra had made great efforts to develop a poultry industry. Unfortunately, the poultry industry, like animal husbandry generally, was dependent upon imported animal feed and hence vulnerable to the blockade as well as to the elimination of the stock and competition with human needs. The vegetable proteins—beans, groundnuts and soya—came from Northern Nigeria.

Vitamins and most minerals were usually adequate in the Biafran diet during the rainy season when leafy vegetables were available. During the dry season, vegetables have always been in short supply and the supply of vitamins (other than vitamin A) and iron correspondingly very low.

The nutritional disaster as it developed has gone through several phases. From the beginning of the blockade which antedated the war by several months, till the spring of 1968, there was a steady deterioration of the general nutritional level. From that time on the situation already serious, worsened precipitously.

KWASHIORKOR DATA FROM THE QUEEN ELIZABETH HOSPITAL AT UMUAHIA

	Outpatients		Admissions		Deaths	
	1965	1968	1965	1968	1965	1968
January	2	115	2	28		3
February		61		12		5
March		106		24		6
April	3	124	1	32		7
May	3	360	2	13	1	6
June	3	443		4		10
July	3	873	1	21		26
August	8	1,108	2	95		12
September	2	286	2	50	1	24
October	2	81	2	48	1	10
November		109		32		10
December	4	41	1	8		7
Total	30	3,704	13	369	3	35

It was characterized by outright starvation among the refugees, particularly those still on the move, and Kwashiorkor (acute protein deficiency in a situation where calories are less deficient or adequate) among the regular inhabitants. It is difficult to give figures but we have already seen that a minimum estimate, which we checked through a series of different approaches, was one of 500,000 deaths in August-September-October and as many for the rest of 1968. (The minimum estimate of 1,500,000 deaths due to malnutrition and starvation on the Biafran side has been supported by quantitative data given in Section B. It has already been said that several responsible observers on the spot, in particular the head of an International Agency operating in Biafra, thought that the estimate of 1,000,000 deaths due to famine in 1968 was an underestimate. His own figures was closer to 2,000,000 deaths.) Since the end of October, the nutritional situation has improved in the refugee camps due to the activities of the relief agencies. In particular, the prevalence of overt Kwashiorkor has decreased among the children within the past 3 months, though we must emphasize that in the camps we observed we did not see one single child whom we would describe as being in a satisfactory state of nutrition. Kwashiorkor and Marasmus were still rampant; Kwashiorkor affected not only the 1 to 4 year old age group in which it is usually confined, but also a great many children up to age twelve, many adolescents and even a number of adults. As an illustration, we saw large groups of children among whom not one had normal hair color or texture. While signs of caloric and protein deficiencies were everywhere in evidence, and while we saw many smooth tongues and anemias, we saw no clear cut examples of specific vitamin deficiencies even though we heard the term mentioned and pills were requested by almost every physician and nurse we saw. It is of course possible that should the diet become more exclusively dependent on certain staples, overt vitamin deficiencies may appear.

The situation has improved much more slowly, if at all, in the villages, many of which are not reached by any relief distribution and the population of which has doubled or tri-

pled or in some cases quadrupled as a result of the accumulation of returning relatives and other refugees. Those areas which are the beneficiaries of feeding stations and Kwashiorkor stations fare somewhat better, but it must be realized that the aid given by these stations is limited. Not only are supplies so short that only small amounts of high protein foods can be distributed (e.g. 3–5 oz. of CSM formula—a corn-soybean-dry skim milk prepack—1 oz. of powdered milk, 1 ooz. of stock fish in one area—theoretically times a week but in fact once every 10 days) but also the distribution has to be made under conditions of extreme difficulty: distribution centers and refugee camps are bombed and strafed if any concentration of people is manifest in the daytime so that all mass feeding activities have to be conducted in darkness.

The nutritional problems are aggravated by the difficulties in the distribution of foods. Movement of supplies and medical personnel is most difficult even when or particularly when they are clearly labelled with red crosses. It must be noted that the Red Cross in general gives no protection in Biafra. One by one, as hospitals, Kwashiorkor centers and other health areas marked with the Red Cross were bombed and strafed, the emblems were removed or camouflaged on the ground. It is clear the Red Cross visibly increased risks. We personally can testify to the bombing of a number of these installations. The Red Cross representatives have a more extensive list. The assembling of large numbers (up to 8,000 persons), many of them sick, all of them weak, most of them children, women, and elderly people, in long lines in utter darkness presents obvious difficulties. These difficulties are magnified in the areas near the front. There distribution by truck is often impossible. On both sides of the line the civilian populations are starving. The estimate of a million dead in the area of Biafra occupied by the Nigerians (an estimate given by U.S. medical personnel who are members of USAID measles-smallpox vaccination teams on the Nigerian side) shows that the Kwashiorkor and starvation band extends beyond Biafra in many directions. Relief expeditions into the front area under Biafran control and incursions to help Biafrans on the other side are dangerous forays and remain at best irregular. We saw a European engaged in such activities who had brought back in his trucks 117 dying children to various hospitals the night before. In such areas there appears to be no improvement.

In general, even though the nutritional situation is better now than it was last fall, we must emphasize its precariousness. The improvement is almost entirely due to the airlift. It means that, inasmuch as it is funnelled into an airport which is being bombed every night, its very existence is threatened and the amount of food it can deliver is dependent on the length of the bombing. In addition, the proximity of a period when food supplies are normally short, the intensification of air attacks, operations designed at cutting roads which carry an important part of the food supply mean that the life of every Biafran child is hanging by a slender thread.

E. HEALTH

To gather reliable facts in a relatively short period of time, a variety of resources were utilized including government officials and missionaries, physicians representing the various specialties and nurses, tabulations by the Biafra Rehabilitation Commission and personal observations in various hospitals, clinics, field stations, refugee camps and feeding centers. Among our many informants, the following: Dr. A. Ifekwunigwe, Professor of Pediatrics and Head of Pediatrics at Umuahia, Dr. C. Nwokolo, Professor of Medicine and Head of the Department of Medicine at the Medical School, Medical Coordinator of the Refugee Medical Service (internist), Dr. Voorhoeve (generalist), Dr. Macartan (Generalist), Mr. Moses Iloh, Director of Biafran Red Cross, Miss Cecilia Obiamiwe, Chief Nursing Officer and Father Doheny, Caritas representative made their records available to us and discussed them at length.

A striking consistency was found in the reports and observations relating to the increasing morbidity patterns within the country which appear to precede the mortality rates. There was clear evidence of generalized malnutrition, particularly among children from early infancy through puberty, extending into the adult population with women more severely affected than men. Superimposed on the under-nutrition base of marasmus and kwashiorkor, were found very severe anemias; respiratory conditions including advanced tuberculosis; gastroenteritis and dehydration; malaria; infectious diseases, especially measles; skin conditions including septic sores and scabies; and helminthiases, especially hook-worm infestation.

Severe malnutrition which now is widespread in the Biafran population has served to reduce the individual's resistance and make him much more susceptible to certain diseases, such as measles and tuberculosis. The anemia found in Biafra is generally due to a combination of factors including severe iron deficiency, poor protein intake, malaria, hookworms, and various infectious processes. Anemia is quite severe in some instances. For example, we saw a child of 12 years recovering from kwashiorkor who had less than 4 grams of hemoglobin even after receiving a pint of transfused blood. Besides this he was grossly underweight for his age.

The accurate incidence of diseases such as tuberculosis could not be determined, but widespread medical opinion, which appeared to be justified, was that respiratory conditions, and particularly tuberculosis, were very extensive. The young children demonstrated advanced adult forms of tuberculosis, with cavitation and positive sputum tests, rather than the usual primary type of tuberculosis found in better-nourished children. The cause of diarrheal disease was somewhat more difficult to establish, especially when lactase deficiency and milk intolerance are prevalent among youngsters with protein-calorie malnutrition.

In a situation in which large segments of the entire population are receiving inadequate dietary intake, the most likely to succumb are the very young and the very old. Breast feeding, which under normal circumstances in Biafra could be expected to continue until the age of 18–24 months, has for many women become impossible after the child is several months old due to insufficient milk production by the starving mother. Whereas various forms of protein-calorie malnutrition can be considered endemic in other areas of both West and East Africa, the region of Biafra prior to this war did not have any significant incidence of severe malnutrition. In addition, in those parts of the world where severe clinical malnutrition has been reported, the affected population segment has invariably been the very young, generally under the age of 2–3 years; however, in Biafra we observed many individuals in the pre- and post-pubertal age groups along with cases of adult women suffering from severe clinical manifestations of malnutrition. The evidence of this condition was clear-cut.

In support of this is the fact that for a land with virtually no previous experience with severe malnutrition, Biafra has established 92 government and 30 missionary Kwashirokor Centers specially designed to treat and feed children and adults with severe malnutrition, with an average census of 500 each.

Although there is no firm means of gathering mortality figures, several sources independently confirm that the total deaths during the most severe famine months of 1968, August, September, and October, reached more than 500,000 persons, mainly young children and the elderly. Individuals moving from one place to another without food often died and were not recorded. More specifically, one physician reported that in his village, with a population of 3,000, there was an average of 4 deaths per day from malnutrition and related problems at the peak in August, 1968, a rate which fell to 2 deaths daily in October, falling to 1 death daily in December. This was equivalent to an increase of approximately ten-fold in mortality rates at the peak, falling to a level of about 4 times normal in January and February 1969, according to several informants.

During a measles epidemic in one parish, there were 100 children dying daily at the peak in November and December, 1968. Fall off in the duration of lactation was noted by a number of people. With infants crying from hunger and bombs falling on market places, these mothers often are unable to sleep at night and are placed under extreme strain, which interferes with their traditionally good child care practices.

War has had a serious effect on medical resources in Biafra. Of the total of 48 hospitals of what originally was Biafra, only 11 remain in the hands of the Biafrans. Thus, fewer than one quarter of these facilities are available to serve about two thirds of Biafra's pre-war population. Those hospitals which remain are severely overtaxed as regards both in-patient and out-patient censuses. Comparisons between pre- and post-war conditions for Queen Elizabeth Hospital in Umuahia show a two-fold overall increase in occupancy, and the pediatric pavillion expanded to between 4 and 5 times normal prewar census levels (see list). Obviously, the addition of large numbers of surplus patients who are more severely ill than under ordinary circumstances, will add to the mortality rates and put the medical and nursing staffs under the strain of overwork.

While visiting several hospitals we saw children on the floor between beds, along the outside corridors, and often two or more to each bed. There was not one well nourished child among the 80 seen in one twenty-bed ward. Particularly disturbing to witness was one small girl with her arm in a cast, the victim of a bombing attack, who refused to come out from beneath the bed assigned to her, fearing the bombs. A visit to the Joint Hospital at Aboh Mbaise revealed several wards filled with women and children injured in an attack on the market place at Obiangwu a few days earlier in which several hundred women and children were killed and twice as many wounded. The usual prewar census of that hospital had been 60. On the day of our visit there were over 200 in beds, on the floors, and along the corridors.

In the Holy Rosary Hospital at Emekuku, which has been since taken by Federal Nigerian troops, figures demonstrate a ten-fold increase in 1968 in the pediatric in-patient census from January to September, a rise in children with severe malnutrition from one per month to 100% of the patients, and an increase in out-patient visits from 50 per day to over 2000 per day.

While additional medical personnel obviously could be usefully employed were adequate supplies and equipment available, there appear to be relatively sufficient numbers of medical and nursing staff personnel, for the limited equipment on hand. There are 122 Government Nursing sisters, 95 Junior Nursing sisters, 7 Matrons, 1,145 Staff Nurses, 85 Midwives, and 60 Health sisters; with three nursing training schools still remaining within Biafra. There are in addition nine Catholic Sisters and two physicians working in mission hospitals and in the field stations. A total of over 50 medical students,

who had been 2nd to 4th year students at the medical schools in Ibadan or Lagos, have returned to Biafra and are working either in refugee medical services or with army units, with several final year students working under supervision in the hospitals.

The Biafran Red Cross has been conducting six-week training courses for young men and women to serve as "kwashiorkor scouts," identifying children suffering from severe malnutrition in the villages and bringing these children under medical care. First-aid courses are being conducted so that there will be knowledgeable people to assist during air raids and with military operations.

One striking point which bears re-emphasis is the constant awareness of air raids, both bombing and strafing attacks. Schools and hospitals have been particular targets and so significant is their fear that hospitals have covered up their red crosses which have served to identify, but not protect them. It is particularly significant that children as young as 16 months of age were observed by us running into the bunkers when they hear the first warning shots (substitutes for air raid sirens which the Biafrans do not have) and the bombs fall. Market places, where large numbers of women and children ordinarily gather, have been starting early in the morning, breaking during the day, and then resuming in the late evenings so as to avoid the Nigerian bomb attacks. Even the hundreds of feeding centers where 200 to 8,000 women and children gather to receive relief food are now operated daily before sunrise, so as to finish early and avoid being defenseless against air attacks. An estimated total of over two and a half million people are provided with daily relief food through these centers.

Hospitals bombed [1]

Marked Red Cross

January 1968, Itu Presbyterian Hospital.[2]
October 1968, Aboh Joint Hospital.[2]
December 1968, Awo-Omamma Community Hospital.[2]
January 1969, Awo-Omamma Community Hospital.[2]

Not Marked

February 1968, Arochukwu General Hospital.
February 1968, Itigidi Hospital.
February 1968, Awgu Joint Hospital.
September 1968, Ihiala Cath. Mission Hospital.
January 1969, Amaigbo Joint Hospital.

All above establishments are not within a township or near a military object. They are standing isolated. The first three were/are clearly marked with Red Cross.

Raids generally consist of bombs/rockets/machine gunning, usually one of the three categories.

Under these difficult conditions there are many problems associated with conducting preventive medical campaigns. Despite the current situation, a measles and smallpox campaign has been successfully under way with the assistance of Oxfam, International Committee of the Red Cross, UNICEF, World Council of Churches, and other relief agencies aiming at a 50% to 60% coverage of children under five years of age for measles (750,000 total) and the entire population for smallpox. A total of 235,242 doses of measles vaccine and 261,755 smallpox vaccinations were administered within the first several weeks of the campaigns, a remarkable record considering the difficulties of refrigeration and transportation.

A number of statements must be made relating to public health and sanitation. The water supplies, some of which previously had been chlorinated and pumped through piped systems, have been interfered with by the absence of hydroelectric power, the shortage of diesel fuel for the generators driving the pumps, and the lack of testing equipment for water purification. The dry season which continues into April has limited water supplies as wells are becoming dry, forcing people to walk long distances to springs and streams to fetch water. Because of the danger of daylight bombing, long lines of people are noted in the pre-dawn darkness walking to the streams for water.

Certain common diseases are very closely linked to the community's sanitation. Where refuse disposal is inefficient of where surrounding bushes are used instead of latrines, there is a high incidence of diarrheal diseases. Breeding of flies and contamination of food are predictably higher than under normal circumstances. The great risk of contamination of the water supplies, both of streams and wells, due to fecal matter and unhygienic conditions, is particularly serious at the present time during the closing months of the dry season. Dysentery was reported to be very high, especially in refugee camps. During the first half of 1968, the situation in Biafran refugee camps improved somewhat with the introduction of basic measures of community hygiene.

The crowded state of the camps and of the villages, both swollen by displaced adults and children, has encouraged the spread of all infectious diseases, and particularly of childhood infections—including measles, chicken pox, and whooping cough. When these diseases, as well as tuberculosis, are superimposed on basic and severe undernutrition, there is a very markedly increased mortality rate among the young and the elderly.

Under the relatively ideal circumstances of a developed country like the United States, it has been estimated that more than ten percent of the population are suffering from mental health problems of various degrees of severity. In present-day Biafra, it can easily be estimated that this figure could conservatively be doubled, since all segments of the population are affected by the war, the civilian bombings, the lack of privacy and the severe shortages, particularly of food and drugs, but also such articles as clothing, gasoline, spare machine parts, soap, electricity, and contact with the outside world through newspapers and magazines.

In addition to the direct effects of the daily civilian bombings and strafings of market places, schools and hospitals, the fear of these bombings has made radical changes in the patterns of daily life. Schooling has been interrupted for children and adults because of the war; refugees returning to families in their original villages or to camps are existing under crowded, makeshift, and severely difficult conditions; food distribution centers and widespread evidence of starving children, women, and old people continuously serve to remind all of the hardships being wrought on the entire country, blockaded and surrounded by soldiers avowed to slaughter them.

One needs no medical degree or training to fully appreciate the major psychological injury such surroundings can have. Children who are hungry tend to be irritable and cry, causing adults to be nervous and upset and unable to sleep at night; adults who are concerned with the plight of their children and displaced family units and who are fully aware of the serious threat to their survival, cannot avoid having severe psychological disturbances.

It is a well known phenomenon that individuals, who, like many Biafrans, are more sophisticated, who have received higher training and who have been used to a higher standard of living, tend to adapt less well to situations of wartime deprivation. These difficult adjustments increase the individual's tensions and apprehensions, making mental illness much more common. With all of the attention of medical teams naturally directed toward relieving those persons with physical ailments, it is natural to overlook widespread and significant segments of the population of Biafra currently suffering from subtle and less overt signs and symptoms of predictable mental illness.

In an African society with very close bonds among members of the extended family system, individuals and the whole family structure are placed under particular stress by constant movement and relocation and by the break-up of the group. The problem of children separated from their parents or orphaned is especially grave, of course.

Atrocities witnessed leave their mark, but more widespread is the well-established effects on the young and growing central nervous systems of children under the age of 2–3 years deprived of an adequate protein intake. This can be interpreted as deliberate and calculated psychological genocide through interference with normal physical and mental growth and development of a future generation. The most vulnerable period for the human brain, dependent on the duration and severity of protein deprivational trauma is during the last trimester of fetal life and the first year or two of life after birth. These factors should not receive less attention than the overt signs of severe protein-calorie malnutrition. The young Biafran children are being "maimed in frame and brain."

The fact that schooling has been interrupted for thousands of children leaves them with little to do for prolonged periods of time when they ordinarily would be in school. There have been evacuated over 2,000 Biafran young children, taken to nearby places of refuge where they have an opportunity for nutritional rehabilitation.

Sao Tome	158
Libreville	1,585
Abidjan	350
Total	2,093

Even with this there is a forced separation of young children from their homes and parents, with calculable psychological effects. A program has been developed for orphans to be adopted by families within Biafra, a system which more closely approaches normalcy than evacuation to outside centers.

In general, the effects of the war, disrupted families, atrocities and the threat of death, blockage and shortages, food restrictions all create the great potential of major psychological problems for the Biafran population. Despite these factors, we were very impressed with the pride and determination of those people with whom we spoke within Biafra. The only thing which was being requested was to be left alone and given the opportunity to live their own lives.

Due to the lack of facilities, there has been extremely poor attendance at antenatal clinics, resulting in part from the movement of population, refugee camps and shortage of trained personnel. This, together with poor maternal nutrition may be the cause of the increased proportion of low-birth-weight infants, the majority of whom are delivered at home attended by a relative. It has already been noted in Section B that the birth rate has been observed to be definitely lower than usual; but accurate figures could not be obtained. There are several explanations for this, the major reasons including a population in movement, living under crowded and unsatisfactory conditions without privacy, and the separation of men in the military services. It has been observed that a larger proportion of male infants are being delivered, a phenomenon often observed during times of hunger and hardship. Family planning clinics do exist, but a shortage of intrauterine devices impedes the function of these

[1] Mr. Jaggi, chief representative of the International Red Cross in Biafra, provided this list, which covers only a few of the hospitals attacked. The list was given to Dr. Mayer on February 11, 1969, at Umuahia.

[2] Personally inspected shortly after raid.

services, probably used for the most part by the more sophisticated women.

Mobile teams composed of a supervising physician or nurse, 2–5 nurses, 2 aides and an administrator are trained in 2 weeks to provide health services and health education to outlying villages on a weekly or bi-weekly basis.

There are specific shortages of medical supplies as indicated by various informants. In addition to the basic and striking needs for protein and calories, in short supply are: antibiotics, anti-tuberculosis drugs, blood and plasma, anti-malarials, iron products; various vitamins, particularly folic acid; vaccines; electrolytes and other intravenous fluids. Nurses have to make do with only a single uniform and the "nursing sisters" (supervisory nurses) cannot be distinguished from the mothers on the wards. One pre-war academic physician mentioned that he had not seen or read a medical journal for the past 2 years or more of the "academic blockade."

Looking to the future, it would appear that with the groundwork laid by the measles-smallpox campaign, a B.C.G. and tetanus vaccination program could be introduced were the vaccines available, using the same notification and administrative techniques. If pregnant women were given tetanus toxoid immunization, there would be an eradication of tetanus neonatorum.

Malnourished individuals living under crowded conditions are particularly susceptible to tuberculosis and a massive B.C.G. campaign without preliminary skin testing would appear to be indicated at this time. Along with the continuation of present feeding programs and their extension into the back country, particularly in the vicinity of the battle lines, the need for iron products, especially of the parental sort, is of the highest priority. Not only are young children suffering from malnutrition severely anemic, but pregnant and lactating women have evidenced significant anemia as well. (A campaign for iron cooking vessels would be indicated if they could be made available to the population.)

Teams of health workers under the supervision of either a physician or a nursing sister, travel out into the field as mobile units, visit different locations on a weekly or bi-weekly basis, and provide care for those persons unable to travel to the centers. There are large segments of the Biafran population who are grouped together in uncommon aggregates in refugee camps, villages swollen with refugees, feeding centers, sick bays and so forth. The concentration of people makes health education, food, vaccine and drug administration less difficult, and identification of particular problems more direct.

When one recommends distribution of relief of any sort under the conditions existing in a blockaded, war-torn, famine-stricken country with unusually high population densities, it is not enough to describe the specific food or medicament. One must be concerned as well with the specific problems of distribution, with the need for fuel, spare parts for vehicles, equipment for administration of the drugs or vaccines, refrigeration under conditions where electricity may be unreliable, and the need for outside advisors in certain fields. If it is assumed that there is sufficient health talent to minister to the bare requirements of the Biafran population, there remains the organization of the training programs. Teams of para-medical personnel, operating under supervision, could reasonably be trained in blocks of 2–6 weeks to have each participant successfully manage a specific skill within the team. Methods and drugs could be adapted for administration by such a team, selecting those approaches to therapy most suitable to less trained personnel. For example, basic schedules of drug dosages could be set up by the physician, drugs with a high therapeutic index employed, and the therapeutics simplified for mass-administration by the team. In some sectors, all of the population could be given such items as iron, antihelminthics, and skin treatment, if the specific conditions were found to be extremely prevalent. Using this approach, large numbers of individuals could be seen and treated at the various feeding centers, with each team member carrying out a single task.

Despite the present bleak picture, it would be most unfortunate to maintain too pessimistic an attitude since certain results are obtainable within a short period of time. There is no doubt that fundamental to all of the medical considerations is that of malnutrition and associated conditions. It must be emphasized that the innocent children and women as well as the elderly are taking the brunt of the war and of the blockade and civilian bombings. It is impossible to condone these conditions, unjustly affecting the present and future generations.

Health—Summary and conclusions

The overall summary of morbidity for all age groups under the present circumstances found in Biafra is as follows:

Severe malnutrition underlying all other diseases.

Severe anemia—especially among children, lactating and pregnant women.

Infectious diseases—particularly measles, whooping cough, smallpox, chicken pox and tetanus.

Tuberculosis.

Malaria.

Diarrhea and dysenteries.

The health recommendations which can be made on the basis of obtained facts and observations would of necessity begin with massive food relief, concentrating on protein foods and calories. Water supplies should be made more sanitary, along with provisions for a broad scale public health approach to the problems of sewerage and refuse disposal which could be incorporated within the scope of the Red Cross teams of young Kwashiorkor scouts.

The measures which could be introduced on a mass-scale by junior paramedical teams under supervision include immunization campaigns along the lines of already organized measles-smallpox campaign. The same teams and methods of contact and recording easily could be adapted for large scale B.C.G. and tetanus campaigns and for widespread administration of anti-malarials and of iron to counteract the malaria and severe anemia which is so prevalent among the Biafran population.

It is important to recognize that massive measures for large groups of people who are already assembled for various reasons including food distribution could be rather simply organized and would bring immediate results. The use of paramedical personnel with proper medical-nursing supervision, utilizing the present body of educated young people already present in Biafra, make the above recommendations entirely feasible within a very short period of time. Given the supplies of vaccines and medicine, such teams could be started within two weeks or less, and since large numbers of people can be assembled within camps and feeding stations, the wartime situation except for the bombing lends itself even more easily than under normal circumstances for massive public health measures.

F. EDUCATION

Biafrans, and particularly the Ibos, were previously dispersed all over Nigeria. They stood out among inhabitants of West Africa in literacy, percentage of youngsters admitted in institutions of higher education and devotion to learning. Indeed many foreign observers have felt that envy was generated among Nigerians as a result of the high degree of education of Ibos. Their occupation of a high proportion of the professional and managerial positions as a result of their education level was one of the psychological factors responsible for the civil outbreaks in Northern Nigeria in May-September 1966.

In view of this history, it is all the more tragic to have to report that for the time being, all educational efforts at the secondary and higher level have come to a complete stop, that the University of Biafra exists on paper and in administrative offices only, and that the overwhelming majority of younger children in the cities, the villages and the refugee camps receive no primary education whatever.

While there are a number of factors contributing to this situation—dislocation of the population, shortage of teachers (many of whom are dead or missing and many of whom are engaged in other essential occupations), almost complete absence of papers, pens, pencils and books, and use of schools for other needs—the main reason is fear for the safety of the children. Schools and colleges have been systematically bombed and strafed by the Nigerian planes. We ourselves have visited a number of colleges and schools which had been partly destroyed by bombs and have seen evidence of strafing. Inasmuch as concentration of people (as in markets) and buildings larger than ordinary houses (essentially schools and hospitals) are being systematically attacked, it seems reasonable on the part of the Biafran Government not to reopen secondary schools and higher colleges in spite of the intellectual cost to the nation of such a decision.

A number of primary schools have been opened. They are held in the forest under conditions where it is hoped the children will not be seen because of the leaf cover.

G. TRANSPORT AND AIRLIFT

When the war began, the Eastern Region of Nigeria was crisscrossed with relatively good roads, kept in good repair. Internal transportation was extremely well developed; market goods, food, and people moved easily and freely throughout the region. This was in contrast to the other regions of Nigeria where road networks were not nearly so well developed.

Biafra today is still accessible in nearly all of its area by the same road system of tarred highways and laterite and sand roads running through the bush and rain forest. By American standards the roads are narrow and not expertly designed, but by the standards of West Africa they are superior. Maintenance is still relatively good.

Biafra entered the war with a surplus of motor vehicles, both cars and trucks. The mass killings of Easterners in the Northern Region in the autumn of 1966 and the subsequent systematic purge of Ibos from the army and harassment and sporadic killing of Easterners in towns in Western Nigeria and in Lagos impelled close to 2 million Easterners to migrate back to their heartland. Most took their vehicles with them. Of particular importance were the truckers who hauled the Northern Region's immense peanut crop from buying stations to railheads and to highway transfer points to be moved south to the seaports. When the killings occurred in the North, these truckers moved their vehicles to the East, creating a plethora of trucks of varying capacity in Biafra at the time of secession. This surplus of motor transport has been as important as any other factor in enabling the Biafrans to keep the Nigerian army from overrunning them.

There is no accurate census of motor vehicles in Biafra, for many records have been lost in the war. Biafra now licenses its motor vehicles, but information required for a precise report is not complete, we feel. The data in this report come from direct observation, knowledge of the past, and information made available through the Directorate of Transport.

Attrition and war have taken their toll of Biafra's vehicular capacity. Spare parts are

in short supply and thousands of cars and trucks are idle, or nearly so. Acute fuel shortage has restricted movement. Service stations are closed. Shortage of lubricants accelerates deterioration, and even though there is a surplus of experienced Biafran mechanics, their ingenuity cannot compensate for the lack of spares and of appropriate maintenance equipment. The great numbers of vehicles seen lying idle all over Biafra creates an illusion of vast transport capability that has led many relief workers to minimize the need for importing trucks for expanded programs and for construction after the war. There are quite probably enough cars and trucks in operating condition to enable Biafra to continue fighting for quite some time, but relief agencies, we feel, should regard surplus vehicles still in private hands as potentially in demand by the army.

Critical shortage of batteries and tires immobilizes many civilian vehicles; a primary consideration for expanded relief work should be the airlifting of these items, as well as of standard spares and tools.

The most reliable vehicles for future relief work are those that have survived in running order. Mercedes, Bedford and Leyland trucks, and Peugeot and Volkswagen cars and pickups appear to operate long after most other makes have stopped. Spares should be selected to keep them running.

Data provided by the Director of Transport show that the Biafran government has commandeered 28,000 vehicles since the war began. Since the government pays private owners for the use of their vehicles on a time basis, 10 percent to 20 percent of the commandeerings must be considered repeat business.

Of the vehicles commandeered, many have been lost through war action or accident, and many others must be considered to be in nearly irreparable condition. There are still thousands of cars and trucks in private hands. Many of them are in poor condition but can be repaired.

Of peripheral interest are bicycles. At the beginning of the blockade and the war that followed it, Biafra was well equipped with bicycles. Women as well as men had bicycles, a situation atypical of Nigeria. Now attrition and shortages of tires and spares have removed most of the bicycles from the road.

Nigeria's railroad was designed, not for the convenience of passengers and for the internal movement of goods East-West, but to move peanuts, cocoa and other produce southward to the seaports. Consequently, there is no real rail network in American terms, and in Biafra today there is only the section of North-South track that passed through that part of the Eastern Region from the North to Port Harcourt. Nevertheless, the Biafrans run a train, sometimes as often as once a day, along this short route, carrying passengers and crops. In immediate relief terms, this rail movement is not significant, but it might be of importance in later reconstruction work.

Any relief involving river transport should be planned in recognition of a shortage of civilian-held river craft. Barges are in use by the military, as are many of the big work canoes, powered by outboard motors, that used to ply the River Niger. Should a river channel to Biafra ever be opened for relief goods, barges, small towboats and shallow-draft self-propelled river craft must be brought to the area in numbers sufficient to move all of the anticipated tonnage.

Superimposed on the normal transport system of Biafra is the food import and distribution systems of the foreign relief agencies. Relief food and medicine brought in by the airlift are offloaded from the aircraft directly into trucks chartered from Biafrans by the relief agencies. The food is driven directly to distribution depots and to the storerooms of the larger feeding stations, and drugs are moved to the larger hospitals for redistribution to clinics and sickbays. Until recently, diesel fuel for these trucks was brought in on the airlift planes, and gasoline to operate the cars of relief workers was also carried as cargo. Now, it is understood from some relief workers that the Biafran Government is making available several hundred gallons of Biafran-refined gasoline daily. Much of the diesel fuel is still brought in on relief planes, because the locally-refined fuel is not yet fully suitable for the relatively high-speed, small diesel engines of relief trucks.

The relief airlift operated by church groups in Europe and America and by the International Committee of the Red Cross, however dramatic, is only just beginning to approach its potential capability.

Begun by the churches and the ICRC as a haphazard operation about a year ago, the airlift has grown from occasional flights to spaced weeks apart to a scheduled nightly operation capable of moving fairly predictable tonnage into Biafra. Regular operation, accomplished despite formidable organizational, financial and weather difficulties during August, September, October, and November of last year is credited with having reversed starvation of children in Biafra and probably has saved more than a million lives. But, with critical calorie shortage developing in Biafra, the airlift will have to be increased several times over to meet the anticipated calorie deficit. More aircraft, more take-off airports and either further expansion of the Uli airstrip in Biafra or creation of new airstrips will be needed unless road and river corridors can be opened.

The church airlift from the Portugese island of Sao Tome has operated rather regularly and consistently, and churchmen who began the demanding task of logistical planning and implementation as amateurs have become quite experienced. Charter aircraft operators have come and gone, and the church organizations have grouped and regrouped into an intricate syndicate that could not be described in comprehensible detail in this brief report. But somehow this ecumenical consortium works.

Errors, bad luck, and human contrived obstacles have a way of striking in combination at the worst times. Last month, the ICRC airlift struggled to exist. Ordered off its Equatorial Guinea island base shortly after the visitation to that newly-independent nation of a Russian trade mission, the ICRC found a limited base of operations at Cotonu in Dahomey, far enough away from Biafra so that fuel load materially diminished food load. Now that the ICRC has succeeded in reopening Equatorial Guinea the church airlift from Sao Tome finds itself in trouble. In anticipation of the much-publicized availability of four United States Air Force C–97 cargo planes, the church airlift operators phased out a number of charter craft and crews who had perfected their operations and had increased their tonnage by 50 percent during December and January. The four C–97s are on Sao Tome, and while their crews attempt to overcome initial operational difficulties, there has been a net reduction in flights.

Worse, both church and ICRC airlifts face a more serious obstacle: a Nigerian mercenary pilot who openly identified himself as "Genocide" flies nightly into the holding pattern over the ULI airstrip and harasses the airlift pilots. When a relief plane is cleared for final approach by the Uli ground control (operated by Biafrans), and the runway lights are turned on briefly, Genocide moves in and bombs the field. The confusion and delay caused by this technique exhaust the holding fuel of some 50 percent of the food-lift planes, forcing them to return to base and reducing tonnage moved to Biafra accordingly. Having experienced Genocide's harassment in the air and having been on the field when his bombs were falling, we know whereof we speak, and we speak in flat contradiction of General Gowon and Mr. U Thant who say that Nigeria is not impeding movement of relief food and medicine to Biafra. The children of Biafra are in delicate balance between improvement and drastic deterioration of their health. Both airlifts are correcting their operational difficulties, and now, when a steady inflow of high-protein food must be maintained, hundreds of thousands of children are placed in unmistakable jeopardy by Nigeria's pilot who aptly calls himself Genocide.

H. THE ECONOMY, GOVERNMENT ORGANIZATION, AND MORALE

The near-total seige and blockage of Biafra has affected not only the health of the populace, but also has caused severe dislocations of the Biafran infrastructure, commerce and production capacity.

Market places are open in the early morning and again toward dusk to reduce exposure to Nigerian bombers whose pilots have identified crowded markets as prime targets. Continuous preoccupation with the necessity to obtain food has retsricted the use of trade channels to traffic mostly in foodstuffs, both within Biafra and across the battle lines. Local manufacture and importation of market goods have been reduced to minimal levels, with the result that Biafra is critically short of nearly everything which moved freely in the open trade before the war.

Traditional care in the wearing and washing of clothing has enabled most Biafrans to extend the life of their modest wardrobes. But undergarments for both men and women are becoming extremely scarce. Clothing is critically scarce among refugees who abandoned possessions in hasty flight before advancing Nigerian troops. In many of the refugees camps we saw people who were either nude or virtually so. Of incidental interest is the ragged and faded condition of the uniforms of nurses and others who require special clothing for visual identification and authority.

Footwear is obtainable in markets and from inspection of merchandise it may be hypothesized that much of the footwear was manufactured outside Biafra and was brought in across the battle lines by enterprising traders. We have no data on this point.

Most other usual market items are either nonexistent or in critically short supply. There is virtually no trade in cosmetics, proprietary drugs, sanitary napkins, and similar items of one-time use. Toilet soap, made in Biafra from palm oil and ash, scarcely meets the needs of these normally clean people. Laundry soap powders are not available. Bolt cloth and sewing thread are scarce.

Constant use and consequent wear have created a shortage of containers such as pails, basins, and cooking containers. The people of Biafra like most other West Africans, have always been extremely careful with breakable items; bottles, ceramic dishes, tumblers and window glass have survived reasonably well.

Building materials are critically short. There does not seem to be any cement in Biafra, and sheet metal roofing is not obtainable. Timber and lumber are plentiful, but attrition of handtools and depletion of fasteners restricts wood construction. Disproportionately high demand for coffins has effected informal rationing of fasteners such as nails and wood screws in carpenter shops; even so, coffins are usually made now only for adults and youths. Production cannot cope with the death of young children.

Wood-frame construction is rare; when it occurs, it is accomplished with sparing use of nails, and often with substitution of machine bolts for wood bolts.

At the outbreak of the war, construction in Biafran villages was moving more and more toward concrete houses with sheet

metal roofs. One of the consequences of the blockade has been a reversion to mud-and-thatch construction, accomplished with raffia fastening of roof and wall structural members.

The shortage of sheet metal and the diversion of cast and forged metals to the production of war material has idled most of the blacksmiths and tinkers, who were numerous and busy before the war. An exception is the employment of some metal workers involved in village production of oil lamps, called Biafra lamps, which burn palm oil to provide a weak light in huts that once were lighted with kerosene or candles. The design is similar to that of old whale-oil lamps, and permits the surface of the shallow pool of palm oil to be heated nearly to the flash point before being fed by a broad wick to the flame.

Paper, writing materials and office supplies are scarce. This inhibits record-keeping, communication and the operation of governmental units to be a marked but not yet dangerous degree. Before its secession, the Eastern Region, with about 25 percent of Nigeria's population, consumed far more than its proportionate share of the hardcover and paperback books brought into Nigeria. Some trade reports have put the Eastern Region consumption as high as 60 percent of imports. The nearly total lack of books now among the literate people of Biafra causes considerable anguish. This feeling was expressed to us several times.

The severe shortage of conventional items of market trade probably makes little difference to many wage earners whose near-total allocation of personal and family income to the purchase of foods would leave very little money available for purchase of hardgoods and softgoods even if they were plentiful. Among farm families, the situation is different. Farmers and food marketers are accumulating excess money in this period of high food prices and, finding little to buy, are keeping their cash money. Traditionally suspicious of banks and possibly influenced by the continual relocation of bank facilities in threatened areas, farmers hoard rather than save.

A congenital flaw in the Biafran currency system has been inability of the Biafran government to issue coins until February 1969. Nigerian coins remained in circulation, and they eventually became the standard against which Biafran paper money was measured.

During the past six months, market trade has become increasingly a competition for coin, driving down the comparative value of paper. The situation has been aggravated by the steady loss of coin to the food producing areas under Nigerian control.

At the time of our survey of Biafra, we were informed by a governmental officer that one paper Biafran pound could be bought for three shillings sixpence in Nigerian coin, on the average. Extremes were one pound for sixpence near the perimeter of Biafra, and one pound for five shillings in the quieter urban areas.

The greatest inflation is in the price of salt. Before the blockade, salt sold in the Eastern Region for 2.3 pence per cubic centimeter; last month one cc of salt sold for two pounds five shillings in Biafran money. This enormous difference is attributable partly to scarcity and to exaggerated stories of the dangers of getting salt through the battle lines. Salt imported via the relief airlift is not available on the market. It is available only in refugee camps. Nutritionally speaking, Biafra is not dangerously short of salt, but the fact that salt prices may be driving all food prices up suggests that it may be useful to airlift salt for the general population.

On the day of our departure from Biafra, a full range of new currency, ranging from ten-pound notes to threepence coins, was issued. We cannot speculate on the long term effect of the new currency. Biafran fiscal authorities were hoping that the new issue would bring money from hiding in the act of exchanging old for new and would bring down food prices by minimizing and eventually replacing Nigerian coin as the popular measure for the Biafran pound.

Finally, we may mention that short term treasury bills, bearing three and one half percent interest, have been offered from time to time by the Biafran treasury. We have no direct information of the success of such issues. During our survey trip an offering of one million pounds worth of treasury bills was announced in the Biafra Sun, (a daily tabloid printed on poor paper with diluted ink with four to five different type faces per word because of attrition of normal body type). A government official told us that treasury bills were readily accepted by banks, wealthy traders and the proprietors of dormant industries, and that the Biafran government had not failed to discount its past issues.

We attended the opening session of the Consultative Assembly and heard Colonel Ojukwu's speech to that group, a sort of state-of-the-union address. The assembly and its role in Biafran government are described later in this report. What is significant to report here is that at four places in Colonel Ojukwu's speech there was extraordinary and sustained applause: when he referred to the favorable attitude of France toward Biafra, when he announced Biafran capture that morning of a road junction on the way to Port Harcourt, when he described the modest resumption of primary school education, and when he announced issuance of the new currency. We must assume the foregoing to have been of extreme importance to Biafran village and provincial leaders. All Biafran tribes were represented in the assembly, including a number whose lands have been captured by Nigerian troops.

What we observed was affirmation of a spirit of nationhood, and we heard many similar expressions of determination and confidence, and of group hope, during our survey trip. We have little information with which to assess the military situation, but there is no doubt that Biafrans find security in their view of themselves as a nation.

Nigerian bombing of the Biafran civilian population is not breaking the will of the populace. There is fear, and considerable apprehension about the future, but we observed that the daily bombing and strafing have hardened Biafran determination and have created widespread bitterness toward the Nigerians, the British and the Russians. Particularly abhorrent to the Biafrans are the discriminate air attacks on hospitals, refugee camps, feeding stations and crowded market places, resulting in death and terrible injury to non-combatant women and children, and to the very old.

Peace negotiations, if any are planned, can only be made more difficult if the bombing of civilians continues, for the air attacks, while not claiming great numbers of lives in comparative military terms, have been added to the Biafrans' long litany of acts by Nigeria which nurture the conviction that they are faced with a genocidal plot, concurred in overtly by England and Russia and by default the United States. It is not our purpose to charge genocide, or to refute such charges. We are, however, profoundly disturbed by the pattern of siege, bombing of civilians and by the persistent Nigerian harassment and deterrence of relief flights attempting to reach Biafra.

"The unborn child will never go to Nigeria." So says the current folk wisdom of Biafra. The Biafrans believe at present that the future generations will not migrate to Northern or Western Nigeria, no matter what form of political accommodation is finally reached between Biafra and Nigeria. The fear of massacre is general: farmers and others low on the social scale expressed to us this fear of being slaughtered. Civil servants and professional persons told us that they would be singled out for slaughter by Nigerian troops should their areas be penetrated and occupied. They see the war as an effort by the Nigerian tribes to remove competent, educated Biafrans as a competitive force in the quest for jobs and power.

What is remarkable, and frankly surprising, about the Biafrans is their sense of organization and their commitment to orderly procedures, both governmental and private, in their current situation.

The administrative, or executive, branch of Biafran government is departmentalized and functionally organized from top to bottom. The central capital has been moved twice—from Enugu and from Aba—as Nigerian gains reduced Biafran-controlled areas. Many records were lost, office equipment abandoned, and capital equipment of statutory corporations—electrical generating equipment, telephone exchanges and the like—captured by Nigerian forces. But enough of the apparatus of government was brought to current Biafra to enable the government to function. There is red tape, and bureaucrats act out of familiar reflex, but a functioning civil service exists; acceptance of its action by the populace appears complete, and it is available for relief operations.

The central government relates more or less well to the provincial government offices, and the various departments of the central government co-operate with—or sometimes oppose—each other in the manner familiar to those who knew the Nigerian governmental procedures before the war, or for that matter, in the manner of most governments.

Communications are difficult: telephones work sporadically, and government vehicles are wearing out. The courts function: quite accidentally we observed a magistrate's court in session, with judge and attorneys in the robes and wigs of borrowed English justice.

The Consultative Assembly referred to earlier is a group of provincial and village leaders, selected by their people and answerable to them for their decisions and recommendations. This assembly has met several times during the course of the war, having approved the independence from Nigeria initially, and has on each occasion endorsed Colonel Ojukwu's conduct and continuance of the war. Approval is not unanimous, but there is little question in our mind after our visit to the Assembly that the war for independence is continued with the approval, amounting perhaps to mandate, of the representative body.

Much of the governmental effort in Biafra, outside of that directly concerned with fighting the war, is concerned with keeping the Biafran people fed. There is a Food Directorate, which purchases locally grown crops and supervises their sale and free distribution to feeding stations and refugee camps. But the Directorate does not have absolute authority, or anything like it, and most local food still appears to move in private trade at high prices. The Refugee Commission struggles to meet the staggering needs of 2.5 million homeless refugees, with the assistance of the Food Directorate and the foreign relief agencies, but the effort is at best a holding action, for the refugees show little measurable inclination to return to their land in Nigerian controlled areas, even though they could infiltrate the battle lines and could quite probably find crops still in the ground.

The Biafran Red Cross appears quite efficiently organized and works in close cooperation with the ICRC teams and with the other foreign relief agencies. Several foreign relief workers have said that their job would have been all but impossible without the existence of the Biafran Red Cross.

The role of the church relief workers in Biafra is dual. Food distribution and medical treatment have become a major preoccupation of the churchmen in Biafra and of their parent organizations in Europe and America. But it should be remarked that the basic motivation of both Catholic and Protestant organizations in Biafra has been historically missionary, and the Catholic orders, particularly, view the current relief work as an extension of their parish responsibilities. Identification with the needs of their parishioners is very great and personal, regardless of any individual's missionary's feelings about the political aspects of the war. Their commitment is to their flock and not to the Biafran government. Most of the missionaries and the doctors attached to missions have been in the former Eastern Region for a long time, and they are sometimes at odds with Biafran government officials in matters where they feel that the personal welfare of their parishioners may be forgotten by Biafran officials.

Two members of our team visited a modest Biafran industrial installation. It was equipped with machines and machine tools which engineers told us were taken from factories in Port Harcourt before that area was captured by the Nigerian army. The unit seen by our members was self-contained. Electricity to operate the machines was being generated on the site by well-maintained diesel generators that had been converted with a filter system to run on a high grade of crude oil being brought from oil fields captured by the Biafrans.

Operations included casting, rough machining, finished machining, forging, pressure forming of steel components, arc welding and assembly. Most significant of all, crude oil was being refined into gasoline, kerosine and diesel fuel at improvised refining units nearby. We understand that there are several refinery units dispersed throughout Biafra, and that the 60-octane gasoline and low-grade diesel fuel and kerosine produced in increasing volume are beginning to relieve much of the transport and lighting difficulties of Biafra. We do not know whether refinery output is sufficient to enable Biafrans to put fuel in storage.

The very existence and operation of these indigenously designed and constructed refineries is a manifestation of determination and ingenuity that we regard as remarkable. Most of the Biafran engineers who have contrived the refineries and similar installations were trained in America. As far as we know, no foreign personnel are involved in this work or in the maintenance of generating and production machinery.

I. RECOMMENDATIONS

1. General considerations

(a) The fundamental action needed to alleviate suffering in the Nigeria/Biafra catastrophe is an immediate cessation of hostilities. An immediate truce is the only way that food and medical relief can be adequately provided. During our stay in Biafra we heard repeated again and again the questions: What lasting good is relief without peace? Why fatten us for the slaughter? Of what nutritive value is a belly-full of relief food when a daily strafing attack results in a nervous stomach?

(b) There is an urgent need to end the atrocities being carried out against the civilian population of Biafra. The systematic bombing and strafing of hospitals, even when they are clearly identified with a Red Cross; the air attacks on children in their schools; the bombing of women and children in market places and feeding centers; the poisoning of smuggled foodstuffs; and interference with relief flights must be halted immediately.

(c) It is absolutely essential that a greatly expanded tonnage of relief supplies, food in particular, be made available to the Biafran population. As you saw in the section on agricultural production and food supply, the needs for calories may well become very large by April 1969. A land corridor or a sea-land corridor, one or two additional airports solely devoted to relief flights and open night and day with international control of cargoes would considerably increase the possible tonnage delivered. Only the land corridor or the sea-land corridor, operating from a harbor base would be able to furnish the Biafran population with the 6,000 to 8,000 tons of relief supplies needed each week. Again, the implementation of this recommendation was not considered in this report.

2. Relief

(a) Food and Nutrition

(i) The principal nutritional need is for protein food to provide basic dietary requirements for sectors of the population most severely at risk in a famine situation, particularly, young children, pregnant and lactating females, and the elderly.

(ii) Additional means should be found to increase the air shipments of protein foodstuffs.

(iii) For additional calories, even an increase in the volume supplied by the air-lift will be insufficient. A sea/land corridor should be opened during the next several weeks, with adequate neutralizing supervision to provide the needed calories.

(iv) If there is no cease-fire, and air fields are not increased, then air-drops of stock fish and other foods should be considered.

(v) Critical food suppplies not only should be provided to refugee camps and feeding stations, but also should be distributed through the normal marketing channels, particularly stock-fish, canned meat, milk and salt.

(vi) Health education should stress the preparation of traditional Biafran foods with the incorporation of such protein-rich relief supplies as dry skim milk, formula 2, and other fortified cereals.

(b) Health

(i) The already operating campaign for prophylaxis against measles and smallpox should be extended to the mass immunization of 50–75% of the over-all population for the prophylaxis against tuberculosis (B.C.G.), tetanus and possibly diphtheria-whooping cough-tetanus (D.P.T.) for children under two years of age.

(ii) The widespread and severe anemia should be counteracted with iron products (oral and/or intramuscular) along with blood and plasma.

(iii) Mass anti-malarial prophylaxis campaigns should be organized.

(iv) Specific health education campaigns should be instituted, utilizing existing cadres of health personnel, doctors, nurses of all grades, Red Cross and other relief agency workers aimed primarily at the protein requirements of various groups in the population at highest risk and the need for water purification and sanitation for masses of population living under unnaturally crowded conditions.

(v) The already existing Biafran mobile health teams which include a supervisory physician or nurse, two to four assistant nurses, two aides and one administrator should be extended. These teams can be trained within a two week period to provide services for the more remote centers such as health education, food distribution, immunization, and medical therapy on a mass scale (anti-malarials, anti-helminthics, and iron therapy).

(c) Agricultural Production

(i) Relief supplies should be made available on request for the Land Army, particularly insecticides, treated seed of appropriate varieties, baby chicks, tools, etc.

(d) Education

(i) Bombing of schools should be stopped so that children can use school buildings, and to avert the commission of intellectual genocide against the next generation.

(e) Transportation

(i) In order to insure adequate distribution of relief supplies, tires and spare parts for cars and trucks should be supplied when required along with vehicle lubricants, gas, welding equipment and other vehicle repair tools.

(ii) A review of alternate types of aircraft for the relief flights should be made with a view towards increasing the volume of tonnage.

(iii) Strong appeal should be made to stop the harassment of food relief flights by "intruder" aircraft.

(iv) Construction of additional airfields within Biafra (under international control) for the specific use of relief flights should be considered immediately.

(f) General

(i) The shortage of materials is more critical than the shortage of high level trained manpower in Biafra. Assistance should be concentrated on non-human resources, such as medical supplies and equipment (drugs and vaccines, blood and rehydrating intravenous fluids; syringes and needles; surgical equipment; etc.); animal protein foods; agricultural supplies and tools; sheet roofing and nails; and other manufactured items as needed.

3. The United Nations and the United States

We recommend that the United Nations take a much more active role in the negotiations leading to a cease fire and to expanded relief. A conflict which, when the civilian dead on both sides of the fighting line are counted, is already responsible for well over 2,000,000 dead cannot be shrugged off as an internal matter lacking an international concern. We would like to address ourselves particularly in this report to those specialized agencies of the United Nations, especially FAO, WHO, and UNESCO, who have done essentially nothing so far. Only UNICEF, of the specialized agencies which should be directly concerned, has shown commendable initiative, providing supplies and as much help as its means permitted. We shall not presume to give advice to those voluntary agencies, the Joint Church Aid, Caritas Internationalis, Nord Church Aid, the International Committee of the Red Cross, Diakonishe Werk, the Catholic Relief Services (USA), the Church World Service (USA), the American Jewish Committee, the American Friends Service Committee, OXFAM, the Swedish, French and Swiss Red Cross Societies and many other societies which have labored so hard to redeem the honor of mankind in Biafra.

(a) FAO—The role of FAO in the Biafran famine should be of first importance. It should be monitoring the Biafran food requirements, advising on the foods best suited to fill the needs and coordinating the procurement of the various agencies. In addition, there is a crucial need for research in home economics. It is imperative, for example, to devise recipes permitting the use of greater amounts of palm oil in the diet.

FAO can also help in the essential job of nutrition education, e.g., explaining the greater need for protein in growing children, explaining the proper use of dry skim milk or CSM in soup or garri. It can advise the Agriculture Ministry on varieties of seeds and animal stock which should be imported. For instance, Biafran agriculture officials want to expand the culture of beans as a source of vegetable protein and to introduce the raising of rabbits on a large scale as a source of animal proteins which does not compete for calories with man. They need help on these and similar projects.

(b) WHO—There is very little that can be said in the defense of WHO's inaction in the face of one of the great medical disasters of

modern times except that so far, more through luck than through foresight or the exercise of proper medical procedures, there has not yet been any large-scale infectious disease epidemic other than a deadly epidemic of measles. The personnel of WHO should remember that they are doctors and should not let political considerations stand between them and their patients. We recommend to WHO that they immediately endeavor to procure the drugs, vaccines and basic equipment described in the preceding section. We cannot emphasize too strongly that with a population weakened by famine, with millions of refugees many of whom are on the march, only the closest epidemiologic surveillance and control and prompt medical action can prevent the spread of one or several large-scale epidemics. So far the Biafran government has been able to exercise border control and territorial surveillance. They may be unable to act effectively in the absence of international medical help.

(c) UNESCO—Millions of bright children with a tradition of desire for education are out of school. They are being starved, bombed and strafed and yet everywhere we talked to boys and girls who were starving for school. They have no books, no pencils, no paper. UNESCO could well give its priority to action designed to save these children from intellectual neglect and from despair by making available to Biafra the equipment needed to resume classes, particularly if available tonnage can be increased.

(d) The Government of the United States:

(i) In view of the paucity of information of the state of the population for relief purposes, it is desirable to station in Biafra some medical and nutritional personnel whose role it will be to report the solution of the situation to the President.

(ii) In view of the multiplicity of U.S. voluntary agencies already involved in Biafra, it would be helpful to station in Biafra a relief coordinator to work with these agencies and with qualified Biafran health and nutrition personnel. Such a person could relay needs as perceived by Biafran physicians and nutritionists.

(iii) For this and similar situations which could arise in the future, the President should be asked to designate a Relief Advisor to work in a voluntary capacity as his consultant on problems of international relief.

JEAN MAYER,
Chairman.
GEORGE H. AXINN.
ROY E. BROWN.
GEORGE T. ORICK.

J. SUMMARY

A. An "expert" team, composed of Professors Mayer (Chairman) and Axinn, Dr. Brown, and Mr. Orick traveled to Biafra with Senator Goodell. This report, prepared by the group, covers various aspects of life in Biafra which are relevant to the planning of expanded relief operations.

B. The population of "free" Biafra was estimated at between 8 and 9 million as of 10 February 1969. Deaths from famine appear to have been on the order of 1,500,000 with a minimum of one million in 1968 alone.

C. The food supply is extremely deficient in protein. The calorie supply is precarious and a large deficit looms very close.

D. The population shows extreme signs of caloric and protein deficiencies. Relief operations are impeded by the bombing and strafing of feeding lines and of Kwashiorkor centers. All refugee feeding must be done under cover of darkness.

E. The population is in a poor state of health: both mortality and morbidity (from famine and infectious diseases) are extremely high. Health operations are made more difficult by the systematic bombing and strafing of hospitals, even when these are isolated from other potential targets and are clearly marked with the Red Cross.

F. All educational facilities had been closed because schools were systematically bombed and the children strafed. Some primary schools have now been opened in thick forests. The lack of paper, pencils, and books is almost universal.

G. Transportation of relief and vital materials is precarious but operational. The operation of the Red Cross and Church Aid airlift has been drastically curtailed by the nightly harassment of an enemy bomber designating itself by the code name "Genocide."

H. The economy is obviously weak but new currency and coinage have been introduced, some industrial facilities are operating, and the government appears to be in full command of the internal situation. The morale of the nation appears extremely high in spite of difficult circumstances.

I. The committee urges strong action to bring about a cease fire, an end to the systematic bombing and strafing of hospitals, schools, refugee camps, and feeding stations, and of interference with the relief airlift. It urges an increase in tonnage of relief supplies. A number of specific recommendations are made concerning food and nutrition, agricultural production, education, and transportation. It calls on FAO, UNESCO, and WHO to start participating in the gigantic work of relief and suggests ways in which the United States can be helpful.

We reiterate the urgency of the situation. The Biafrans are an educated, ingenious, and highly organized community, capable of making efficient use of aid if it comes before they succumb to famine, disease, and despair.

K. PARTIAL LISTING OF MEETINGS AND INTERVIEWS

In Nigeria

Major-General Yakubu Gowon, Head of Nigerian Federal Military Government and Commander-in-Chief since August 1, 1966 (met with him for 2 hours).

Dr. Okoi Arikpo, Commissioner for External Affairs.

Chief Anthony Enahoro, Commissioner for Information and Labor.

Dr. T. O. Elias, Attorney General.

U.S. Ambassador Elbert G. Mathews and members of U.S. Embassy Staff.

Dr. Thomas, Provost of University of Lagos and a noted plastic surgeon.

Members of Dept. of Pediatrics at University of Lagos.

Dr. Ademola, Director of Public Health for Nigeria.

In Biafra

His Excellency, Col. Odumegwu Ojukwu, Biafran Head of State (two meetings: 1 hour and 3½ hours, respectively).

Major-General Philip Effiong, Chief of General Staff of the Biafran Armed Forces.

Sir Louis Mbanefo, Chief Justice of Biafra.

Professor Eni Njoku, Vice-Chancellor of the University of Biafra.

Mr. N. U. Akpan, Chief Secretary to the Biafran Government.

Mr. G. A. Onyegbula, Permanent Secretary in the Biafran Ministry of Foreign Affairs.

Dr. Aaron Ifekwunigwe, Head of the Dept. of Pediatrics at the University of Biafra.

Dr. Ifegwu Eke, Commissioner for Information.

Professor Bede Okigbo, Director of the Food Production Directorate and National Coordinator of the Emergency Food Production Program.

Professor Njoku-Obi, Head of the Dept. of Pathology at the University of Biafra Teaching Hospital.

Mr. Ben Okagbue, Permanent Secretary in the Ministry of Information.

Mr. Nnonyelu, Assistant to Vice Chancellor, University of Biafra.

Hyacinth O. Anozia, Director of Transport, and several of his assistants (seen in Umuahia.)

Timothy Enelli, Director of Finance (seen in Umuahia).

Mr. Nwakoby, Director of Housing (seen in Umuahia).

Various engineers (seen at an industrial production unit).

Various market women, carpenters, and minor civil servants.

Paddy Hargreane, British builder, now operating refugee Center at Orlu (seen in Morningstar Girls' Secondary School).

Rev. Fred Peters, British Protestant Missionary, supervising offloading and dispatch of airlifted food (seen in Uli).

Major George Akabugu, Uli Airport Commandant (seen in Uli).

Barry Bianci, UNICEF volunteer, involved in warehouse control at Sao Tome and in aircraft offloading at Uli.

Heinrich Jaggi, Director of International Committee of Red Cross operations in Biafra (seen in Umuahia).

Alida de Jaeger, Dutch nutritionist (seen in Umuahia).

Dr. Okie Ogan, Gynecologist and close friend (seen in Umuahia).

Sir Louis Mhanefa, Chief of Justice of Biafra (seen in Umuahia).

Various farmers, petty traders (seen throughout Biafra).

In Geneva

Mrs. Gertrude Lutz, UNICEF liaison officer.

Mr. Louis Gendron, UNICEF.

Mr. Zimmermann, Assistant Director of the ICRC.

Mr. Zendter, ICRC.

Mr. King, American Mission.

Mr. de Mayer, WHO.

Ambassador Lindt, Director of the ICRC and several other individuals.

In New York City

Mr. Leslie Tepley, Nutritionist with UNICEF.

Mr. E. J. R. Heyward, Deputy Director of UNICEF.

Dr. Francois Remy, Deputy Program Director for Africa, UNICEF.

Mr. Richman and Mr. Marr, Procurement Division of UNICEF.

In Sao Tome

Fr. Anthony Byrne, Caritas representative on Sao Tome and Chairman of Church Airlift Operating Group.

Axel Duch, Operations Chief, Church Airlift.

Various pilots and crewmen of Church Airlift (seen in flight in Sao Tome, and in Uli).

Eric Obi, former Biafran industrialist, now Biafran representative on Sao Tome.

IMPORTATION OF TOMATOES FROM MEXICO

Mr. HOLLAND. Mr. President, on February 4, 1969, the distinguished Senator from Arizona (Mr. GOLDWATER) made a speech on the floor of the Senate which is shown at pages 2725–2726 of the RECORD of that date. The Senator from Arizona discussed in his speech an order issued January 2 to be effective January 8 by former Secretary of Agriculture Freeman, which order prohibits the importation from Mexico of certain tomatoes which are likewise prohibited from movement in commerce from the State of Florida under the terms of a Federal marketing agreement and order covering the movement of fresh tomatoes produced in the State of Florida. Section 608e–1 of the Agricultural Marketing Agreement Act of 1937, as amended, requires that imports of specified fruits and vegetables, including fresh tomatoes, must meet the same grade, size, quality, and maturity regulations as are in effect

for domestic shipments under a Federal marketing order.

This provision is known as the golden rule amendment to the Agricultural Marketing Agreement Act of 1937 and was adopted in 1954, covering a list of fresh fruits and vegetables. I was personally responsible for the placing of tomatoes within the list of perishable commodities covered by said amendment, and therefore I have considerable interest in the situation and some knowledge of the facts lying behind this golden rule amendment. The producers of many fresh fruits and vegetables in this country think that if they regulate themselves—by a marketing agreement supplemented by a Federal marketing order—in such a way as to confine their shipment to the fresh fruit and vegetable trade of their products of certain quality, maturity, grades and sizes, certainly it is not asking too much that suppliers of the same products from outside of our Nation should live up to the same standards.

I note that later my distinguished friend, the Senator from Arizona, discussed this same subject again on February 19, as shown on pages 3943–3947 of the RECORD of that date.

Early in January, the commission merchants of Nogales, Ariz., brought suit in the U.S. District Court of Arizona to prevent the enforcement of the import order and such district court had ruled against them. Later, the same complainants filed notice of appeal to the circuit court of appeals for that circuit and asked the district court to enjoin the enforcement of the import order until the appeal could be heard. The district court denied that request, so that the matter now stands upon the notice of appeal filed by the complainants, the commission merchants of Nogales, Ariz. I am not advised as to the stage of the appeal or even as to whether the appeal has been perfected, though there is yet time for the appeal to be perfected.

I have felt and now feel that in a matter now pending in the court, already decided by a highly regarded district court and now pending on appeal to the higher court, such subject should not be debated on its merits on the Senate floor, and I shall not do so now.

However, after gaining informally such information as I could from Florida, from the press, and from the U.S. Department of Agriculture, I requested on February 13 that the USDA furnish me with a full statement of information concerning the Florida marketing order on tomatoes and the companion import order affecting Mexican tomatoes which is required by the golden rule amendment to the Agricultural Marketing Agreement Act of 1937. I received on February 18 a detailed letter stating the facts relating to the Florida marketing order regulation on tomatoes and the companion import regulation affecting Mexican tomatoes, and I had planned to place this letter in the RECORD on last Friday, February 21. Unfortunately, without my knowledge, the order previously entered and the information previously given by the leadership to the effect that Washington's birthday would be celebrated on Saturday, February 22, was changed to set the celebration of his birthday and the reading of his Farewell Address on Friday, February 21. Another order was also entered without notice to the effect that immediately upon the conclusion of the reading of the Farewell Address of President Washington on Friday, the Senate should adjourn until noon on Tuesday, February 25—that is, until today. I was forced, therefore, to suspend my own action in this matter until this date.

The letter furnished me by the U.S. Department of Agriculture was dated February 17 and was signed by Mr. Charles W. Bucy, Assistant General Counsel of the Department of Agriculture. Since I think it contains accurate information on the subject, I ask unanimous consent that such letter be printed in the RECORD at this point.

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

U.S. DEPARTMENT OF AGRICULTURE,
OFFICE OF THE GENERAL COUNSEL,
Washington, D.C., February 17, 1969.

Hon. SPESSARD L. HOLLAND,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HOLLAND: This is in response to your telephone call of February 13 in which you requested that I furnish you with information concerning the Florida marketing order regulation on tomatoes and the companion import regulation affecting Mexican tomatoes.

There are two Federal Marketing Orders in effect for fresh tomatoes. Florida tomatoes have been regulated under a Federal Marketing Order from December 5, 1955, to June 1, 1959, and again this season since November 15, 1968. Texas tomatoes have been regulated under a Federal Marketing Order from May 4, 1959, to July 15, 1966.

Section 608e–1 of the Agricultural Marketing Agreement Act of 1937, as amended, requires that imports of specified fruits and vegetables, including fresh tomatoes, meet the same grade, size, quality, and maturity regulations as are in effect for domestic shipments under a Federal Marketing Order. The statutory objective of the Agricultural Marketing Agreement Act is to establish and maintain such orderly marketing conditions for agricultural commodities in interstate commerce as will establish, as the prices to farmers, parity prices.

Imports of fresh tomatoes have been regulated under this authority from January 2, 1956, to July 15, 1966, and again this season since November 18, 1968. Therefore, Mexican growers and distributors of Mexican tomatoes have been well aware of the import requirements under the Act for many years.

Notice of the first regulation for Florida tomatoes was issued this season on October 10, 1968, and the regulation was issued November 4, 1968, to become effective November 15, 1968. It limited shipments to tomatoes larger than 2⅛ inches in diameter.

Similarly, notice of the first import regulation was issued on October 14, 1968, and this regulation was issued November 5, 1968, and became effective November 18, 1968. The publication of the regulations in the Federal Register contained a statement of the fact that these regulations would be subject to change from time to time whenever domestic regulations were changed.

These regulations have been amended three times. The latest amendment was issued December 31, 1968, to become effective January 8, 1969, for both the domestic and the import regulations. This amendment required both the domestic and imported tomatoes to be of a grade U.S. No. 3 or better and as to size the mature green tomatoes were required to be larger than 2 9/32 inches in diameter while the vine ripes were required to be larger than 2 17/32 inches in diameter. The effect of the regulation is to limit shipments of mature green tomatoes to size 6 x 7 and larger and the vine ripes to size 6 x 6 and larger.

Arizona importers of Mexican tomatoes challenged the regulations by instituting a suit in the district court of Phoenix, Arizona, in which they petitioned the court to enjoin the Secretary of Agriculture from enforcing the regulations under section 8e–1 of the Agricultural Marketing Agreement Act which imposed on importers from Mexico the same size restrictions as were effective under the marketing order applicable to the movement of Florida tomatoes from the State of Florida. The plaintiffs obtained a temporary restraining order from the court on January 6, 1969, without notice to the Government. The Department of Agriculture immediately upon being informed of the court order took steps to have it vacated and at the Department's request a hearing was set by the court on January 9 to consider the Department's motion to vacate the temporary restraining order. The temporary restraining order was vacated effective at noon on January 10 and the regulations, therefore, became operative at that time. The matter was then set down for hearing on January 13 on the Department's motion to dismiss the action. The court subsequently granted the motion to dismiss the plaintiff's complaint. Thereafter, the plaintiff filed a notice of appeal and also filed motions with the same district court to restrain the Secretary from enforcing the regulations pending appeal. This motion of the plaintiffs was denied by the District judge. To date we have received no information indicating that the plaintiffs have perfected their appeal although the time for such action on behalf of the plaintiff has not expired.

Florida growers recommended this regulation for themselves because prices of 7 x 7 mature green tomatoes declined sharply from mid-December levels of about $3.50 per 40-pound carton to mostly $2.00 on December 27 and to a low of mostly $1.75 on January 2 and 3; in the same period 6 x 7 mature greens declined from $6.00 to $3.50. The prices between early in January when the current regulations became effective to February 5 show the price being stabilized at approximately $6.00. Similarly, vine ripe tomatoes of 6 x 7 size in 20-pound, 2-layer cartons declined from about $5.00 in mid-December to a low of $2.50 to $3.00 on January 2; during the same period 6 x 6 vine ripes declined from $6.00 to $3.50. The prices between early in January when the current regulations became effective to February 5 show the price being stabilized at approximately $4.00. The early January prices, the Florida Tomato Committee reported, resulted in essentially no returns to the Florida tomato growers. Larger sized tomatoes which were permitted to be shipped under the regulation were bringing somewhat better prices although substantially lower than the mid-December levels.

Prices for the Mexican tomatoes followed essentially the same pattern as the Florida tomatoes. For example, lugs of 6 x 7 tomatoes (30 pounds) declined from $6.00 to $6.50 in mid-December to a low of $2.50 to $3.00 on January 2. Prices for the 6 x 6 lugs, which were permitted to be shipped under the regulation, declined from $6.50 to $7.00 in mid-December to a low of $3.00 to $3.25 on January 2 and 3. The prices between early in January when the current regulations became effective to February 5 show the price being stabilized between $4.50 and $5.00.

Imports of tomatoes from Mexico have increased sharply. In the 1956–57 season imports of Mexican tomatoes totalled 103.8 million pounds. The volume has increased almost every year so that by the 1966–67

season the quantity of Mexican tomatoes imported to the United States reached 386.1 million pounds. The volume imported in the 1967–68 season declined slightly to 359 million pounds because of heavy rains and a disease problem following the rains. Official figures for the current season are not yet available from the Bureau of Customs but carlot crossings into the United States indicate that the volume will be substantially higher than in any previous year. For example, crossings through February 1, 1969, total 4,314 carloads of Mexican tomatoes compared with 2,493 carloads during the same period last season through February 3, 1968. Also the volume of shipments since the current regulation became effective have been increasing each week and have been substantially higher than in comparable weeks a year ago.

The figures on fresh tomato movements, both rail and truck, into the United States markets from Florida and Mexico converted to carlot equivalents for the 1967–68 season and the current 1968–69 season for the months of December and January are as follows:

	Florida	Mexico	Combined Florida and Mexico	Florida percentage	Mexico percentage
December 1967	2,824	553	3,377	83+	16+
December 1968	2,116	1,260	3,376	62+	37+
January 1968	1,988	1,671	3,659	54+	45+
January 1969	1,523	2,554	4,077	37+	62+

These figures clearly indicate that while the total movement of tomatoes in December 1968 and December 1967 remain the same Florida shipped around 700 cars less in 1968 while Mexico was shipping approximately 700 cars more in 1968. The comparison of shipments in January shows a continuation of the same pattern with the substantial increase in total shipments being exceeded by the increase in Mexican shipments. This pattern is particularly pertinent in view of the fact that in the 1967–68 season no restrictions were in effect whereas in the 1968–69 season the restrictions on domestic and imports were in effect. This is particularly true with respect to the month of January when the present regulations which have been the subject matter of litigation became effective. This is emphasized by the percentages of the total represented by shipments between Florida and Mexico. In January of 1968 the Florida shipments represented 54+ while the Mexican shipments represented 45+. In January of 1969 the Mexican shipments represented 62+ while the Florida shipments represented only 37+. There is attached for your information a table showing the day-by-day movement of tomatoes from Florida and Mexico during December and January of the 1967–68 and 1968–69 seasons.

The current regulation has been disputed quite strongly by representatives of the Mexican growers, representatives of the Nogales, Arizona, distributors of Mexican tomatoes, and by officials of the Mexican Government. They agree that because of the market situation some kind of regulation is needed to provide market stability. They also agree that the regulations have contributed to a substantial price improvement for both Florida and Mexican tomatoes. However, they argue that the regulation discriminates against Mexico.

In this connection they say the larger minimum size requirements for vine ripes discriminates against Mexican tomatoes because more than 90 percent of the Mexican tomatoes are shipped as vine ripes while only about 20 percent of the Florida tomatoes are vine ripes. Also, they argue that this is causing Mexican growers to withhold a substantially larger part of their crop from market than is the case with the Florida growers.

The Florida growers take the position that a 6 x 7 mature green tomato if left on the vine until it becomes a vine ripe tomato (breakers or turning) will increase in size to about a 6 x 6 size. While there is little if any directly related research to substantiate this position, tomato horticultural experts all seem to agree that the tomato will under normal conditions continue to increase in size and indicate the probability of the Florida growers' judgment. Even so, the domestic regulations and the import regulations are identical.

We have no reliable information concerning the relative proportion of their representative crops withheld from market because of the regulations. Data from the Florida Tomato Committee indicate that Florida is withholding week by week between 14 and 22 percent of their production with the distribution between mature greens and vine ripes approximately equal.

Mexican growers typically market about 45 percent of their production in their own country with 55 percent exported to the United States and Canada. The Canadian market is small and in 1967 Canada imported 75 million pounds from Mexico.

One representative of the Mexican tomato industry who participated in a meeting with representatives of this Department and the Department of State on January 23 stated that the sizes grown in Mexico were the same as those grown in Florida. However, they could not ship as high a proportion of their production as Florida because they, on their own initiative, restrict imports to U.S. No. 1's or a high percentage of U.S. 1's. It was for this reason that Mexico is not shipping as high a percentage as the Florida growers. Thus, it is not by reason of the import regulation that Mexico may be withholding a higher percentage of their crop from the U.S. market.

This representative explained that this long-standing practice on the part of the Mexican industry has been followed because (a) they are seeking to build a strong reputation in the United States markets for quality and (b) the U.S. import duty is on a pound basis, regardless of grade, and therefore it is more economical to import the higher value, higher quality tomatoes. But this again is a decision on the part of the Mexican industry separate and apart from the import regulation.

In some ways these regulations bear more heavily on the Florida industry than the Mexican industry. Florida can't ship their restricted sizes to either U.S. markets (other than those within the State of Florida), Canadian markets or Mexican markets. But the Mexican industry can and does market their restricted sizes in Mexico and Canada. Admittedly, however, the prime market for both Florida and Mexican tomatoes is the United States.

Mexico uses the same varieties as Florida uses. They are varieties developed in Florida. They follow essentially the same cultural practices except that more of the Mexican tomatoes are grown on stakes to be marketed as vine ripes. Therefore, the Mexican industry should have little difficulty in meeting the same regulations.

Efforts are continuing to work out the problem with the Mexican industry. The Florida Fruit and Vegetable Association invited Mexican industry representatives to its annual association meeting last September. At this time they discussed with them the expectation that Florida would regulate shipments under the Federal Marketing Order this season. The Mexicans are reported to have said that they could and would live with any regulation Florida could live with.

A delegation of Florida tomato growers met with Nogales importers of Mexican tomatoes in Mid-January. Subsequently, they journeyed to Culiacan, Mexico, and met with the Mexican tomato growers. More recently representatives of the Mexican tomato industry met with the Florida Tomato Committee at Homestead, Florida. Representatives of this Department and the Department of State have met with representatives of the Mexican tomato industry and their Government on two or three occasions.

It was understood that you wanted a rather comprehensive background of the situation in question and it is hoped that the foregoing provides you with all the information you need for your purpose. If we can be of any further help in this regard, please feel free to call upon us.

Sincerely,

CHARLES W. BUCY,
Assistant General Counsel.

TOMATOES, FRESH MARKET: RAIL AND TRUCK SHIPMENTS FOR FLORIDA AND MEXICO, 1967, 1968, AND 1969 BY DAYS; PLUS FLORIDA AND MEXICO COMBINED

[Carlot equivalents]

	Florida rail and truck		Mexico rail and truck		Florida and Mexico rail and truck combined	
	1968	1967	1968	1967	1965	1967
December 1	41	151	12	3	53	154
2	51	149	16	5	67	154
3	95	80	12	3	107	83
4	86	73	14	5	100	78
5	80	147	13	4	93	151
6	77	151	18	14	95	165
7	60	103	15	10	75	113
8	44	116	13	12	57	128
9	51	88	16	16	67	104
10	95	53	24	16	119	69
11	114	51	50	17	164	68
12	84	114	40	11	124	125
13	87	80	45	19	132	99
14	109	75	43	16	152	91
15	49	97	32	15	81	112
16	50	146	34	7	84	153
17	45	79	47	4	92	83
18	41	74	55	17	96	91
19	54	101	44	20	98	121
20	72	136	54	7	126	143
21	79	104	51	23	130	127
22	53	110	41	31	94	141
23	43	86	35	42	78	128
24	78	37	63	31	141	68
25	26	15			26	15
26	40	27	113	34	153	61
27	71	98	53	34	124	132
28	121	80	73	36	194	116
29	51	83	66	30	117	113
30	60	60	82	34	142	94
31	109	60	87	37	196	97
Total	2,116	2,824	1,260	553	3,376	3,377

TOMATOES, FRESH MARKET: RAIL AND TRUCK SHIPMENTS FOR FLORIDA AND MEXICO, 1967, 1968, AND 1969 BY DAYS; PLUS FLORIDA AND MEXICO COMBINED—Continued

[Carlot equivalents]

	Florida rail and truck		Mexico rail and truck		Florida and Mexico rail and truck combined	
	1969	1968	1969	1968	1969	1968
January 1	58	20	2		60	20
2	54	21	127	38	181	59
3	74	94	82	46	156	140
4	100	92	87	52	187	144
5	45	103	68	42	113	145
6	22	112	51	48	73	160
7	45	66	75	46	120	112
8	34	46	71	31	105	77
9	34	114	83	44	117	158
10	60	113	86	60	146	173
11	51	75	67	53	118	128
12	38	89	73	54	111	143
13	20	82	68	55	88	137
14	49	46	72	62	121	108
15	63	23	77	47	140	70
16	46	74	84	65	130	139
17	67	80	85	84	152	164
18	79	73	94	79	173	152
19	39	58	82	76	121	134
20	27	70	74	77	101	147
21	50	31	74	61	124	92
22	40	23	102	46	142	69
23	35	57	90	49	125	106
24	35	61	100	62	135	123
25	64	34	94	48	158	82
26	27	40	87	44	114	84
27	21	61	79	52	100	113
28	60	33	84	33	144	66
29	71	28	119	41	190	69
30	66	97	103	89	169	186
31	49	72	114	87	163	159
Total	1,523	1,988	2,554	1,671	4,077	3,659

Note: Data subject to revision.

Mr. HOLLAND. At this time I make no comment or argument upon this subject matter except to note that it is clearly shown by the contents of Mr. Bucy's letter to me that ample notice was given by the Department of Agriculture, both to the Florida growers and to the Mexican growers and distributors, of the action proposed to be taken by the Department of Agriculture under the golden rule amendment to the law above mentioned. It is also clearly shown by said letter that imports of Mexican tomatoes, notwithstanding said import restrictions and regulations, are rapidly rising, whereas the shipments of Florida tomatoes are being reduced. It is also shown by said letter that the total shipments to the fresh vegetable markets of our Nation from both sources are increasing instead of decreasing and it is further shown that, to quote from the letter, "Mexican growers typically market about 45 percent of their production in their own country with 55 percent exported to the United States and Canada." Of course, the Florida growers have no such large consumption within Florida as 45 percent of their total production.

I hope that the facts reported by the Department of Agriculture and contained in Mr. Bucy's letter will help to clarify the problem discussed by the Senator from Arizona and to place it in proper perspective.

S. 1164—INTRODUCTION OF THE IRON AND STEEL ORDERLY TRADE ACT OF 1969

Mr. HARTKE. Mr. President, today I introduce a bill which will provide for orderly trade in iron and steel mill products by establishing quota limitations on steel imports into this country. I ask that the bill be received and appropriately referred.

The PRESIDING OFFICER (Mr. HOLLINGS in the chair). The bill will be received and appropriately referred.

The bill (S. 1164) to provide for orderly trade in iron and steel mill products, introduced by Mr. HARTKE (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Finance.

Mr. HARTKE. Mr. President, a year and a half ago, on October 16, 1967, I introduced, on behalf of myself and the distinguished minority leader of the Senate, the Senator from Illinois (Mr. DIRKSEN), and other Democratic and Republican senatorial cosponsors, an identical bipartisan measure. Today's measure again enjoys as its principal cosponsor, my distinguished colleague from Illinois (Mr. DIRKSEN) and cosponsorship from 31 of my senatorial colleagues from both sides of the aisle.

We come to the introduction of this measure in this Congress, as in the last, because of the clear and demonstrable danger that the dramatic and continual rise in steel imports has had upon our domestic steel industry and its more than half million steelworkers.

By the 89th Congress it had become clear that legislative inquiry into the problem of steel imports and their impact upon our economy and our balance of trade was necessary. At that time I offered a Senate resolution which would have directed the Commerce Department to make a detailed and definitive study of the steel import problem. However, at hearings held in the Senate Finance Committee in June 1966, the then Assistant Secretary of Commerce, Alexander Trowbridge, indicated that the Commerce Department was not prepared to undertake such a study. Accordingly, I amended my resolution to call for the study to be done by the staff of the Finance Committee. Following authorization by the Finance Committee, its staff undertook and completed a comprehensive and authoritative study of the steel import problem which was made available to the committee in May of 1967, and which established the basis for my import quota bill, which I introduced in October of that year. The Senate Finance Committee staff study was subsequently printed as a public document by the Senate Finance Committee in December 1967, and stands today as the authoritative study in the area of steel imports.

Only a few short years ago, the United States was a net exporter of steel products, but in 1967 the situation had been so far reversed that imports exceeded exports by a margin of $877 million. And in 1968 our exports of steel products were only 2,170,000 net tons—most of it Government financed—while our imports had risen to nearly 18 million net tons, leaving us a net trade deficit in steel mill products of 15,830,000 tons or $1,532,000,000. Consider, the steel trade deficit alone in 1968 was over $1½ billion. Assuming the 1968 average delivered import price before U.S. duties of $125 per ton—including freight and insurance—and an average growth in imports of 25.2 percent, the 23 million tons that would enter in 1971 would be reflected in a deficit in our steel trade alone of nearly $3 billion.

Moreover, every million tons of domestic steel mill products lost to foreign producers represents potential employment for 7,700 persons. This means that the 18 million tons imported into this country in 1968 in effect constituted an export of some 140,000 potential jobs. If the growth of steel product imports should continue only at its average annual rate of 25.2 percent, based on the 10 years from 1956 through 1966—far less than last year's increase of 56 percent—the 23 million tons which would enter our shores in 1971 would cost American workers approximately 177,000 jobs. Accordingly, it is I am sure no surprise that the bill that I introduce today has the support of both the domestic steel industry and the more than half million members of the United Steel Workers of America.

As bad as the situation was when I introduced S. 2537 in the last Congress, the events of 1967 and 1968 disclose that the steel import situation has in fact grown markedly worse. Not only did imports increase during 1968 at the rate of 56 percent over 1967, but the share of total steel consumption in the United States accounted for by imports jumped from 12.2 percent in 1967 to 16.7 percent in 1968.

I am not unmindful in introducing this legislation today that, as a result of my bill in the last Congress and the strong measure of congressional support that it engendered, the steel producers in the European Economic Community and Japan, who collectively account for more than 80 percent of our steel imports, have voluntarily committed themselves to curtail somewhat their spiraling share of the U.S. market.

By letters of intent submitted to our State Department, each of these two groups has agreed to limit shipments of steel mill products to 5.75 million net tons during 1969 and has further agreed to

confine shipments within limits which would represent no more than a 5-percent increase for each of the next 2 years. In addition, both these groups of producers have undertaken to avoid changing significantly the product mix and pattern of distribution represented in their present share of U.S. imports. The State Department anticipates that under these voluntary restraints total U.S. imports will be 14 million net tons in 1969, going up to 14.7 million net tons in 1970 and about 15.5 million net tons in 1971.

I wish that it were possible for me to say that these voluntary restraints on imports make it unnecessary for Congress to enact this bill. I say this because I have always held to the view that, as I said in my statement on the Senate floor on January 14 when I commented on these voluntary restraints and expressed my reservations concerning them:

Restraint can either be voluntary or mandatory. Of the two, the former is preferable to the latter if it can achieve the necessary degree of restraint required.

And I further noted:

While I view the voluntary commitments of the major steel producers in Japan and the European Coal and Steel Community as a salutary step toward a meaningful resolution of the overcapacity in world steel production, there are several problems with the commitments which cause me to have reservation.

Moreover, I am in accord with the statement of President Nixon at his press conference of February 6 that the interest of the Nation and the world is best served "in moving toward freer trade rather than protectionism," and that where special problems exist, it would be better to have voluntary restraints.

Having said all this, however, the simple fact is that the restraints to which the Japanese and the European Economic Community steel producers have voluntarily committed themselves are not as satisfactory as this bill to resolve the problem of steel imports and their adverse impact upon our domestic steel industry and the steelworkers of this country. The voluntary restraint commitments are a useful step toward a meaningful resolution of the overcapacity in world steel production, but the quantum of restraint offered is not as adequate as that contained in the bill, when weighed in the full context of the situation. These voluntary commitments will not provide the degree of restraint that is required.

If the current voluntary arrangement was developed through a governmental process, then the Senate would be able to exercise its will and judgment on the particulars of the restraint through advice and consent. However, since such an opportunity is not possible when a purely voluntary offer is made unilaterally by overseas producers, the introduction of this bill represents, at least, what many Senators including myself believe should have been the proper levels of a voluntary arrangement.

There are some, again including myself, who support a voluntary approach to our trade problems as mentioned above. It is for this reason that some Senators are most desirous that the present voluntary arrangement in steel succeed. However, just as the introduction of the bill in the 90th Congress initiated the development of the voluntary arrangement, so also will the introduction of the bill in the 91st Congress help to insure effective and honest administration of the arrangement, despite the reservations we have about the levels of restraint.

Our serious congressional concern as expressed by this legislation can only serve to insure compliance with the voluntary restraint commitments which of their own accord are not subject to any mandatory enforcement.

A look at the record should make abundantly clear what I mean when I say that the quantum of restraint under the voluntary commitments are not as sufficient as will be under this bill. First, the overall level of restraint anticipated under the voluntary commitments will be 14 million tons in 1969, 14.7 million tons in 1970, and 15.5 million in 1971. For 1969 this represents 13 percent of domestic shipments. This is not very much restraint at all. Only last year, when imports reached a record level of 18 million tons, did the domestic steel industry experience a higher level of import penetration than they will feel under the voluntary quota commitments.

Second, the voluntary commitments call for a growth in steel imports of 5 percent a year. This 5 percent growth factor is substantially higher than the expected average annual growth in domestic shipments of 2.5 percent. Therefore, under these voluntary commitments not only would imports account for 13 percent of domestic shipments in 1969—greater than any year except 1968—but an increasing share of the market in 1970 and 1971, the last 2 years for which the commitments are effective. On the record then it should be clear that the Japanese and European Economic Community steel producers have offered very little in the nature of meaningful curtailment of U.S. steel imports.

The bill I introduce today—identical to the one I introduced in the last Congress—will limit steel imports in any year to 9.6 percent of recent consumption and the limitation would be carried out through agreements negotiated by the President with supplying nations. Nations not entering an agreement will be limited to a percentage of recent consumption equal to the percentage of consumption supplied by that nation during a base period of 1959 through 1966. I feel today, as I felt in 1967, that imports which would account for approximately 10 percent of our consumption, allowing a share in the growth of the American market, would be acceptable, and would still permit our American steel industry to receive its equitable share of our U.S. market and to retain viability necessary to meet the needs of our economy and national security. Ten percent of the domestic market fairly reflects the portion of the market achieved by foreign producers up to the time when customer stockpiling in anticipation of a possible strike enabled imports to rise far beyond what would have otherwise occurred.

There are other significant factors, though less crucial, which lessen the acceptability of the voluntary restraint commitments of the Japanese and European Economic Community Steel producers as now constituted. I mentioned these in my statement on January 14.

For example, the voluntary restraints imposed by Japan and the European Economic Community do not cover imports of steel products in other countries of Europe or in Canada and elsewhere in the world. If these other countries who are not parties to the voluntary restraints should take advantage of that fact by increasing their share of the U.S. market, the whole system of restraint would be undermined.

There also exists the possibility that foreign producers will ship more sophisticated steel into this market, while still staying within the overall restraint limits by reducing their shipments of lower priced, more basic, steel. Although the letters of intent by the foreign producers indicate they will try not to change the product mix—a term, incidentally, which few editorial writers have seen fit to pick up, in their avid discussion of this subject—there are indications, even at this early juncture, of pressures to change the product mix of U.S. steel imports. For example, an item in The Japan Metal Daily, an authoritative Tokyo publication dealing with Japanese metal industries, of January 28, 1969—14 days after the announcement and publication of the letters of intent in America—commented that "it would be unreasonable to reduce the export volume of high-priced and low-priced products by the same percentage."

Finally, foreign producers have placed certain conditions for their restraint. In the letter from the Japanese steel mills, they stated that the voluntary restraints were premised on the assumption that the "United States will take no action, including increase of import duties, to restrict Japanese steel mill product exports to the United States." Similarly, the European producers' statement is based on the assumption "that the United States will take no action to restrict ECSC steel mill products to the United States of America like first, quota systems; second, increase in import duties; and, third, other restrictions on the import of steel mill products to the United States of America."

These provisions impose conditions which are unrelated to the need for overall restraint by foreign steel exporters. The steel industry has filed complaints under the existing countervailing duty statute and, while these complaints have nothing to do with quotas but would only involve action to neutralize foreign export subsidies, a countervailing duty might be construed as releasing the foreign steel producers from their voluntary restraints. The same might also be true if escape clause actions were taken under the trade agreements program. Even in the event that a special duty or quota were placed on the importation of a product which contained a substantial amount of steel, such as automobiles, the foreign producers might seek to terminate their voluntary restraints. The vague language of these letters of voluntary commitment in this regard also raises the question of whether the foreign producers would end their restraint if the United States, for balance-of-pay-

ments reasons, established an import surcharge or a border tax. Would the terms of the restraint commitments forestall actions by our Government which we deem advisable and necessary to improve our balance of payments?

Finally, the clear import and intent of the bill is to eliminate the cause of the major problem in world steel trade—namely, excess capacity. Most of the excess capacity which is utilized in world trade is directed at the U.S. market. If this bill were enacted, then foreign investment in continued expansion of excess capacity would be diminished. Concurrently investment by domestic steel producers to better serve their own markets would be encouraged. In the long run this means more viability to the domestic industry and more job opportunities for American workers.

Mr. President, I ask unanimous consent that excerpts from a speech recently delivered by Mr. I. W. Abel, president of the United Steelworkers of America, to the legislative delegates of that union at a conference in Pittsburgh on January 31, 1969, and a letter from John P. Roche, president of the American Iron and Steel Institute, forwarded on January 15, 1969, to the chairmen of the Senate Finance Committee and the House Ways and Means Committee, both relative to the steel import problem and the voluntary restraint commitments be printed in the RECORD.

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

The items ordered to be printed in the RECORD are as follows:

EXCERPTS FROM A SPEECH RECENTLY DELIVERED BY MR. I. W. ABEL, PRESIDENT OF THE UNITED STEELWORKERS OF AMERICA, TO LEGISLATIVE DELEGATES OF THE UNION AT A CONFERENCE IN PITTSBURGH ON JANUARY 31, 1969

We can also feel a sense of satisfaction about the results legislative efforts have produced. As you know, your officers and our members in Basic Steel have been calling for action to stop the flood of steel imports which threaten the jobs of Steelworkers. We have testified before Congressional Committees on behalf of steel import quotas. We have held meetings on imports with Congressional delegations and we have been urging Congress to pass legislation to stop the import flood and erase the fears of our members in Basic Steel.

As a result of our efforts along this line, more and more people are becoming aware of the import threat and are becoming more concerned. Senators and Representatives are aware and concerned; the industry is aware and concerned; and in the recent Presidential campaign, both major party candidates—you recall—promised action on steel imports. Mr. Nixon said, as President, he would take "prompt action to deal with this dangerous trend." Mr. Humphrey said, as President, he would sponsor specific legislation or call for an international conference on the question.

More specifically, on imports, just a few weeks ago, the State Department announced that Japanese and European steel producers have agreed to restrain their exports to the U.S. for three years, through 1971. The countries involved are Japan, France, Italy, Belgium, Luxembourg, The Netherlands and West Germany.

Under the agreement, these countries will hold their exports to the United States to 11.5 million tons this year but the total will be allowed to increase 5% in 1970 and again in 1971. This means that when you include the imports of nations not party to the agreement, imports this year will total about 14 million tons. This is 3½ million tons less than were imported last year. Under the 5% growth formula, the 14 million figure will go to 14.7 million tons in 1970 and to 15.4 million in 1971.

While this voluntary agreement is a step in the right direction and represents progress on the import problem, it does not do what we think must be done to fully protect the jobs of Steelworkers.

We believe that steel imports should be restricted to a total of 12 million tons per year—not 14 million or 15.4 million—and that they should be allowed to increase only 2% a year, not 5%.

I want to reassure you here today that we are going to continue to work for a more permanent solution to the steel import problem so that a fair trade relationship can be established and the jobs of our members can be protected more effectively.

I want to make two points about steel imports and the voluntary agreement announced by our State Department:

First, you can be sure that there would have been no such voluntary agreement if it had not been for our efforts in making the Congress aware of the seriousness of this problem. Through our efforts of generating support within the Congress, these steel exporting countries have acted voluntarily in the hope of heading off legislation requiring stiffer quotas. In this fight to persuade Congress Senator Hartke in the Senate and Congresman Vanik in the House worked relentlessly to forward our position. Senator Hartke made an official trip to Europe during which time he contacted European steel producers for the purpose of urging upon them modification in their trade in steel.

Secondly, and this is especially important to our Basic Steel members. We are hopeful, of course, that Congress will pass the kind of legislation we seek to limit steel imports more effectively. But should Congress fail to do so, at least this voluntary agreement will still be in effect when we negotiate our next Basic Steel settlement in 1971. This means that at least there will be a limit on steel imports during 1971, that imports will not flood the country as they usually do during our negotiations and that there will not be as much of a slowdown when stockpiles are worked off after a settlement.

A few figures will illustrate the importance of the voluntary agreement during our next Basic Steel negotiations. Last year, 1968, when we negotiated a new Basic Steel agreement, steel imports totaled close to 18 million tons.

In 1971, when we negotiate again, steel imports will be limited to 15.5 million tons. However, without the voluntary limit, and if imports increased each year at their usual rate, it is estimated that imports in 1971 would be around 23 million tons. So, the voluntary agreement means there will be 7½ million less tons of steel imported during our next Basic Steel talks in 1971 and this will definitely work to the advantage of our membership.

LETTER FORWARDED ON JANUARY 15, 1969, BY JOHN P. ROCHE, PRESIDENT OF THE AMERICAN IRON AND STEEL INSTITUTE TO CHAIRMAN LONG OF THE SENATE FINANCE COMMITTEE, AND TO CHAIRMAN MILLS, OF THE HOUSE WAYS AND MEANS COMMITTEE

DEAR MR. CHAIRMAN: We have taken note of the communication addressed to you by the Secretary of State concerning the decision by the steel producers of the European Economic Community and Japan to adopt voluntary limitations on their steel exports to the United States during the period 1969–1971.

This decision, following discussions with our government, indicates their realization that their continued unrestrained penetration of the United States market constitutes a serious problem for themselves as well as to this country and its steel producers and steel workers. In that respect, it is a step in the right direction.

We emphasize, however, the difficulties of attempting to solve these problems by the route of a program of voluntary limitations. Certainly the base tonnage is uncomfortably above an approximate 10% of the domestic market, which would have fairly reflected the portion of the market achieved by foreign producers up until the time when customer stockpiling in anticipation of a possible strike enabled imports to rise far beyond what would have otherwise occurred. Moreover, based on historical growth trends the proposal's annual rate of increase for 1970 and 1971 will, unless adjusted for actual experience, exceed the actual rate of growth of the United States market. As delineated in the Senate Finance Committee staff study, unless the domestic industry can share fully in an expected growth of the domestic market on the order of 2.5 million tons (about 2.5 percent) per year, the domestic industry can be expected to experience serious difficulties. These limitations are both temporary and voluntary and they do not apply to other important industrialized countries which export significant amounts of steel to the United States.

The provisions relating to maintenance of product mix and geographic distribution patterns are ambiguous and can lead to distortions which would be seriously damaging to many domestic producers, particularly small companies.

Consequently, the limitations will not in our judgment adequately remove the threat that large and rapidly growing imports of steel pose for our national security, our balance of payments, the ability of the domestic steel industry to continue its heavy investments in steel producing facilities, and the jobs of thousands of our employees.

For the above reasons, we doubt that the announced limitations will prove to be of significant long-term assistance in resolving the crisis facing the American steel industry and the people who depend upon it for their livelihood. The steel industry must therefore urge that the Congress continue to consider a definitive legislative solution of this critical problem in the light of all the circumstances.

Sincerely yours,

JOHN P. ROCHE.

Mr. HARTKE. Mr. President, I also ask unanimous consent to have the bill printed at this point in the RECORD.

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

S. 1164

A bill to provide for orderly trade in iron and steel mill products

Be it enacted by the Senate and House of Representatives of the United States of may be cited as the "Iron and Steel Orderly Trade Act of 1969."

SEC. 2. The Congress finds that increased imports of pig iron and steel mill products have adversely affected the United States balance of payments, contributed substantially to reduced employment opportunities for for United States workers in the domestic iron and steel industry, and captured such an increasing share of the market for pig iron and steel mill products in the United States as to threaten the soundness of the domestic iron and steel industry and therefore the national security.

It is, therefore, declared to be the policy of the Congress that access to the United States market for foreign-produced pig iron and steel mill products should be on an equitable basis to insure orderly trade in pig iron and steel mill products, alleviate United States balance-of-payments problems, provide an opportunity for a strong and expanding United States iron and steel industry, and prevent further disruption of United

States markets and unemployment of United States iron and steel workers.

SEC. 3. As used in this Act—

(1) The term "category" means a seven digit item number which appears in the Tariff Schedules of the United States Annotated (1965) published by the United States Tariff Commission as in effect on the date of enactment of this Act and which is—

(A) Within the range beginning with item 608.1500 and ending with item 610.5260 (except that an item within such range which is specified in section 7 shall be included in the term "category" only as provided in such section); or

(B) One of the following item numbers:

607.1500	642.9000	646.2500	690.3000
607.1800	642.9100	646.2620	
642.0200	642.9600	646.2640	
642.3500	642.9700	690.2500	

(2) The term "imports" refers to United States imports in any category or categories within the meaning of paragraph (1).

(3) The term "consumption" means, with respect to any category or with respect to all categories, the sum of United States mill shipments plus imports minus United States exports.

(4) The term "year" means calendar year.

SEC. 4. The President may, after consultation with all nations having an interest in supplying pig iron and steel mill products to the United States, negotiate multilateral or bilateral agreements establishing for periods beginning on or after the date of the enactment of this Act, annual quantitative limitations on United States imports of such products subject to the following provisions:

(1) Total imports for each year shall not exceed an amount determined by applying to the average annual consumption during the three years immediately preceding the year in which the limitation is to be effective a percentage equal to the percentage of average annual consumption represented by imports during the years 1964 through 1966, inclusive.

(2) The percentage of total imports in any year represented by imports in a particular category shall not exceed the percentage of total imports during the years 1964 through 1966, inclusive, represented by imports in that category.

(3) The percentage of total imports in any year represented by imports from a particular nation shall not exceed the percentage of total imports during the years 1964 through 1966, inclusive, represented by imports from that nation.

SEC. 5. For periods after the one hundred and eightieth day after the date of the enactment of this Act, the President shall, within the overall limits set forth in paragraph (2) of section 4, by proclamation restrict annual imports from each nation which is at any time on or after such one hundred and eightieth day not a party to an agreement then limiting current imports negotiated pursuant to section 4 to an amount determined by applying the percentage of consumption represented by imports from that nation during the years 1959 through 1966, inclusive, to the average annual consumption during the three years immediately preceding the year in which the restriction is to apply.

SEC. 6. Within the overall limitations imposed under section 4, the President may adjust the share of United States imports in any category which may be supplied by any nation. In making this adjustment the President shall be guided principally by historical import patterns, but may modify such patterns to accommodate interests of developing nations or other changing conditions of international trade.

SEC. 7. If imports in any year in any of the following item numbers appearing in the Tariff Schedules of the United States Annotated (1965) published by the United States Tariff Commission as in effect on the date of the enactment of this Act reach 120 per centum of imports in that item number during the year immediately prior to the year in which this Act is enacted, then such item number shall be considered a category under paragraph (1) of section 3, and this Act shall take effect with respect to such category on the first day of January following the year in which the 120 per centum level was reached:

608.1000	610.8020	642.9300	652.9400
608.2500	610.8040	646.2000	652.9500
608.2700	642.0800	646.2700	652.9600
609.1200	642.1020	646.2800	653.0200
609.1200	642.1020	646.2800	653.0200
609.1500	642.1200	646.4000	680.4000
609.8400	642.1400	646.5400	688.3000
609.8600	642.1620	646.5600	688.3500
609.8800	642.1800	652.9000	688.4000
609.9000	642.8000	652.9200	

SEC. 8. (1) The amount of imports in any category in either half of any year shall not exceed 60 per centum of the total permissible amount of imports in that category for that year.

(2) Should any limitation imposed under this Act take effect on any day other than January 1 of a year, such limitation shall apply pro rata during the remaining portion of such year.

SEC. 9. (1) Import limitations established under this Act shall be administered by the Secretary of Commerce. The Secretary may issue such regulations as may be necessary or appropriate to carry out the purposes of this Act.

(2) Whenever the Secretary of Commerce determines it to be necessary to avoid disruption of regional markets, he shall provide by regulation that the proportionate share of total imports and imports in any category from any nation entering through any port of entry in or near such regional markets shall not exceed the proportionate share of such imports entering through such port during the applicable base period. The Secretary shall conduct the review required to make such a determination at least annually.

(3) Upon the expiration of five years after the date of the enactment of this Act, the Secretary of Commerce shall submit a report to the Congress as to the effects of the import limitations established under this Act on (1) the economic soundness of the iron and steel industry and employment opportunities in such industry, (2) the general economy, (3) the United States balance of payments, and (4) the national security, together with his recommendations as to whether such import limitations should be continued, modified, or revoked. Before making such report, the Secretary shall conduct a hearing at which all interested parties shall have an opportunity to be heard.

Mr. HARTKE. Mr. President, the bill is introduced on behalf of myself and the Senator from Illinois (Mr. DIRKSEN), as principal sponsors, and also by Mr. ALLEN, Mr. ALLOTT, Mr. BAYH, Mr. BELLMON, Mr. BENNETT, Mr. BIBLE, Mr. BOGGS, Mr. BYRD of West Virginia, Mr. COOK, Mr. COTTON Mr. CURTIS, Mr. DOLE, Mr. DOMINICK, Mr. FANNIN, Mr. HANSEN, Mr. HRUSKA, Mr. METCALF, Mr. MILLER, Mr. MONTOYA, Mr. MOSS, Mr. MUNDT, Mr. MURPHY, Mr. PROUTY, Mr. RANDOLPH, Mr. SAXBE, Mr. SCHWEIKER, Mr. SCOTT, Mr. SPARKMAN, Mr. THURMOND, Mr. TOWER, and Mr. YOUNG of North Dakota.

Mr. SCOTT. Mr. President, I am pleased to be joining today with the Senator from Indiana (Mr. HARTKE) as a cosponsor of the Iron and Steel Orderly Trade Act of 1969. I believe it is worth noting that we have with us in this bipartisan effort some 30 other Senators, including the distinguished minority leader, the Senator from Illinois (Mr. DIRKSEN).

This legislation, which is identical to the bill which I cosponsored in the 90th Congress, has as its important purpose that of guaranteeing that the American steel industry retains the strength and viability necessary to meet the demanding needs of our economy and the national security. This bill would accomplish this by directing the President to enter into bilateral and multilateral agreements with foreign countries to insure, through a system of quotas, that steel imports total no more than 9.6 percent of domestic consumption in any one year. Nations not willing to enter into agreements voluntarily would be assigned quotas equal to the average percentage of domestic consumption supplied by them during a base period of 1959 through 1966.

A total restriction approximating 10 percent has been selected because of general agreement that this figure fairly reflects the portion of the domestic market achieved by foreign producers up to the time when customer stockpiling in anticipation of a possible strike enabled imports to rise far beyond what would have otherwise occurred. Moreover, this figure would not shut out foreign producers; instead, it would permit them continued access to our U.S. market, but on an equitable basis.

Unfortunately, we are confronted at the moment with a dramatic increase in steel imports that has led to a clear and demonstrable danger to our domestic industry. Steel imports into this country in 1968 totaled nearly 18 million tons, resulting in a net trade deficit in steel mill products of 15,830,000 tons or $1,532,000,000—a marked reversal of the situation that found the United States a net exporter of steel only a few short years ago. Not only did imports increase during 1968 at the rate of 56 percent over 1967, but the share of total steel consumption in the United States accounted for by imports jumped from 12.2 percent in 1967 to 16.7 percent in 1968. An increase in steel imports to 23 million tons by 1971 is not unlikely, if current trends continue unchecked.

For me, this prediction is of special concern. My Commonwealth of Pennsylvania ranks first among the States as a steel producer and stands near the top of the list as a consumer of steel. About 218,000 Pennsylvanians get their paychecks directly from the steel industry. Measured in terms of wages and salaries flowing into the Commonwealth, this represents $1.8 million yearly.

Another tremendous boost comes from the wages and salaries paid by related industries, such as coal mining, rail and water transportation, utilities, quarrying, and machinery. Pennsylvania, more than most States, feels the effect in lost markets and lost employment opportunities when unfair foreign competition, predatory pricing and the outright dumping of foreign steel prevail. Also threatened are the domestic industry's plans for future expansion, which will add several hundred more million dollars to the economy.

It has been estimated that every new million tons of steel imports consumed in this country represents an export of almost 8,000 job opportunities. Viewed in this context, the nearly 18 million tons of steel imported last year represents more than 140,000 lost jobs.

This problem is one which we can no longer afford to regard only as a trend; it is real, and it exists now. The best interests of the Nation and my Commonwealth demand that we provide the relief which will be made possible by passage of the Iron and Steel Orderly Trade Act of 1969. I urge speedy and favorable consideration.

Mr. ALLOTT. Mr. President, I congratulate the distinguished senior Senator from Indiana (Mr. HARTKE) and the distinguished senior Senator from Illinois (Mr. DIRKSEN) for once again being at the forefront of our continuing struggle to provide some semblance of stability for our domestic steel industry in their effort to deal with this question of establishing orderly trade in our iron and steel products. Their willingness to assume the leadership in this continuing battle has given all of us a sense of encouragement and direction.

Those of us who have been identified with trying to stop the accelerated rise of steel imports have known for a long time now that this is simply not an issue which is going to be remedied without immediate and active congressional interest. We are vitally concerned to note that steel imports for 1968 totaled over 18 million tons—a 56-percent increase over 1967. Our sense of urgency with regard to this issue is, of course, heightened by the knowledge that this increase in steel imports is having a demonstrably adverse impact upon this Nation's economy. The fact that these imports substantially contribute to the loss of thousands of job opportunities for our steelworkers in this country, threaten our national security, and make a substantial contribution to the American balance-of-payments deficit continues to provide an element of anxiety for all of us who have continued to study this matter with increased frustration.

Mr. President, let me provide for the RECORD an indication of what a dramatic impact these steel imports are having upon our balance-of-payments deficit.

At first glance, the U.S. balance of trade in 1968 appears to be slightly in surplus. But if we adjust by eliminating U.S. Government-financed exports and shift from an f.o.b. to c.i.f. basis, then it is obvious we are several billion dollars in the red on our trade account. At this point, Mr. President, I ask unanimous consent to have printed in the RECORD a table in connection with the balance of trade from 1958 to 1968 as provided by the Survey of Current Business.

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

BALANCE OF TRADE, 1958-68

[In billions of dollars]

	Total exports	Less Government-financed exports	Commercial exports	Total imports f.o.b.	Estimated imports c.i.f.	Overall balance	Commercial balance
	(1)	(2)	(3)-(1)-(2)	(4)	[1] (5)	(6)-(1)-(4)	(7)-(3)-(5)
1968 [2]	33.0	2.9	30.1	32.0	34.7	+1.0	−4.6
1967	30.9	2.8	28.1	26.8	29.0	+4.1	−.9
1966	29.4	2.7	26.7	25.6	27.7	+3.8	−1.0
1965	26.7	2.6	24.1	21.4	23.2	+5.3	+.9
1964	25.7	2.8	22.9	18.7	20.3	+7.0	+2.6
1963	22.4	2.6	19.8	17.1	18.5	+5.3	+1.3
1962	21.0	2.1	18.9	16.4	17.7	+4.6	+1.2
1961	20.2	1.7	18.5	14.5	15.5	+5.7	+3.0
1960	19.6	1.6	18.0	14.7	15.7	+4.9	+2.3
1959	16.3	[3]	[3]	15.3	16.6	+1.0	[3]
1958	16.3	[3]	[3]	13.0	14.1	+3.3	[3]

[1] Imports including the cost of insurance and freight; derived by adding factor of 8.3 percent to f.o.b. (freight-on-board) figures.
[2] Estimate based on data for first 3 quarters.
[3] Not available.

Source: Survey of Current Business.

Mr. ALLOTT. Mr. President, the overall U.S. trade balance in total steel products for 1968 in tons and in dollars shaped up as follows:

	Tons	Value
Imports	18,461,515	$2,112,040,000
Exports	2,499,146	670,431,000
Balance	15,962,369	1,441,609,000

This deficit was one of the most significant negative items on the U.S. trade balance for the year. This has a negative impact on our balance of payments and its effect on the steel industry and the country is obvious.

Mr. President, because there is no such thing as a true free trade in the world steel market today, the ultimate solution to this problem will only come about by responsible self-restraint on the part of all the parties concerned with this issue. In this regard, a glimmer of hope was noted when the major steel producers in Japan and the European Economic Community announced a proposed arrangement to unilaterally limit their exports of steel products on a voluntary basis through 1971.

The measure which is being introduced today seems to me to be a most necessary and reasonable impetus if this proposed arrangement fails to materialize into a satisfactory agreement. This legislation balances the need for self-restraint in the area of regulating imports with a recognition of the severity of the problem in this unique area of steel imports. The approach taken today will assure orderly marketing of steel mill products imported into the United States, while at the same time insure that the foreign supplying nations will have the opportunity to enjoy a fair share of the growth of the U.S. market.

In my State, where we benefit from the energies of one of the most energetic and efficient steel industries, Colorado Fuel & Iron, increased steel imports have had a tremendous effect. Since 1957, practically 96 percent of all U.S. imports were C.F. & I. type products. A great many of C.F. & I.'s products were hit harder and earlier than those which are now subject of concern. In the intervening years, the percentage of imports into the United States which were the subject of C.F. & I. type effort has come down to around 50 percent, but this provides a small measure of comfort when we recognize that the total tonnage had increased nearly six times by 1967.

The measure being introduced today deserves the thoughtful attention of every Member of Congress if we are to assure our domestic producers, as well as the importing countries, an equitable share of the market here in the United States. Hopefully, the proposed voluntary arrangement between the Japanese, EEC and other steel producing countries will provide our domestic producers with a fair share of our domestic market. Such a voluntary arrangement, evidencing good faith and self-restraint, is a much more desirable way of meeting this problem than the institution of legislative quotas. If such an arrangement is not satisfactory, however, then reasonable legislation such as that provided by the bill introduced today, will be the only solution.

SENATOR RANDOLPH STRONGLY SUPPORTS EFFORTS TO CREATE FAIR TRADE STEEL POLICIES

Mr. RANDOLPH. Mr. President, it is a privilege to cosponsor the Iron and Steel Orderly Trade Act of 1969. This is an imperative measure. I believe my continuing advocacy of this legislation is entirely compatible with my support in general of free trade. But it seems to me that the only free trade in the world steel markets today is free trade into the United States.

The protection of the home markets of those countries which export steel to the United States so heavily—and there are import licenses, currency controls, transfer and value-added taxes—make it a commercial impossibility to export steel to them. These are only a few of the nontariff barriers which confine and constrict free trade in all world steel markets except the United States. We do not do justice to our own steel industry and to its employees.

I believe that even the most dedicated free trader must agree that free competition also means fair competition. When the latter does not exist, it is no denial of free trade to seek, as this act does, to establish orderly trade.

Another reason I can sponsor this legislation is that it recognizes the position of foreign competitors.

The fact is that this bill authorizes for foreign producers a share of the Ameri-

can steel market greater than the share imports have averaged over the past decade.

Further, this measure builds in an annual growth share for foreign producers. They will be able to march in step with our domestic steel industry, neither disrupting it nor being excluded from it. Frankly, this is distinctly a more generous posture than these nations accord American-made steel mill products in their own home markets.

More importantly, however, our steel industry, its employees, and our economy demand relief from unrestrained steel imports.

In 1968, the United States showed a deficit balance of trade in steel imports and exports amounting to more than $1½ billion. This was a major contributor to the fact that all U.S. foreign trade in 1968 showed a surplus of only $726 million—less than 18 percent as great as its trade surplus in 1967. It is time for orderly trade in steel mill products not simply to sustain our steel industry, but also to stabilize our currency.

In our State of West Virginia, steelmaking has a long and valuable history as an employer and as a contributor to the State's economic well-being and growth. Two substantial companies in West Virginia—one of them among the State's largest employers—recently completed enormous capital investment programs to make their operations among the most efficient of steel producers anywhere.

Almost 90 percent of their shipments are in the product categories most heavily affected by imports. Imports of these products in 1968 were more than double the shipments of the products by these two West Virginia producers. Indeed, the increase alone in imports of these products last year almost equaled the total shipments of both companies.

When such a situation exists, I think it is urgent that we act to assure orderly trade in steel.

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

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

"IMPROPER PRACTICES IN THE COMMODITY IMPORT PROGRAM OF U.S. FOREIGN AID FOR VIETNAM"—REPORT OF PERMANENT SUBCOMMITTEE ON INVESTIGATIONS, COMMITTEE ON GOVERNMENT OPERATIONS

Mr. McCLELLAN. Mr. President, on behalf of the Senate Committee on Government Operations, I submit a report of its Permanent Subcommittee on Investigations, entitled "Improper Practices in the Commodity Import Program of U.S. Foreign Aid for Vietnam."

This report covers hearings conducted in 1967 and 1968 on widespread corruption and other abuses relating to the financing of South Vietnamese imports by the U.S. Government.

Mr. President, I call attention to the excellent service of my distinguished colleague, Senator ABRAHAM RIBICOFF, during this investigation. I appointed him acting chairman to conduct a number of the hearings and to supervise staff inquiries relating to South Vietnamese import trade. In December of 1967, Senator RIBICOFF conducted a field investigation in South Vietnam and in other countries which are recipients of U.S. funds in the foreign aid program. Much of the credit for the beneficial and salutary results of the investigation is due to Senator RIBICOFF.

Testimony in our hearings disclosed a number of significant improprieties and weaknesses in the commodity import program, which is administered by the Agency for International Development, including:

First, dishonesty involving "kickbacks," ineligible commissions, overpricing, and other violations of American and South Vietnamese laws and regulations;

Second, inadequacies in AID regulations and procedures designed to prevent abuses;

Third, AID financing of commodities which were neither necessary nor useful to the Vietnamese economy and were sometimes worthless; and

Fourth, diversion of American dollars to bank accounts in Switzerland and elsewhere, a practice which undermines the AID program and adversely affects our balance-of-payments position.

For example, this report details the rise to affluence of a penniless manufacturer of worthless products whose South Vietnamese trade venture exploited every weakness and employed every type of abuse disclosed in the subcommittee's hearings. This man, Thomas Edison Higgins, kicked back to the Swiss bank account of his Vietnamese sales agent 56 percent of all AID money he received. He was paid approximately a quarter of a million dollars for a useless "battery additive." Furthermore, before Higgins was barred from participation in AID programs, he was engaged in a grandiose scheme to pay his agent as much as $800,000 from all AID funds he might receive. This kickback was disguised as "business expenses" which were invented by the sales agent to circumvent AID regulations and South Vietnamese laws prohibiting ineligible commissions.

The report discloses that AID officials were made aware of Higgins' dubious transactions as early as April 1966, before he or his agent had realized a single dollar from the venture. The subcommittee finds that responsible officials were indifferent to the disclosure, and that their failure to act resulted in the waste of a quarter of a million dollars. I am pleased to report, however, that, after the hearing record was sent to the Department of Justice, a civil suit was brought which seeks to recover damages from Higgins totaling $387,770.

Although the South Vietnamese sales agent has been barred by his Government and by AID from participation in AID-financed trade and has been fined moderate sums, the Government of South Vietnam has not acted swiftly and firmly on the numerous charges of fraud, kickbacks, bribery, and other violations of law involving him and his associates which were disclosed in the subcommittee's hearings.

We are told repeatedly that corruption is part of the way of life in the countries of Southeast Asia. That may be true, but I believe that, when the American people are financing and fighting a costly and arduous war on behalf of one of those countries, the government of that nation should exert its utmost efforts to prevent the siphoning of our funds into dishonest hands. The criminals should be brought to justice. If the Government of South Vietnam will not act to eliminate dishonesty in this field, then the Congress of the United States must exercise its power to limit the AID program for South Vietnam until appropriate measures to prevent corruption have been taken by both American and South Vietnamese officials.

The subcommittee's hearings in this field dealt with a number of cases which were similar in many aspects to the Higgins venture, and in several of them the same Vietnamese sales agent was engaged in or was attempting to initiate corrupt practices. These matters involved a wide range of products, including paints, chemicals, essential oils, and railway bridges.

We also heard considerable testimony about flagrant abuses relating to the importing of AID-financed pharmaceuticals into South Vietnam. Another South Vietnamese businessman was involved in many of these cases, and his corrupt activities included kickbacks, ineligible commissions, and illegal transfers of American dollars to foreign bank accounts. The report summarizes a number of other principal areas of abuse in the pharmaceutical trade—the prevalence of overpricing; shipments of one antibiotic in quantities so far beyond the needs of South Vietnam that the subcommittee concluded that this valuable drug was being transshipped to Communist areas; fraudulent practices in labeling drugs as to source and origin, and shipments of worthless products. In one instance, we heard testimony that ordinary sea water was packed as medicine and shipped to South Vietnam. AID funds paid for it at a price of $1.10 for a box of 16 small bottles.

Mr. President, the work of congressional investigating committees is always arduous and is rarely pleasant, particularly when we examine the operations of Government agencies. Our report is critical of the failure of the Agency for International Development to act swiftly and decisively upon certain disclosures of corruption. We comment adversely about some inefficient and uneconomical practices and procedures in the South Vietnamese program. We also condemn a number of American companies which chose to act collusively with Vietnamese citizens in dubious or illegal business transactions.

I am pleased to state, however, that the subcommittee has had free access to information and the full cooperation of

the Department of State and the Agency for International Development throughout our investigation. Furthermore, when abuses were disclosed during the hearings and subcommittee members recommended corrective measures, AID officials were prompt in taking action. The administrative and regulatory remedies which have been put into effect by the Agency are described in the report.

I wish especially to commend and thank the Inspector General's office of the Department of State. The Deputy Inspector General of Foreign Assistance, the Honorable Howard E. Haugerud, rendered invaluable assistance to the subcommittee. Without his help, our task would have been far more difficult and no doubt less successful.

Another result of the investigation is highly gratifying. Evidence developed by the subcommittee during this inquiry has enabled the U.S. Government to make a number of claims against American corporations which made improper payments of AID funds, and thus far a total of $263,629.47 has been recovered. Additionally, I am informed that pending claims and civil suits brought by the Department of Justice ultimately may recoup as much as $2 million more.

The shocking disclosures of widespread corruption involving many aspects of the import program for South Vietnam have led the subcommittee to decide that we should undertake, as soon as practicable, an intensive investigation of the AID program on a worldwide basis.

Again, Mr. President, I shall seek the assistance and cooperation of the distinguished Senator from Connecticut (Mr. RIBICOFF) in serving as chairman of some of the hearings of this investigation, when it reaches that stage, and especially in making preparation for the hearings and conducting the preliminary investigations which are necessary before public hearings start.

We believe that further inquiry is warranted and will be helpful in indicating and emphasizing the need to eliminate and prevent the uneconomic, illegal and corrupt practices by which taxpayers' dollars have been siphoned from Federal funds.

Mr. President, our economic situation in this country and our fiscal problems are not such as to permit this kind of waste. In any event, it would be scandalous for these abuses to continue. Further investigation into their extent in other areas of the world is a service that I think this committee can perform. We shall undertake to do it, with the view of giving further protection to the integrity of our Government and to sustaining its economical expenditures of public funds.

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

Mr. McCLELLAN. I am happy to yield to the distinguished Senator from Connecticut.

Mr. RIBICOFF. I am most grateful to our distinguished chairman for his kind words. The accomplishments of the Permanent Subcommittee on Investigation are legion, and they are due to the excellent leadership of our distinguished chairman. Appreciation for this report must also be given to the Senator from South Dakota (Mr. MUNDT), the ranking minority member, for his always keen insights and participation in the investigation.

Special tribute is due to the staff of the subcommittee—Jerome Adlerman, chief counsel; Philip Morgan, minority counsel; LaVerne Duffy, John Brick, and John Walsh—who worked long hours on the investigations and in preparation of the report filed today. Mr. Daniel Cohen of AID also provided invaluable assistance.

We also received excellent cooperation from the General Accounting Office and, as the chairman has indicated, the Inspector General's Office of the State Department, under the leadership of J. Kenneth Mansfield.

Mr. President, at a time when our Nation's resources are stretched so thin, it is most important that all the funds that the taxpayers pay are spent wisely, without waste, without dishonesty, and without corruption. The investigation indicated, as we went along, that more was involved than dishonesty and corruption. The AID program has attracted to it a great number of barnacles, and has itself become quite a bureaucracy.

What the AID program, in my opinion, needs more than anything else is what I would call "Close-down Czar." AID has gotten into the habit, once a program has generated and started, of never stopping it. Programs continue even though they have outlived their functions and original purpose.

In talking with AID officials about the various programs throughout the countries within their jurisdiction, they admit that in some countries up to half of the AID programs could be terminated and eliminated. If this Nation believes, as a matter of policy, that it wants to spend additional sums of money, the money should be spent on purposes and functions that would benefit the foreign country and also be of benefit to the United States. We should not continue a program that has outlived its purposes, and which the host Nation itself, for its own objectives and with its own resources, could carry on without American aid. It would seem to me that millions of dollars could thus be saved for this country.

Another thing that we found out, that I think is a matter of great concern, is that the number of American personnel in practically every country where we have an AID missions is much larger than it should be. This generates great antagonism against the United States.

In many countries, the AID mission had more people attached to it than the total number of diplomatic personnel accredited to that particular nation from all nations of the world. These situations generate a feeling of a deep, pervading American presence—which, in turn, generates antagonism against the Americans, so that, instead of getting credit for what we are doing, we are making more and more enemies.

We found also that many of these AID programs were not being pinpointed to the areas where relief was actually needed. We found that a great number of the AID personnel in Saigon were working on programs devoted to the welfare of the richest part of South Vietnam, where aid was not necessary or needed.

The subcommittee's decision to mount a worldwide investigation of AID is a wise one. It is more than a question of saving American dollars, more than a question of eliminating waste and corruption and inefficiency. I do believe that, for the dollars we spend in our AID program, there is much more to be achieved for the United States of America and for the recipient countries by a wise review of our AID programs throughout the entire world.

Mr. McCLELLAN. Mr. President, I thank my distinguished colleague and fellow member of the committee, who has taken the lead, in large measure, in this particular area of inquiry.

I believe that when we have continued this investigation, and are in a position to make a further report to the Senate, we shall be able to bring to the Senate's attention information that will, together with what we have given in this report, be very valuable to Senators in giving consideration to proper legislation for the future of the foreign aid program which can be initiated and employed to make our aid to foreign countries more economical and more efficient, to give greater benefit for the money expended to our country and to the recipients.

Mr. RIBICOFF. Mr. President, I think the Senator is absolutely correct when he points out that once programs containing inefficiency, corruption, or inutility were called to the attention of AID, the agency was most cooperative in trying to correct the situation existing. It is too bad that various agencies of government do not make their own corrections. I believe, however, that it is the duty and responsibility of the Senate when a program that it has passed or when a budget expenditure that it has authorized indicates a weakness to correct the programs it is responsible for.

Mr. McCLELLAN. We can often recover the funds. In this instance more than $260,000 has already been recovered, and suits have been filed to recover another possible $2 million. That is tangible. When such recoveries actually occur, we can point to them and they are concrete evidence of the value of the committeee's work.

There are many instances in which we start investigations, as the distinguished Senator has pointed out, which afford the agencies the opportunity to learn about these things and to take administrative actions to correct them.

There is no way to establish actuarially the great value in savings and efficiency that is brought about in the executive branch of the Government by the subcommittee's investigations and recommendations.

Mr. RIBICOFF. The Senator is absolutely correct. As I review the work of the distinguished chairman throughout the years, I find many governmental agencies welcome, even though reluctantly, the work the subcommittee does. The subcommittee's work acts as a goad for them and gives them the impetus re-

quired to make the corrections that should have been made before. They are reluctant, however, to make the corrections because of the bureaucracy that overlies many of these programs.

Mr. McCLELLAN. The subcommittee's work gives the agencies the support that they welcome so often.

The PRESIDING OFFICER. The report will be received and printed.

Mr. MUNDT. Mr. President, as ranking Republican member of the Senate Permanent Subcommittee on Investigations, I wish to associate myself with the remarks of our distinguished chairman, Senator JOHN L. MCCLELLAN, relating to the report on improper practices in the commodity import program of U.S. foreign aid for South Vietnam.

The extensive hearings held by the subcommittee were of great interest and deep concern to me, and I heartily concur in the findings of the subcommittee. The report submitted by Senator MCCLELLAN is comprehensive and factual, but I have some additional comments on certain matters which it covers.

THE OPERATIONS OF DINH XUAN THAO

The hearings disclosed that a South Vietnamese sales agent named Thao operated several companies under different names from a single post office box number in Saigon. He was devious and crafty and displayed remarkable ingenuity in soliciting business from American manufacturers and inducing them to pay commissions in contravention of the regulations of the Agency for International Development and the laws of South Vietnam, to his account No. 690265 in the Swiss Credit Bank in Geneva, Switzerland.

The Baird Chemical Corp. of New York paid $97,000 in commissions to Thao's Swiss bank account between July 20, 1962 and January 9, 1967. When AID changed its regulations in 1966 to eliminate this practice, Thao proposed that he and Baird Chemical Corp. engage in a scheme to circumvent the new rulings. He wrote a letter to Baird on July 28, 1966, which stated, in part:

> Wages, house rent, etc. . . . are dispensed from being listed in AID Form 280 and exempted from any taxes applicable in your country. Besides, the payment of expenses for your agency is your own private affair and scarce would be the curious people telling it . . .
>
> This arrangement should be held strictly confidential between both of us and the best way is that you should not put this letter in the file to be kept in your office.

In effect, the Saigon sales agent proposed that Baird pay him fraudulent "business expenses" instead of legitimate commissions by setting up a dummy corporation in Saigon. Baird did not join Thao in collusion, but the subcommittee's investigation showed that dummy corporations through which kickbacks could be paid were repeatedly suggested by Thao to his American suppliers.

Another American firm he approached was Magnus, Mabee & Reynard, Inc., a New York firm dealing in essential oils and aromatic chemicals. The company paid $10,000 in commissions to Thao's Swiss bank account, but they did not accept his suggestion that they set up a dummy corporation in Saigon. However, their refusal to cooperate did not deter Thao from attempting the circumvention of another regulation. He proposed to Magnus, Mabee & Reynard that they join him in bypassing the AID regulation which required that offers to purchase commodities that totaled $10,000 or more be published in the Agency's Small Business Circular so that interested and qualified suppliers might bid. He wrote to Magnus, Mabee & Reynard:

> In order to avoid OSB procedure, we are dealing with the clients in order to introduce a first license request of $9,800 followed by another license request, then a third request.

One of the American firms which agreed to set up a dummy corporation in Saigon was Schueler & Co., of New York, a supplier of surgical and hospital equipment. By affidavit, the Schueler firm told the subcommittee that it had made only three sales under the scheme, with total commissions of $750, and that only $52.80 had been sent to Thao's Swiss bank account. There was an additional twist suggested by the Saigon sales agent, in a letter from him to Schueler on October 13, 1965:

> A reasonable commission 30% may be officially declared while 70% is granted to us separately for advertisement purpose or for the office expense in Saigon (not declared in AID Form 280).
>
> We can realize with you business totalling one million of U.S. dollars per year *if you can double your price for paying us 100% of commission and advertisement expense.*
>
> As we are the buyers acting for our own account, there is absolutely no problem from our side and you may increase your price as you like.

The Schueler affidavit indicated that no business had been generated under the suggestion, but evidence uncovered by the subcommittee shows at least two transactions in which this scheme was used.

The report details a number of Thao's other activities. In one instance he contacted a steel firm in Norfolk, Va., about 6 months before the procurement of 12 railway bridges for South Vietnam was announced. He told the American company that it could be awarded the bid by cooperating with him, since he would split his commission on the contract with an "interested party" in Saigon. He obtained bridge specifications and certain AID documents far in advance and forwarded them to the Globe Iron Construction Co., in Norfolk. He told Globe to bid $708,000 for building the 12 bridges; in Saigon, $709,000 had already been set aside for the contract.

Eventually, Globe bid $879,000 and the United States Steel Corp. bid $622,000. Thao then wrote Globe that he was working to get the United States Steel bid rejected. On April 19, 1965, AID told Vietnamese Government officials that Globe should get the contract because the United States Steel bid was "not responsive." The subcommittee discovered that the United States Steel bid was turned down because it did not provide for full shop assembly of the bridges in upright positions. However, the testimony showed that Globe did not undertake 100-percent assembly in its shop, and that such assembly is never required by the standards of the American Railroad Engineering Association.

Nonetheless, Globe received the contract, and in July of 1965, the Norfolk firm received a letter from Thao relating to the commission of $50,000:

> We are pointing out that this payment at the account 690265 is very important as the interested party requires it as a primordial condition of their close and fruitful cooperation between you and these engineers in the future too and we are inviting you to pay your attention on this very important recommendation.

Globe Iron Construction Co. paid $32,500 into Thao's Swiss bank account; the remaining $17,500 commission was blocked by AID and is now the subject of negotiation.

One of Thao's most successful ventures in corruption was his collaboration with Thomas Edison Higgins, of Tampa, Fla., who manufactured a worthless "battery additive" in his home and in his garage.

Higgins entered a business alliance with Thao with enthusiasm. He shipped large quantities of his battery additive to Vietnam, collected $230,000 from AID-financed letters of credit, and started sending money to Thao's Swiss bank account 690265. According to agreement, 56 percent of all the cash received by Higgins went to the Geneva bank. When AID banned the financing of battery additive in June of 1966, Higgins then started shipping another product, a rust inhibitor for automobile radiators, which the National Bureau of Standards found had little or no merit. All the transactions of the Higgins venture totalled $356,186.19 of American taxpayers' money. Higgins sent abroad a total of $140,050, of which $125,050 was deposited in Thao's Swiss bank account and $15,000 was sent to Japan allegedly to pay for advertising expenses.

The subcommittee finds in its report that AID officials in the United States had information indicating the dubious nature of the Higgins transactions before he managed to cash the first of the 37 letters of credit he eventually received. The agency took no action until the Higgins-Thao combine had cashed 24 letters of credit, totaling $230,000, and then Higgins was permitted to receive and cash 13 additional letters of credit for approximately $120,000 more, obtained by Thao's scheme of having Vietnamese importers amend import licenses to reflect orders for rust inhibitor instead of battery additive.

Ultimately, of course, Higgins was barred from participation in AID-financed business and now the Justice Department is seeking in a civil suit to recover $387,770 from Higgins under the False Claims Act. The suit would never have been necessary if AID officials had acted swiftly when they were first informed that the Higgins-Thao combine was engaged in obviously questionable transactions.

Significantly, in the Higgins venture, all of the 37 letters of credit represented import licenses of slightly less than $10,000 value and thus they did not have to be published in the AID Small Business circular for the benefit of other interested and qualified suppliers—in the

unlikely event that any manufacturer had a battery additive of some value.

At the time that AID brought Higgins' operations to a halt, he had willingly complied with Thao's standard request for the establishment of a dummy company in Saigon. This was Higgins Enterprises International, which Thao had billed for $800,000 in fictitious and fraudulent "business expenses" to circumvent AID regulations and Vietnamese laws against kickbacks and ineligible commissions. If Higgins and Thao had not been stopped, American dollars paid for worthless products would have continued to flow in a golden stream into Swiss bank account No. 690265.

What has become of the Vietnamese sales agent Thao? We asked AID that question early this year. Thao and his companies and his confederates were suspended in November of 1967 from participating in AID-financed transactions for 3 years. On April 5, 1967, the Government of South Vietnam suspended Thao's firm in Saigon, but not the individuals associated with it, "until further notice."

There have been a few other steps taken against him by his government. He was given a 15-day suspended sentence and was fined 222,000 piasters—$1,881.36 at the official exchange rate—for possessing $800 in U.S. Federal Reserve notes, an illegal act in South Vietnam. He also has been assessed an administrative fine of 2,000,000 piasters—$16,949.16—of which he has paid 200,000 piasters—$1,694.90. The Bureau of Customs of South Vietnam has "frozen" his deposit of 1,000,000 piasters—$8,474.58—for his business license, and has also placed a lien on his bank account and that of his wife, totaling 2,500,000 piasters—$21,186.45.

Thao spent some time in prison in pretrial custody. However, he was a "civil prisoner" who could transact business affairs and take periodic leaves from jail.

The subcommittee is aware that at least $300,000 was deposited in Thao's Swiss bank account. Of this amount, he has repatriated only $7,000 by order of the South Vietnamese Government. He claims his nephew withdrew the rest of the money.

IMPROPRIETIES IN THE PHARMACEUTICAL FIELD

Another Vietnamese entrepreneur was a primary figure in the subcommittee's disclosures of corruption and dishonesty in the importing of pharmaceuticals into South Vietnam under AID financing. This was a businessman named La Thanh Nghe, who had arrangements with several drug suppliers through which kickbacks and ineligible commissions were sent to banks abroad, usually to his account No. 391702 in the Union of Swiss Banks in Geneva. Additional payments were made to a New York bank account in his wife's maiden name. He started arranging kickbacks in 1961, and by the time of the subcommittee's hearings he had been credited with more than $800,000 in deposits.

South Vietnamese laws prohibit deposits in foreign banks, whether South Vietnamese citizens handle the deposits themselves or have American businessmen do it for them.

In one instance, La Thanh had an arrangement with the R. P. Scherer Co. of West Germany and its affiliated company in Detroit, Mich., whereby Scherer was to kick back 27.5 percent of all moneys to La Thanh Nghe—10 percent to him directly and 17.5 percent to the Vietnam Pharmaceutical Promotional Office in which he had an interest. On one occasion, La Thanh Nghe's Saigon office write to Scherer as follows:

> We will be thankful if you would kindly pay to Mr. La Thanh Nghe the sum of U.S. (dollars) 1,055.55 on his personal account number 391702 with the Union of Swiss Banks, in Geneva.

Testimony in the hearings disclosed that the Agency for International Development had sufficient notice, as in the Higgins case, to stop the improprieties before they reached the point where large amounts of American dollars were drained away from legitimate purchases into private bank accounts. An investigator for AID examined La Thanh's operations in 1961 and checked through them again for 7 months in 1963. However, AID did nothing about the matter until 3 years later. Then the Washington headquarters of the agency asked the investigator to reconstruct his inquiry at a time when Olin-Mathieson Corp. and certain officers and associates were convicted for paying kickbacks to La Thanh Nghe.

One example of the collusion between Olin-Mathieson and La Thanh Nghe was a transaction involving a fraudulent bill for $25,000 worth of one Squibb medical product; Olin-Mathieson was billed for the medicine by its Far East agent, the Phillip Bauer Co., even though the product was shipped free of charge. Bauer then turned the $25,000 over to La Thanh Nghe's wife and one of his affiliated companies.

In another instance, La Thanh Nghe was advised that the Vietnamese Government was aware that he had received large sums of money from the American Cyanamid Co. Since he had not declared the receipt of the funds, he immediately told his government that he had been credited in New York by American Cyanamid with $191,000 due to him on previous transactions. He said that the funds had not been declared because of a misunderstanding of the regulations. He also said that $71,000 had been brought into Vietnam and the remaining $120,000 was still credited to him on the books of American Cyanamid.

When La Thanh Nghe learned that he would be questioned about the transactions, he asked for help from American Cyanamid—suggesting for example that they write to him telling him that they were holding $120,000 for him while an AID claim was being settled. If the AID claim had to be settled in cash, he further suggested, then the company could write him to state that his $120,000 was being used for that purpose.

An American Cyanamid official in the Far East wrote to the parent company about the matter, indicating the collusion which existed:

> La Thanh Nghe does, however, require some urgent information as to how we are going to proceed, and as such information cannot be put openly in a cable, he asks that in cabling you merely refer to the paragraphs of my report by number. For example, re. his statement that the $120,000 balance still remains in our hands, you might cable "Paragraph 3 agreed." If you have to settle the AID claim, but can do it in goods as his suggestion, you could cable, "Proceeding as Paragraph 6." As La Thanh Nghe has a rough copy of my report, he will know what you mean.

The subcommittee found that La Thanh Nghe was involved with a number of other American and foreign corporations supplying pharmaceuticals under AID financing to the Vietnamese market, and the patterns of corruption and dishonesty in these transactions are detailed in the subcommittee's report.

What has become of the pharmaceutical importer La Thanh Nghe? What steps have been taken by the South Vietnamese Government to prevent and eliminate his dishonest operations?

According to the subcommittee's latest information, La Thanh Nghe has not spent any time in jail. In 1962, he was suspended personally for 10 months from importing pharmaceuticals, but his firms were allowed to operate. He has repatriated $491,397 from his foreign bank accounts. In 1964, he was fined 17,000,000 piasters. By the end of that year he had paid 7,640,000 piasters, and early in 1965, the remainder of the fine was canceled.

AID'S CORRECTIVE ACTIONS

Mr. President, I wish to emphasize the subcommittee's finding in this report on the long-standing prevalence of corruption in the commodity import program which is financed by AID for South Vietnam:

> The Subcommittee finds that the testimony of AID officials to the effect that the Commodity Import Program for South Vietnam was in relatively good shape prior to the buildup of American troops in 1965 is not borne out by the record of the hearings. A substantial proportion of the abuses and improprieties disclosed in the hearings were committed long before the military escalation started, particularly in the period 1961–64. The evidence shows that corruption, fraud, bribery and deliberate circumvention of laws all were prevalent long before the military buildup.

During the hearings, I questioned the wisdom of supplying so many different types of items to South Vietnam through the commodity import program. These were my comments:

> I have learned from the Senate Foreign Relations Committee, on which I also serve, from the report of our Subcommittee staff members who were in Vietnam late last year, and from talking to several persons who were in Vietnam and have returned to this country, that there is a serious question as to the actual need for the many commodities which have gone into a country of 16 million persons since we started our expanded AID program in 1955.

Testimony in the record discloses that 540 types of products, under 17 general categories, have been financed by AID funds in the commodity import program. There was no need for Higgins' battery additive, nor for the sea water that was shipped as medicine, and it is certain that close examination of the list of products and their end uses would show

that some were worthless, many were unnecessary to the Vietnamese economy, and others were luxury items not appropriate for a war-torn nation which ought to be appyling all of its energies and resources to winning the conflict. I wish to point out that the U.S. funds disbursed in the commodity import program for South Vietnam cumulatively reached the $1 billion mark by the end of fiscal year 1967–June 30, 1968.

I wish to commend AID for making constructive changes in its administration of the Vietnamese import program. Most of them are discussed in the subcommittee's report.

An important new regulation provides that all import licenses for sums under $5,000—instead of the $10,000 figure that formerly applied—must be published for the benefit of prospective bidders in the Small Business Circular of the Agency for International Development. It should be noted that this matter was discussed extensively during our hearings on April 25–27, 1967, and both the chairman and I were critical of a procedure which allowed 37 import licenses for Thomas Edison Higgins' battery additive to be approved when each of them obviously was drawn to avoid the $10,000 figure which would have required publication in the small business circular. However, the new system was not announced by AID until our hearings on August 1–3, 1967. Moreover, the new regulation putting the new ceiling into effect was dated May 3, 1968.

Another corrective action by AID was to order suppliers dealing with corrupt Vietnamese agencies to withhold further payments to depositories abroad because the Vietnamese agencies were under "intensive investigation for suspected gross irregularities." Telegrams containing this directive went out on August 26, 1967—1 day before some of the suppliers appeared as witnesses before the subcommittee.

AID took action in the pharmaceutical field. The widespread corruption in this area was disclosed in our hearings in April 1967. Effective July 15, 1967, AID discontinued financing of pharmaceuticals under the commodity import program. However, the decision was not announced until the outset of the subcommittee's hearings in August of 1967. An aspect of the program of which the chairman and I were severely critical during the April 1967 hearings was the complete lack of any system to fix responsibility in Saigon upon AID officials who approved import licenses. AID established an agreement with the South Vietnamese Government on July 21, 1967, to obtain specific approval of AID officials before licenses are issued.

I am particularly pleased with a new procedure established by AID on May 13, 1968, which tends to determine the eligibility of suppliers for AID financing before payment is made by American banks for letters of credit. AID was reluctant to go beyond the normal post-audit procedures for transactions, even though the subcommittee was critical of the lack of control by the agency over the payment of funds once the transaction was in the letter of credit stage. However, I discussed the matter at length with AID Administrator William S. Gaud during hearings before the Foreign Relations Committee, and I am happy to say that my persistence resulted in the new procedure.

On the other hand, I am concerned to discover that to date AID has not followed my repeated suggestions to solicit the services of an experienced businessman with topnotch qualifications to head the commodity import program in Saigon. Although I understand that a capable career individual is presently in that office and is doing a conscientious job, I believe that an operation of such enormous size, probably $200 million for fiscal year 1969, which is based upon the practices of the commercial market, would be in better hands if it were entrusted to an extremely capable businessman. Such an individual, in my view, might have saved American taxpayers startling sums of hard-earned dollars if he had been in charge from the beginning.

RECOMMENDATIONS

I agree with the basic recommendation of the report which states that the subcommittee should undertake an extensive investigation of the AID program everywhere it operates.

I believe that the distinguished Senator from Connecticut, ABRAHAM RIBICOFF, who so capably chaired some of the hearings upon which the report is based and who has indicated his interest in assisting the chairman in this field in the future, has similarly expressed his concern that we undertake more work on the AID program. I refer to his written report to the chairman in May of 1968:

> I believe the Subcommittee has the duty and responsibility of continuing its investigation in this field with the maximum effort possible. . . . It is obvious that a thorough investigation in depth would swiftly bring about corrective measures which would save many millions of dollars in Federal funds which are now being squandered because of inefficiency, dishonesty, corruption and foolishness.
>
> I strongly recommend that the Subcommittee undertake expanded inquiries in this field as soon as possible and that our efforts encompass the entire AID program wherever it operates around the globe.

I made a similar statement, Mr. President, at the close of the hearings in April of 1967:

> I believe, Mr. Chairman, that we should keep our staff active in conjunction with seeing what is going on with AID in other countries. I am more concerned right now with countries other than Vietnam, countries where we are not involved in a cold war, countries where I am just afraid this kind of system—which to me was a shocking thing to learn—that this same system in CIP is being used under similar circumstances in other countries as well.

Such an investigation by the subcommittee, Mr. President, would be in keeping with the new administration's intentions to streamline and make more efficient our foreign aid programs, would prove to be of sound financial interest to our taxpayers, and would serve the Nation admirably.

CORRECTION OF SENATE RESOLUTION 26

Mr. McCLELLAN. Mr. President, I send to the desk a resolution and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated by title for the information of the Senate.

The legislative clerk read as follows:

S. RES. 99

Resolved, That Senate Resolution 26, agreed to February 17, 1969, be amended on page 6, line 18, by striking out the words "January 1, 1970," and inserting in lieu thereof the words "January 31, 1970,".

The PRESIDING OFFICER. Is there objection to the request of the Senator from Arkansas?

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

Mr. McCLELLAN. Mr. President, I have cleared the matter with the leadership on both sides of the aisle.

Somewhere along the line during the consideration of Senate Resolution 26, the date was inadvertently changed from January 31, 1970, to January 1, 1970.

It has always been the precedent for the resolutions to expire on January 31.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution was agreed to.

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. WILLIAMS of New Jersey. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

PRESIDENT NIXON'S NEW IDEAS AND INITIATIVES FOR ENDING THE VIETNAM WAR

Mr. WILLIAMS of New Jersey. Mr. President, the current escalation of the war by North Vietnam places a fresh and sharp urgency on the importance of President Nixon's pending visit to Paris. The Paris peace discussions are the obvious and only focal point for the test of Mr. Nixon's new ideas and new initiatives for ending the Vietnam war.

President Nixon's publicly announced meeting with President de Gaulle provides an excellent diplomatic justification for his being in Paris to place himself in direct contact with the Paris peace talks. And presumably Mr. Nixon has wisely chosen the Paris setting as the most promising site and method for inaugurating his new initiatives. For only at the Paris scene—not from Washington—can he obtain a firsthand view of the various issues and assess the atmosphere surrounding the talks and their peripheral private discussions.

Certainly Mr. Nixon's campaign promise of increased emphasis on our diplomatic resources, and less reliance on military options, can be fulfilled by his making a direct personal assessment of

the Paris negotiations. Paris, too, offers the ideal forum for the testing of Mr. Nixon's other ideas for peace which were alluded to in his campaign statements but which he felt should not be discussed in detail during a political campaign. It is quite possible that the not yet revealed thinking of Mr. Nixon offers the highest promise for an early settlement in Vietnam.

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

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

PHILIP N. BROWNSTEIN

Mr. SPARKMAN. Mr. President, since January 20, many faithful, loyal, and dedicated civil servants have been leaving Government service to seek their livelihoods elsewhere. This exodus is occurring because of the changeover in the administration in the executive branch of the Government.

Let me make it clear, Mr. President. I am not criticizing the new administration because it wishes to fill positions with its own people. To the contrary, under our way of democratic government, this is a part of the system and certainly the new administration has all the rights and prerogatives to select the people it wants to place in sensitive and top echelon positions. This is as it should be.

At the same time, I think the point must be made, since it is a fact of our democratic way, that it is no reflection upon the character, loyalty, or efficiency of those civil servants who now find they must leave whether by their own choice, or whether they have been asked to leave. Many have done outstanding jobs in their respective fields; many have been dedicated, and they have made this Nation a far better place in which to live, work, and play because of their service to this country and to its people.

It would be impossible to name all of those who have and are now leaving Government because of the changeover in the executive branch. However, Mr. President, I should like to mention one name in particular—a man who I believe exemplifies and portrays the rare type of dedication and loyalty we find in many public servants. This man is Philip N. Brownstein, the former Assistant Secretary for Mortgage Credit and the Commissioner of the Federal Housing Administration of the Department of Housing and Urban Development.

Mr. Brownstein leaves the Government after a 34-year span of service. He commenced his career as a truck driver's assistant in the FHA in 1935, and he leaves after working himself up to the very top rung of the ladder in the agency in which he started. Certainly, this fact above all attests to his capabilities and the regard that his superiors and fellowmen had for his ability, integrity, and leadership.

The FHA is not the only Government agency Phil Brownstein knows. He served for 17 years in progressively important positions in the Veterans' Administration, working himself up to the position of Chief Benefits Director before leaving the VA in March 1961 to return in the top position at the FHA. He also served with distinction in the Marine Corps during World War II.

Phil has served his Government with dedication. I know personally that during his tenure in the executive branch he turned down several positions in private business that offered more monetary return than he received from his Government position. Knowing his dedication to his job and to his Government, one would expect this of Phil.

I have long been interested in housing and every adjunct of it. Certainly Phil Brownstein has also. Brownstein believes in the housing goals set forth in the Housing Act of 1949 and as they have been restated from time to time in subsequent laws. Because of him, a great many more of our people are now enjoying a decent home and suitable living environment than at any other time in our history.

In my opinion, Phil Brownstein has been one of the outstanding Commissioners of the FHA. He has been an outstanding public servant. It is my understanding the new administration requested Phil to stay on. I regret his decision to leave Government for he will truly be missed.

To Phil Brownstein—and all other civil servants like him now departing Government—I commend him for an outstanding job well done, and I wish the very best for his future.

Mr. INOUYE. Mr. President, we in Hawaii are extremely sorry to see Mr. Philip Brownstein leave the Department of Housing and Urban Development. His 33 years of government service have been marked with outstanding achievements in the critical area of urban housing for low-income dwellers. Throughout his tenure, he has risen to meet demanding problems with creativity and innovation.

In recent years, Hawaii has experienced a great housing shortage. Mr. Brownstein has been most helpful to all of us in our efforts to solve this problem. For his assistance, we will always remain entirely grateful.

Mr. ALLOTT. Mr. President, I want to add my voice to those who today are paying recognition to Philip Brownstein, who has just resigned as Assistant Secretary of Housing and Urban Development.

Phil Brownstein, throughout his years of service in the Government, was not only an able and qualified administrator, but he was a fairminded friend who served his Nation well.

He served during an era when partisanship was in order, yet he was not partisan. He handled matters assigned to his jurisdiction in as impartial a manner as any man I know of in Government.

He is a rare man, and I am sorry our Government is losing his service. He was frank, honest, precise and accurate in the execution of his duties and I know these qualities will bode well for him in his new job, for which I extend to him my congratulations and best wishes for well-deserved success.

Mr. McINTYRE. Mr. President, I would like to associate myself with the remarks which have been made about Philip N. Brownstein, who has just left office as the Commissioner of the Federal Housing Administration.

During my service as a member of the Subcommittee on Housing and Urban Development, and its predecessor Subcommittee on Housing, I have had the opportunity to observe Commissioner Brownstein at close range under a number of trying circumstances. His experience and ability led his administration into new areas in housing, and his devotion to the public service, well demonstrated by his sticking with his agency through 33 years of challenge and change, led to new Federal activities in the areas of lower and middle income housing.

I wish Mr. Brownstein the best of success in his future private life.

TV STATEMENTS BY SENATOR BYRD OF WEST VIRGINIA ON CAMPUS VIOLENCE, AIRLINER HIJACKINGS, AND PRESIDENT NIXON'S EUROPEAN TRIP

Mr. BYRD of West Virginia. Mr. President, on February 19, I made statements for television regarding the problem of violence on college campuses, airliner hijackings, and President Nixon's trip to Europe.

I ask unanimous consent that the transcript of those statements be printed in the RECORD.

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

BYRD HITS CAMPUS VIOLENCE

When university administrations surrender to the demands of student and faculty revolutionaries it can only serve to incite other militants on other campuses to further disrupt our higher educational system. Now, students have a right to ask for administration and faculty consideration of their ideas, but they have no right to foment rebellion and disrupt campus life for serious students who still think of college as a place where one goes to get an education. The disrupters constitute only a small minority of the student body, and the university administrations should expel them from the campuses instead of capitulating to their arrogant demands. And students and outside agitators who destroy property and incite violence should be promptly arrested and prosecuted.

CASTRO SHOULD RETURN HIJACKERS

I am pleased that we have reached at least a partial agreement with the Cuban government for the prompt return of hijacked airline passengers. There is an urgent need for our government to work out an argeement with the Castro government to return hijackers promptly to the United States to face prosecution. Each hijacking cost the airlines an estimated $18,000. But this is not the worst part. There is always the possibility that the next hijacking will result in a disaster. Now, there have been some very interesting suggestions on how to handle the hijackers, such as dropping them through a

trap door into the plane's baggage compartment, or flying them into a phony replica of Havana airport. I do not believe that we will see an end to the problem until Castro sends hijackers home to face trial.

NIXON TRIP IMPORTANT, BYRD SAYS

President Nixon's trip to Europe will serve the good purpose of showing the nations in the NATO Alliance that the United States is still concerned about what happens in Europe as well as Asia. It comes at an opportune time, I think, because of recent events in Czechoslovakia, new tensions between East and West Germany, and the prospects for Soviet-American talks on cooling the nuclear arms race. Mr. Nixon will have his work cut out for him in dealing with the presumptuous arrogance of Charles de Gaulle, who has been trying to get the United States to recognize France as a full-fledged nuclear power. I don't believe that we should kowtow to Mr. De Gaulle, but I would favor improving relations with the French people, however. I wish Mr. Nixon well on his trip. I hope that it will be a safe trip, and I think that it is an important move for him as the leader of our country.

RECENT ADDRESS BY SENATOR CASE BEFORE THE NEW JERSEY CHAMBER OF COMMERCE

Mr. COOPER. Mr. President, a few days ago the senior Senator from New Jersey addressed the Annual Legislative Conference of the New Jersey Chamber of Commerce here in Washington, D.C.

His remarks deal with three pressing problems of concern throughout the Nation: protection of the environment, improvement of our welfare system, and strengthening our system of criminal justice.

In each case he urged application of "the rule of reason" and indicated the kind of approach the rule suggests.

I have found his address informative and timely and I commend it to my colleagues. I ask that the text of his speech be printed at this point in the RECORD.

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

REMARKS BY SENATOR CLIFFORD P. CASE, AT THE ANNUAL CONGRESSIONAL DINNER, NEW JERSEY CHAMBER OF COMMERCE, FEBRUARY 6, 1969

For most of us, and that definitely includes me, there is no regret as 1968 recedes into history. It was, from many points of view, a ghastly year, the like of which few would wish to see again. A proud confident America was seemingly on its way to becoming a shambles, rent with strife and torn by ugly violence, the President virtually a prisoner of his office as passions rose and fear and hate spread from community to community.

"The medium is the message"—it is said. And so it seemed as thousands screamed and shouted, uninterested in persuading others to their view, indeed themselves heedless of what they were saying.

Thus one could feel an almost palpable sense of relief throughout the country when Mr. Nixon in his inaugural address suggested that "we speak quietly enough so that our words can be heard as well as our voices."

Rightly, the advent of the new administration has been hailed as an opportunity for renewed dedication to the "rule of reason"—and at a time when the rule was never more needed. And this was, it seems to me, what the President was saying to the country on January 20.

What is meant by the rule of reason? A pull-back in foreign and domestic policies, a disengagement of government such as that signified by the "Return to Normalcy" slogan of the 20s?

Not at all. Quite the contrary, adherence to the rule of reason demands a greater effort, a more thoughtful effort, so that we not only try to do the right things but that we do them the right way.

It means, first of all, recognition of the tremendous problems and their interrelationships that the country faces. It means also the marshalling of our intelligence to find effective approaches with due regard for their possible side-effects and consequences. In other words, the rule of reason requires not only that we know what we are now doing, and what we want to do, but also that we face squarely the question whether we are willing to pay for what we want.

The problems come readily to mind. They have been getting lip service for years.

One that is just beginning to get some measure of the attention it warrants is that of man's destruction of his environment. Human assault upon nature is an old story. But now we are finally realizing that a round earth, no less than the once popular concept of a flat earth, has finite limits. We are running out of new land to use for today and the devil take tomorrow. With the aid of technological and scientific developments we have accelerated the pollution of the soil, the air, and the waters to a point where the threat to the health and liveability of our surroundings is no longer theoretical but a real and present danger.

The problem is no longer merely one of conservation—and in too many places there is already very little left to conserve—but of restoration as well.

I have been happy to work for passage of legislation to curb pollution of the air and our streams and to preserve some part of our natural heritage. But even as the Federal government proffers far too modest assistance to states and communities to eliminate or at least mitigate pollution, the Federal establishment sounds an uncertain trumpet.

For there is a built-in conflict of interest within the bureaucracy, not only as between certain executive departments but between agencies within them. The diffusion of responsibility and authority on occasion results in administrative stalemate and the frustration of effective enforcement. In some cases, the Federal government itself contributes directly to pollution.

Nowhere is there any one top official or department charged with responsibility for restoring the quality of the environment as a whole. To save a park is a fine thing but, by itself, it is not enough when there is a good chance that any stream that runs through it will become so polluted that health hazard signs have to be posted.

It seems like a bad dream, but unfortunately it isn't, that the U.S. Forest Service, charged with the protection of our forests, has decided to turn over Mineral King Valley in California to private developers for a monstrous, and probably very profitable, recreational complex. There are other examples closer to home—the sale of the Worthington Tract in the Kittatinny range by the very state agency which is responsible for our New Jersey Green Acres program.

Surely this is an idea whose time has come: that man's environment, from the central core of the earth to his farthest reach in space, shall have the constant protection of an agency of our government whose sole and specific care it is to give that protection and not be left at the mercy of those who would defile it with only incidental and sporadic attention given to its protection by anyone.

Accordingly, I am going to introduce a bill to establish a Department of Conservation and the Environment with primary responsibility for protecting the quality of our surroundings as a whole, whatever the source of pollution—chemicals, industrial use, waste disposal, noise—wherever it occurs—in the soil, in our waters, or in the air.

I am confident the new administration will embrace this concept of environmental conservation and will support the necessary reorganization of governmental functions and realignment of responsibilities among the variety of agencies now involved in this field.

There is much, too, that needs to be done to improve our social environment. Take the matter of "welfare."

I know of no one who thinks the present public welfare programs are accomplishing their real objectives—that of helping people to help themselves. Rather, all too often, they are self-defeating, discouraging initiative, damaging to individual self-respect and increasingly a source of distress and of resentment among the general public.

Perhaps most shocking of all is the fact that, under our present system of so-called categorical aid—to oldsters, to the blind, to the disabled and to families with dependent children—it is estimated that ⅔rds of the nation's poor get no help at all because they do not fall in one of these categories or do not meet varying state and local eligibility requirements.

In monetary terms, existing programs are both very costly and very unfair, penalizing states like New Jersey who want to maintain at least minimum standards of human decency. For example, in Louisiana where the average monthly payment for aid to families with dependent children is $103.00 the Federal government pays 78% of the bill. In contrast, in New Jersey where the average monthly family payment is $237.00, the Federal government pays only 37% of the cost.

Is it any wonder there has been a massive migration to the cities of the north and that these cities are crying out for help?

In the last ten years the number of families on welfare in New Jersey has grown by a phenomenal 336%, the most rapid caseload increase in the country. This compares to a national rate of 98% and a rate of 49% in Louisiana.

The need for Federal welfare standards is obvious and they should be adopted at the earliest possible moment. The rule of reason requires nothing less.

Longer range answers have been proposed—a family allowance, a system of income maintenance, the negative income tax, among others. There are advantges and disadvantages to each—and, as yet, very little proven data.

Some experiments along these lines are underway with a pioneer effort taking place in New Jersey. Their results should be helpful in arriving at more effective long range solutions. And while we wait for those results there are things that we can do. One is to meld a welfare and the "war against poverty," moving away from the fragmented approach that hinders rather than helps realization of the common objectives of both.

We can also do away with the anomaly of having the direction and operation of a food stamp program, ostensibly designed to provide food for the poor in the interests of better nutrition, handled by a department primarily concerned with the maintenance of farm income and the disposal of farm surpluses. The extent of malnutrition and even hunger in the nation has come as a shock to most Americans. The expert testimony in current Senate hearings on the damaging effects of malnutrition in the fetal period and early years of life on the brain and learning capacity of children makes very grim reading.

We can also put more effort into providing greater employment opportunities and in

recruiting and training those heretofore considered unemployable or nearly so. Fortunately there are many "small splendid efforts," as Mr. Nixon put it, being made and they can and will have an impact in time. But we still need to work at a greater meshing of public and private energies if the impact is to be equal to the challenge.

For the average American there is probably no sharper issue than crime control. Rightly the public is concerned for the safety of our streets, our business establishments and our homes. Unfortunately too often the issue is posed in terms of laws and order versus social progress—whether law and order are conditions precedent to progress or vice versa. This is somewhat like arguing the proper order of love and marriage. "Both go together," as a song a few years back had it, "like a horse and carriage."

I have already indicated some of the things clearly we ought to do to assure a wider sharing of the economic and social benefits of our society. Equally clearly, much needs to be done to improve our system of criminal justice in the interests of law and order.

Consider this fact:

In only one out of 33 crimes committed in the District of Columbia does the offender go to jail.

These are appalling odds against society and in favor of the criminal in our nation's capital.

The glaring deficiencies in our present system of criminal justice show up at every stage in the process.

The median time from filing to disposition of a case in the U.S. District Court in the District of Columbia in 1968 was 9.5 months. This is an all-time high, double what it was in 1966 and more than six times what it was in 1960.

The 10,800 arrests made in 1968 represent less than one-quarter of the 49,272 crimes reported to police.

Only 60% of those arrested were convicted of any charge; and only 66% of those convicted were sentenced to prison, so that in less than nine per cent of the crimes reported did the offender go to jail.

And since surveys indicate there are three times as many crimes committed as are reported to police, a potential criminal knows that he has better than a 33 to 1 chance of escaping jail.

In these circumstances our system provides scarcely any deterrent to anyone contemplating a criminal act in the District of Columbia.

I have quoted figures for the District of Columbia, in part because figures are available, in part because there is only one court system without the complicating factors of state and local courts with criminal jurisdiction and also because organized crime is not a material factor in crime in the District of Columbia. There are some indications the situation may be even worse elsewhere. For example, it was recently reported that the average trial delay in the Federal Court in Brooklyn has increased to almost two years, despite efforts to add judges and reduce delays.

There are many reasons for this.

Too few judges for too large caseloads, inadequate facilities and insufficient personnel to process cases and provide judges the information and assistance they need in making their judgments, slack judicial habits and dilatory practices of the criminal bar that encourage interminable delay both before and after trial—all these operate to the detriment not only of the individual defendant but of the community as a whole.

Is it really surprising that the morale of the police is low when hours and days are wasted, waiting in court for a case to come to trial; where there is no effective deterrent to repeated criminal acts in the form of swift and sure justice? Is it any wonder that citizens refuse to cooperate by reporting crimes when to do so may involve not just inconvenience but exposure to reprisal in a useless cause?

The rule of reason tells us that we can have law and order. But it also tells us that we cannot get it unless we are willing to pay the cost. And no one has yet calculated what that cost will be.

I have mentioned some, but certainly not all, of the urgent domestic challenges we face. Among others are race relations, education, health and medical care, housing. In most cases, resolution of the problem will not be easily come by. But, in the long run, each will yield to the rule of reason—if only we will apply it. And only so, I believe, can we dispel the bitterness of the have-nots in our society, allay the fears of those who feel their hard-won gains threatened, and demonstrate that progress for one group need not come at the expense of another.

If we will be guided by the rule of reason in the months ahead, 1969 will mark a real turning point for the nation. Then, unlike 1968, 1969 will be a year to remember (a year we will want to remember!).

AN AGENDA FOR RURAL AMERICA

Mr. SPARKMAN. Mr. President, I respectfully solicit the attention of my colleagues in the Senate to read, study, and examine in detail a pamphlet published by the National Rural Electric Cooperative Association entitled "An Agenda for Rural America."

Senators from rural and urban areas alike need to familiarize themselves with the objectives of the NRECA as set out in this publication.

I have long felt and often stated, publicly and privately, that no solution to our urban crisis is possible unless we simultaneously resolve the equally urgent, though vastly different, problems faced throughout rural America.

As chairman of the Small Business Subcommittee on Financing and Investment, I held a series of hearings entitled "Small Business and Rural America" during the second session of the 90th Congress. We discovered that the only way to achieve national economic stability and an overall lasting reduction in unemployment is through a balanced national policy addressed to overcoming rural and urban ills concurrently.

Mr. President, this publication confirms our findings. I ask unanimous consent to have printed at this point in the RECORD the National Rural Electric Cooperative Association's publication entitled "An Agenda for Rural America."

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

AN AGENDA FOR RURAL AMERICA

(By the National Rural Electric Cooperative Association)

The nation must assign high priority to reversing the socio-economic deterioration of rural areas and the continuing migration of displaced rural people to urban centers.

Unless we can solve this grave domestic problem, the pressures on urban areas will intensify to unmanageable proportions. The dire economic and social consequences of the outmigration of 25-million farm and rural people since World War II are readily visible throughout rural America. And in more recent years have become dramatically visible in the cities. This trend threatens to undermine the foundations of our country's society.

We urge the Ninety-First Congress and the new Administration to put the solution of this problem at the top of their agenda.

The rural electric cooperatives, which serve in 2,600 of the nation's 3,100 counties, are prepared to devote manpower, knowhow, and local leadership to such a program. The member-owners of these cooperatives make up nearly half of the people remaining in the rural areas. They have a personal and patriotic interest in the revival of rural America.

It is imperative, in our opinion, that the Nixon Administration spell out a national policy for the renewal of rural America. And, also, that Federal efforts be restructured to insure the most effective implementation possible of such a policy.

We strongly recommend a highly-coordinated, comprehensive rural redevelopment program, including, but not limited to:

ECONOMIC DEVELOPMENT

Programs to attract industries and commercial enterprises to rural areas to provide jobs for the rural unemployed and underemployed and for youth who are entering the labor market.

Programs to expand existing industries and to launch new ones, especially those which will develop natural resources indigenous to rural areas, and industries to produce defense materials and products required by the government.

Programs to make available to rural areas the same type of employment services now provided urban centers, including surveys to accurately indentify the unemployed and underemployed, and to identify the trainable manpower, and to provide counseling, testing, and training services aimed at giving rural people new marketable skills.

Programs to assist farmers and other landowners in the development of income-producing resources.

COMMUNITY FACILITIES

Approximately 30,000 rural communities are without adequate water systems, and about 45,000 are without sewer systems. There are also tremendous needs for other kinds of essential community facilities, such as, health, educational, recreational, and telephone.

(Fortunately, electric facilities are available nearly everywhere, thanks largely to REA financing and rural electric cooperatives. However, to maintain these services on an adequate basis, it will be necessary for rural electric systems to have access to tremendous amounts of new capital. Hopefully, the rural electrics will be able to develop new, non-government sources of growth capital, but the need for low-interest REA loans will continue for many years, particularly in thinly-populated sections.)

Modern community facilities are vital to producing the kind of living environment so necessary for community socio-economic growth. While government assistance in the form of loans and grants has resulted in considerable progress in helping rural communities obtain needed facilities, much vaster credit assistance must be made available.

HOUSING

Nearly fifty percent of the nation's substandard homes are to be found in rural America, although it has less than one-third of the population. One house in every four is rated sub-standard; one in thirteen, unfit for human habitation. Many of the residents using this rural housing are older citizens and many are in extreme economic straits. This obvious and deplorable inequity of rural life calls for bold, imaginative, and large-scale corrective measures, including implementation of the provisions of the Housing and Urban Development Act of 1968, particularly in respect to home ownership interest payment subsidies, and rental housing subsidies, and the provisions of Title X

relating to rural housing. We urge that every citizen, regardless how poor, have the opportunity for decent housing.

The National Rural Electric Cooperative Association is now preparing for consideration of its 1,000 member systems, a plan for a nationwide campaign to help identify more accurately the housing needs in their rural service areas; to inform rural residents of the various forms of credit and technical assistance which are available for new homes or for rehabilitating existing homes, and to enlist the support of private and public credit sources, builders, and community leaders in alleviating the serious housing situation in rural America.

TECHNICAL ASSISTANCE

Despite the multiplicity of Federal programs dealing with numerous aspects of community development, overall results have been far below expectations, and often, extremely disappointing. The main reason for this, in our opinion, is that rural areas do not have the kind of organization, full-time personnel, or expertise to make effective use of much of the assistance available from Federal and State programs.

Planning assistance, such as that provided under the section 701 program, is of little value unless assistance is also provided for follow-through and implementation of plans. Present funding of the 701 program is grossly inadequate in meeting the needs of either urban or rural areas.

While recognizing that a high degree of local citizenry involvement is vital to the success of rural development, it also must be recognized that means must be found to supply full-time professional experts to help local groups (usually composed mainly of volunteers) devise and carry out development efforts.

RESTRUCTURING THE FEDERAL MACHINERY

A vital missing ingredient in the Federal government's approach to rural development is high-level overall coordination. Presently, there are several agencies administering some 400 programs that touch on various aspects of rural development creating considerable confusion, overlapping, competition, and other serious handicaps.

If rural development assistance continues to be fragmented among so many agencies and continues to grow so complex, it is unlikely that the full impact of the Federal programs will ever be realized. We therefore urge the appointment by the President of a coordinator for rural community development on the White House staff. This individual should report directly to the President, and be responsible for insuring that maximum cooperation and coordination are maintained among all agencies and departments having programs bearing on rural development. No single agency or department is in a position to achieve this kind of coordination. We are convinced that it can be done only at the Executive Office level with the backing and support of the President.

In addition, there is need for a higher degree of coordination within departments themselves, particularly in the Department of Housing and Urban Development and in the Department of Agriculture. Also there is a need for some restructuring if increased emphasis is to be given to assisting rural areas, particularly in relation to basic development programs which these two departments administer.

Specifically, we would recommend that within the Department of Housing and Urban Development, the Small Town Services office be expanded and placed directly under an Assistant Secretary. And further that coordinating machinery be established in the office of the Secretary consisting of a high-level representative of each of HUD's "sub-departments" for the purpose of insuring that HUD's programs give high priority to rural development.

In regard to the Department of Agriculture, we believe that its two main concerns—commodity programs and rural development programs—should be separated through the establishment of two sub-departments, each to be headed by an Undersecretary. One to deal with agricultural and commodity programs; the other with community development. Further, we believe that the Department should be renamed to more appropriately reflect its changing role.

The 1,000 rural electric systems and the pattern of government-local people partnership they have established represents, we believe, an extremely valuable asset that the nation can utilize in revitalizing rural areas. These systems have considerable resources, including thousands of highly-skilled employees, a close working relationship with millions of rural people, long experience in dealing with government, and an impressive record of getting difficult jobs accomplished. The 9,000 men and women who serve as directors of these electric systems are among the most respected and able leaders in rural America.

During the past eight years, many of the rural electrics have demonstrated outstanding capabilities in rural development, having helped launch 3,400 business enterprises which have created more than 200,000 new jobs. In addition, they have assisted hundreds of communities in obtaining public facilities of all kinds.

The rural electric leadership is ready, willing, and able to assist in revitalizing rural areas with the objective of making rural America a full partner in the nation's life and prosperity.

SENATOR RANDOLPH STRESSES URGENCY FOR MORE EFFECTIVE SOLID WASTES DISPOSAL—CHICAGO PROGRAM PIONEERS INNOVATIVE COMPACTION PRESS

Mr. RANDOLPH. Mr. President, we are aware of our Nation's mounting waste disposal problems. The warning statistics have projected greater and greater depths of solid wastes. A recently published survey by the solid wastes program of the Environmental Control Administration of the U.S. Public Health Service reveals that some 360 million tons of household, commercial, and industrial solid wastes now are being generated annually and city officials observe that refuse generation is increasing at an annual rate of 5 percent. We are confronted with the nightmare vision of being buried in our own wastes. Photos of cities in the grip of sanitation workers' strikes graphically bear out the credibility of these drastic prophecies. Thus, I am pleased to report on one experiment which promises a dual attack on two of the Nation's most critical environmental degradation problems—solid waste disposal and land abuse.

Last November I participated in a dedication ceremony opening the test operation of an innovative refuse compaction press. The compaction press is being tested by the city of Chicago in conjunction with a study being conducted by the American Public Works Association on the potential benefits of hauling urban solid wastes by rail to reclaim substandard or mine disturbed land through sanitary landfill techniques. My State of West Virginia would benefit from such reclamation techniques.

For economic and esthetic reasons it is necessary to devise methods to reduce solid waste in bulk to make transport by rail feasible and to utilize efficiently the reclamation site. The Chicago compaction press test is a vital aspect of the APWA rail-haul study. Both the rail-haul study and the refuse compaction press test are being financed by a demonstration grant from the solid wastes program. In addition, a number of communities throughout the country have contributed funds through the cooperative research program of the American Public Works Association Research Foundation. Funds have also been contributed by the Penn-Central Railroad. The Logemann press being used in the Chicago test was donated by the Fisher Body Division of General Motors Corp.

Mayor Richard J. Daley participated in the dedication along with Chicago's acting commissioner of the department of streets and sanitation, James J. McDonough, and the chief of the Federal solid wastes program, Richard Vaughan. Communities throughout the country have expressed keen interest in the results of this demonstration in the hope that it can be applied to their waste disposal problems. I believe this research and demonstration project is an outstanding example of the progress than can be accomplished when government, industry, and public service organizations marshal forces to meet our Nation's critical environmental problems. I ask unanimous consent that the remarks of the participants in the dedication be printed in the RECORD.

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

REMARKS OF JAMES J. MCDONOUGH, ACTING COMMISSIONER, CHICAGO DEPARTMENT OF STREETS AND SANITATION AT REFUSE COMPACTION PRESS DEDICATION, NOVEMBER 26, 1968

Reverend Clergy, Mayor Daley, Senator Randolph, Dick Vaughan, distinguished members of National, State and local government, civic, business and labor leaders, honored guests: As Project Director and Acting Commissioner of Streets and Sanitation, it gives me great pleasure to greet you this morning on behalf of the City of Chicago, the Department of Streets and Sanitation, other City Departments and representatives of private industry who played a role in constructing the facility that we have gathered to dedicate this morning.

This facility was made possible and constructed through a demonstration grant from the Solid Wastes Program, Environmental Control Administration of the United States Public Health Service.

The problem of solid wastes disposal is one of the most serious confronting modern man.

These problems have been expanded tremendously by the development in recent years of a highly affluent society. Statistics show, for instance, that while the population of our own City has remained fairly stable at approximately three and one-half million for the past several years, refuse generation for Chicago is now increasing at the rate of 5 percent per year.

The Logemann Press being used in this experimental study was donated by the Fisher Body Division of General Motors Corporation and is capable of compacting refuse bales of 20 inches by 16 inches by variable heights to a maximum of 42 inches. It is expected that Chicago refuse, during these forthcoming tests will be compacted into bales ranging from 60 to 80 pounds per cubic foot.

We want to emphasize that this press is an experimental testing facility and is not intended for production purposes whatsoever.

The initial phase of the project will also involve the facilities of Northwestern University and the services of Barton-Aschmann Associates.

Northwestern University will be concerned with the landfill aspects of the project, including the possible use of specially treated blocks as fill material in lake shore areas. Barton-Aschmann is studying economics of the location of transfer stations and optimum utilization of refuse truck routing.

Guided by the results of the initial phase of this project, we hope to obtain an additional grant to study the operational aspects of transporting compacted refuse by rail.

Dick Vaughan, who is Chief of the Solid Wastes Program, Environmental Controls Administration of the United States Public Health Service, later in the program will have additional comments on the nature and significance of this experimental program.

The project was initiated in May of this year and this accomplishment has been achieved through the efforts of many persons.

Foremost among those we wish to give special recognition this morning is former Commissioner James V. Fitzpatrick, who now heads a prominent Air Pollution Control manufacturing firm located in New York. Jim Fitzpatrick played a key role in the conception and carrying out of the initial phase of this vital demonstration project.

A special note of thanks and appreciation also to Ted Eppig, Deputy Commissioner of the Bureau of Sanitation, for his support and dedication to the project. Ted was recently elected as President of the Institute of Solid Wastes Research of the American Public Works Association.

We would like to give credit and recognition to the American Public Works Association Research Foundation, which is cooperating in this project. Robert Bugher, Director of the American Public Works Association, Dr. Karl Wolf and Dr. Christine Sosnovsky, Al Kuhn and other members of the American Public Works Association Research Team have all shown great dedication and enthusiasm.

At this time, I consider it an honor to have the privilege to present the one man who is most responsible for Chicago being able to dedicate another "First" day.

Because of his leadership, interest and confidence in supporting new ideas in the field of Solid Waste, we are dedicating here this morning the nation's first refuse compaction research facility.

May I present to you The Honorable Richard J. Daley, Mayor of the City of Chicago.

REMARKS OF HON. RICHARD J. DALEY, MAYOR OF CHICAGO, ILL., AT REFUSE COMPACTION PRESS DEDICATION, NOVEMBER 26, 1968

We are proud of fact that during our administration the City of Chicago has been a leader in research for finding new methods of solid wastes disposal.

This grant, which made possible the construction of the experimental refuse compaction press, is the first of its kind in any American city built for research purposes.

The grant is a great step forward by the government in assisting cities to find new and more economical methods of refuse disposal.

The cost of constructing new incinerators has increased greatly in the past few years and this problem has been compounded by the necessity of meeting higher air pollution control standards.

It is fitting that Chicago be chosen for such a significant project, because it was in Chicago that the first Conference on Solid Wastes was held. That landmark conference addressed itself to the problem of air and water pollution and solid wastes disposal.

It is also fitting to note that Chicago is the headquarters of The American Public Works Association, one of the leading agencies in the field of solid wastes research.

Chicago is justly proud of the efforts of the city, The American Public Works Association and other governmental and private agencies to find new methods of refuse disposal.

Chicago is anxious to share the knowledge gained in this project with cities throughout the United States.

We hope that many visitors will see fit to come to our fair city to see this research facility. We especially invite press manufacturers and manufacturers of ancillary equipment.

REMARKS OF RICHARD VAUGHAN, CHIEF OF THE SOLID WASTES PROGRAM, ENVIRONMENTAL CONTROL ADMINISTRATION, U.S. PUBLIC HEALTH SERVICE, AT CHICAGO REFUSE COMPACTION PRESS DEDICATION, NOVEMBER 26, 1968

I suppose one of the most familiar descriptions of the Windy City was given by Carl Sandburg in his poem "Chicago." In a sense his colorful description—"Hog Butcher for the World, Tool Maker, Stacker of Wheat, and Player with Railroads"—has something to do with why we're here today in this one of the truly great cities of the world. For all of the benefits of our industrial creativity and patterns of urban living, there is a negative aspect: ugliness and pollution of the environment. A residue of solid waste results from all of the activities Sandburg writes about and more. And what to do with these wastes is an increasing problem, not only for Chicago but for nearly every city and town in the United States.

Under the Solid Waste Disposal Act, the Public Health Service's Solid Wastes Program is sponsoring demonstration projects, such as the one being conducted in this facility, to investigate new approaches to solid waste problems and to find solutions through innovative technology. Hopefully, the results of demonstrations can be applied by others with similar problems and requirements. I know the results of Chicago's efforts and the efforts of the American Public Works Association in the solid waste rail haul demonstration project are being watched with keen interest by other cities throughout the country.

In addition to funding demonstrations, the Solid Wastes Program performs research, both within its own laboratories and through contracts, to develop the solid waste management technology needed for the future.

Through Planning Grants, States are encouraged to accurately assess the extent of the solid waste problem and to systematically plan for handling and disposing of solid wastes on state-wide and regional bases.

The level of training for solid waste disposal technicians, operators and professionals is being advanced through short courses offered by the Program, and by grants and contracts to colleges, universities and other agencies to bolster curricula in this field.

Governmental agencies, industrial organizations and others having need for expert assistance in solving solid waste problems may request advisory services of the Solid Wastes Program. In addition, studies and investigations are conducted on especially complex waste problems, and a series of reports will be published on the particular problems of various industries and agricultural enterprises.

I do not have time to go into detail on all aspects of the Solid Wastes Program. But our end goal may be stated simply enough: To help preserve the quality of our environment—to protect it from ugliness and hazard to health by developing economically feasible and technological effective methods of managing solid waste. To accomplish this end we are taking many approaches, and through grants and contracts are enlisting the aid and talents of many outside the Federal service. The job is a big one and will require much effort and cooperation from all levels of government, private organizations and industry.

In his request for a one-year extension of the Solid Waste Disposal Act earlier this year, the President noted that "Technology is not something which happens once and then stands still. It grows and develops at an electric pace. And our efforts to keep it in harmony with human values must be intensified and accelerated." The work we are doing here in this facility will contribute in an important way to the cleaner, healthier America from which we all—ourselves and our children—will benefit.

REMARKS OF HON. JENNINGS RANDOLPH, U.S. SENATOR FROM WEST VIRGINIA, CHAIRMAN, COMMITTEE ON PUBLIC WORKS, AT REFUSE COMPACTION PRESS DEDICATION, NOVEMBER 26, 1968

In recent years, as the problems of environmental control have become matters of heightened public concern, we have been bombarded with a barrage of staggering statistics and prophecies—$10 billion to $100 billion as the cost of cleaning up Lake Erie—$20 billion merely to take up the backlog in municipal sewage treatment plant construction and an additional $20 billion, under present technology, for the separation of storm and sanitary sewers.

By 1980 we will be producing enough sewage and other waterborne wastes to consume, in dry weather, all the oxygen in all 22 river systems in the United States. We are generating 142 million tons of airborne wastes annually, and that is increasing. Mining and mineral processing industries produce almost one billion tons of solid waste annually. Agriculture and the food processing industries add almost 700 million tons of manure. Yes, almost one million tons of domestic solid wastes are produced daily. We are confronted with the nightmare vision of being buried or suffocated or drowned in our own wastes.

These are the warnings—the statistics. And some of the more Jeremiad-like prophecies acquire credibility as one views the City of New York in the grip of a sanitation workers' strike. Yet this focus on the dramatic and sensational aspects of environmental pollution obscures the fact that much is being done. Much more can be done with existing technology to abate and lessen pollution of our air, water and land resources.

The facility which we are today dedicating will demonstrate one way of meeting the solid waste problem under existing technology. It is appropriate that this effort be initiated in Chicago—a city which, under the leadership of Mayor Richard Daley, has been in the forefront of those municipalities that are developing effective programs to control and abate the pollution of our urban environment.

In the past three years the Congress has been deeply involved in providing Federal direction and assistance. In 1965 we enacted the Water Quality Act, which required the establishment of state water quality standards. This was followed in 1966 with the Clean Water Restoration Act, which authorized a massive increase in Federal support of municipal sewage treatment plant construction.

Also in 1965 we enacted the Clean Air Act and the Solid Waste Disposal Act, which authorized an expanded research program and planning grants to the states. These measures were followed in 1967 with the Air Quality Act, which requires the establishment of air quality control regions and ambient air quality criteria and the development of state air quality standards. Thus the broad foundations for air and water pollution control have been laid.

The next major item on our agenda for enhancing the quality of our environment

is to develop a systematic program to assist states and municipalities in meeting the problems of solid waste disposal. The Subcommittee on Air and Water Pollution, under the able Chairmanship of Senator Edmund S. Muskie, will initiate hearings early next year with a view toward reporting a major program for Federal assistance in solid waste disposal. This is a Subcommittee of the Committee on Public Works, which it is my privilege to chair. I have worked closely with Senator Muskie in the development of pollution abatement legislation. Though it is too early to discuss the precise details of future legislation in this field, we may anticipate a greatly expanded research and development program. There will also be substantial Federal construction grants to local, state and regional authorities which have developed approved solid waste disposal plans.

CLOSING REMARKS OF JAMES J. MCDONOUGH, ACTING COMMISSIONER, CHICAGO DEPARTMENT OF STREETS AND SANITATION, AT REFUSE COMPACTION PRESS DEDICATION

As we go further into the first phase of our tests of the Refuse Compaction theory, we look forward with eagerness and enthusiasm toward our projected goals.

As has been stated, the ultimate aim of this experimental research project is to determine the requirements for the design of suitable production scale equipment to compress solid wastes into high-density, economical payloads for transport by rail and to test the operational aspects of such a system.

Testing of this new experimental refuse compaction process will begin immediately and will continue for several months under supervision of the American Public Works Association Research team.

If these tests are successful, and we are highly optimistic about them, the Chicago experiment could revolutionize solid wastes disposal methods throughout the nation.

Following completion of the tests, and thorough analysis, an evaluation will be made and we will hopefully move on to the next phase of the project, the study of operational aspects of rail haul in disposal of solid wastes. Through this unique demonstration project, we are cooperating in a great crusade to make environmental life better for future generations.

Our sincere thanks to each of you for joining us this morning.

CRIME

Mr. NELSON. Mr. President, I think there is no question in the minds of Members of Congress that crime today is a major domestic problem. We are faced daily with reports of crimes of violence, of threats against the lives of innocent people, and all too often reports of the deaths of the innocent by criminals.

I too, believe we should be concerned by the very real danger of "crime in the streets." It is very real and there is no question that it exists.

But there is another form of crime which is not on the minds of many citizens, despite the fact that it is serious crime and it is widespread. I am referring to "white collar crime" which I believe is just as extensive as the crimes of violence. The subtle crimes involving literally millions of dollars misused and sometimes stolen outright, it seems to me, are just as debilitating to this Nation as crime in the streets.

We all know that organized crime exists. We all know that the Mafia exists. But what we do not know is just how vast are the tentacles which embrace and control the lives of the innocent. But of greater importance is that without political corruption, organized crime cannot exist. And with political corruption, our civil liberties begin to ebb away.

Moreover, political corruption is not just the tool of organized crime. It is used by the major industrial corporations of the United States. The extent of this political corruption involving major corporations was revealed during a trial in U.S. district court in Newark, N.J., in which a corporation owned by nine major oil companies was convicted on all nine counts involving bribes totaling $110,000 to municipal officials to obtain a building permit and a right-of-way for the largest privately financed construction project in history.

The story is well told by Morton Mintz, a reporter for the Washington Post in the February 24, 1969, edition. I ask unanimous consent that the article be printed in the RECORD.

I also ask unanimous consent to print in the RECORD a review of the book, "Theft of the Nation," written by Donald R. Cressey, a dean at the University of California at Santa Barbara and an author of the report of the President's Task Force on Organized Crime. The review, printed in the February 23, 1969, edition of the Washington Post, points out—

> The activities of Cosa Nostra members are so interwoven with the activities of respectable businessmen and government officials that doing so directs our attention to the wrong places.

It is high time that when this Congress turns its full attention to the extent of crime in America, we should also include the vast problems that are being created today by the pervasiveness of organized crime and its companion—political corruption.

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

[From the Washington (D.C.) Post, Feb. 24, 1969]

NEW JERSEY CASE: NAKED CORRUPTION OR PRACTICAL POLITICS?

(By Morton Mintz)

In Federal Court in Newark, N.J., today, an obscure local politician, two business executives and three corporations will seek a new trial in one of the most remarkable cases of "naked corruption" ever exposed.

That phrase—"naked corruption"—was used in court last month by Herbert J. Stern, a special Attorney for the Justice Department, to describe payments of $110,000 by the Colonial Pipeline Co. (and its agents) to Robert E. Jacks, president of the Municipal Council of Woodbridge, N.J.

Stern called the payments a "bribe" by Colonial to get a building permit and right-of-way for the largest privately financed construction project in history—a $400 million pipeline which carries 40 million gallons of petroleum products a day 1600 miles from Houston, Tex., to the New York harbor area.

Jacks' lawyer said the $110,000 was simply "political money and it takes an awful lot of political money to run a political organization in a community of a hundred thousand people."

Lawyers for Colonial had still another version of the transaction. The corporation and its officers, they insisted, had been the victim of an extortion plot by Jacks and Woodbridge Mayor Walter Zirpolo.

A jury on Jan. 23 returned guilty verdicts against six defendants:

Council President Jacks.

Colonial Pipeline, which is owned by nine oil companies with combined assets of $35 billion—American, Cities Service, Continental, Gulf, Phillips, Sinclair, Socony-Mobil, Texaco and Union.

Colonial's president in 1963 and 1964, when the payments were made, Ben D. Leuty.

Karl T. Feldman, who in the payment period was Colonial's executive vice president.

The Bechtel Corp., a San Francisco construction firm with 10,000 employes and annual sales of $750 million, one of the contractors on the pipeline.

The Rowland Tompkins Corp. of Hawthorne, N.Y., another contractor on the Colonial job.

"Rarely if ever," Prosecutor Stern told the jury before it returned the verdicts, "has the United States been able to pull back the curtain and to display before you or any jury the kind of naked corruption that we have displayed in this case, the intimate details of corrupt public officials met and joined, furthered and promoted by big businessmen who were equally corrupt for their own reasons . . ."

The curtain-pulling Stern described was the result of an accident. In the course of an investigation of union racketeering began by the Labor Department, FBI accountants stumbled across a mysterious $20,000 check for cash issued by the Bechtel Corp. in 1963. The name on the check was that of Basel C. Licklider, a Bechtel employe.

The Justice Department subpoenaed Licklider to testify before a special grand jury in May, 1966. A day before he was to appear, his lawyers revealed that Bechtel, acting for Colonial, had conveyed $60,000 in cash to Mayor Zirpolo and Council President Jacks.

With this startling new phase of the investigation opened up, the Justice lawyers learned a month later that another $50,000 had been paid to the Woodbridge officials in 1964 through the Rowland Tompkins Co.

As the investigation continued, two facts were established:

That the $50,000 paid to Jacks and Zirpolo in 1963–64 had obtained for Colonial a building permit for 22 big storage tanks in Woodbridge.

That the $60,000 paid in 1964 got for Colonial vital pipeline easements through five city-owned lots in Woodbridge.

The question then became a matter of definition. Was the money a "bribe," a "political contribution," or a payoff to extortionists?

The lawyers involved argued all three versions to the jury.

Stern, the 32-year-old prosecutor, said that "rarely if ever has the United States been able to prove such a deliberate, knowing, intentional and willful flouting of the laws . . .

"Let me suggest to you the reason that these cases are so rare is because the men don't often get caught . . . the reason they don't get caught is because generally they hide it too well, and if you doubt it . . . look how well it was hidden in this case," he said.

John E. Toolan, a former New Jersey State Senator representing Jacks, said the "story in capsule" is that "elections in this Nation are run with cash in every municipality, in every county, and everywhere along the line." He continued:

". . . their is nothing in the law that says that a man can't receive a contribution, a political party can't receive a contribution . . .

"How do you think political campaigns are run? Did you ever try to hire a poll worker or a car or get a babysitter for somebody to go out to vote, and think you can pay them with a check on Election Day?"

". . . political parties spent $35 million in the last election . . . Do you think all that money came in checks? Do you think they paid all their bills in checks?

"Every political party must have someone in it who has the capacity to raise money . . . Bob Jacks was that person in the Woodbridge political organization . . . Now, this is an oil company coming through. He has to raise money either by going around and sandbagging local people, or you get it on a one-shot deal with some big asset that is coming through, and you take advantage of it . . .

"You know, this pipeline business is a tough business . . . You have to buy or acquire by condemnation, by book or crook, rights of way . . .

"These right-of-way men . . . have to get people to give them things that people don't want to give them . . . I don't want to do any injustice, but I don't think you can get a job as a right-of-way man for any oil company unless you had calluses on your conscience because you have to go in and get the job done."

Simon H. Rifkind, a former Federal Judge whose newest partner is Arthur J. Goldberg, the former United States Ambassador and Supreme Court Justice, represented the former Colonial president, Leuty.

Praising Leuty, who now is 66 and retired, as a man of "superlative" character, Rifkind tried to show that the executive had been the victim rather than the perpetrator of a crime:

". . . Leuty authorized the payments . . . because he honestly believed . . . that he and his company were threatened with massive injury, amounting to a national disaster. . . . He considered the consequences of having . . . this great project brought to a halt and decided that the consequences were unendurable, as indeed they were, and he capitulated. . . .

". . . all of the evidence showed conclusively that what Leuty and his people tried to do was to prevent the officials of Woodbridge from acting dishonestly and illegally. . . .

". . . because he did make an honest decision, he did not commit bribery. He did not intend to commit bribery . . .

"Supposing . . . your house was burglarized, do you think we ought to punish you? . . . is that the way we are going to stop crime in this country?"

Rifkind said that representatives of the nine oil companies had entrusted Leuty with the $400 million pipeline project "because his reputation was as stainless as the very reputation of this Colonial Pipeline is stainless." He identified the owners of the oil firms as "more than one million stockholders, men, women, children, widows, orphans."

Rifkind pleaded with the jury of eight men and four women to lift the heavy burden that events had, for five years, put on "this great, good and creative man" and "to let the sunshine of truth dispel the shadow of this unwarranted accusation."

And, he told the jury, "Yours will be the glory when you wipe the tear off his lovely wife's cheek.

The $110,000 came to Colonial in three installments—$20,000 and two of $15,000 each—for the building permit for the storage tanks, and three more—each of $20,000—for the easements for the pipeline.

The situation began in 1963 when Colonial was trying to meet a deadline of January, 1964, for completing the world's largest pipeline. (Largely because of resistance in Woodbridge, the deadline was not met and the job was not finished until 1965.)

On Aug. 16, 1963, Fred Stewart, Colonial's right-of-way manager for New Jersey, went to see Mayor Zirpolo.

Zirpolo cited intense public opposition to construction of any more storage tanks in Woodbridge and advised Colonial not to seek a building permit.

Stewart and Zirpolo agreed that, above all, what had to be avoided was a public hearing on the desired permit. Such a hearing was required by law.

Stewart testified that Zirpolo told him to go see Jacks, then a stranger to him, at Metro Motors, Jacks' used-car lot.

There, Stewart said, Jacks told him, "You have got to have friends on the Council—friends that will be able to pass this permit for you over the objections of the people."

Stewart left, phoned Atlanta and made a report to Jack Vickery, counsel and a vice president of Colonial.

Stewart told Vickery that Jacks wanted a $50,000 "campaign contribution" for the permit. But Vickery advised him, Stewart said, "You can't do it. It is illegal—you can't do it, it's illegal—under both Federal and state law."

At the trial, however, then construction manager and now vice president Glenn H. Giles testified that Colonial's subsequent decision was to pay the $50,000—and the later one for $60,000 for the easements—through contractors, "because we preferred not to get . . . Colonial Pipeline Co. involved in this" any more than was "absolutely needed."

The first payment for the permit was handed to Jacks on Nov. 7, 1963—two days after he and the Mayor were re-elected on a platform of "Tanks, No Tanks."

The second installment followed issuance of the building permit. The third was paid after Colonial got a certificate of occupancy. Colonial made all three installment payments through Rowland Tompkins Corp.

The three $20,000 payments for the easements—made in three successive months starting in October, 1964—were handled for Colonial, by the Bechtel Corp. and the Gates Construction and Gates Equipment Corps. of Little Ferry, N.J.

The Bechtel and Rowland Tompkins Corps. said that in acting as conduits for the payments they had assumed they were on innocent missions. But to give credence to this contention the jury had to believe testimony such as this from William L. J. Fallow, a Bechtel employe:

Following a conversation with Jacks at Metro Motors, Fallow phoned Bechtel vice president Harry F. Waste in Vancouver and Colonial's construction manager, Giles, in Atlanta. Then Fallows flew to San Francisco. He returned with 200 $100 bills obtained from Basil Licklider, the Bechtel employe whose name was on the $20,000 check which broke the case.

Fallow next went to a motel room to count out the cash. Then he drove to the Menlo Park Shopping Center in Edison Park, N.J., where the Mayor has a private office. There he met Jacks. Fallow gave him the money. Jacks put the $20,000 into a desk drawer. No receipt was requested or offered.

After taking Fallow through this step-by-step recital, prosecutor Stern asked if his testimony at that moment remained what it had been—"that it was your understanding that that $20,000 in cash was going into the Woodbridge city treasury?"

"Yes, sir," Fallow answered.

For the pipeline easement, Colonial executives Leuty and Feldman told the grand jury that Jacks and Mayor Zirpolo solicited $100,000. But Leuty arranged for negotiations in which this sum was reduced to $60,000.

The resulting transactions involve elaborate techniques of concealment, including fraudulent invoices, fake bonuses and the use of checks much larger than the three actual payments of $20,000 each.

Because the sums paid to the contractors for distribution among the Woodbridge officials were declared as income on their books, Colonial had to give the contractors more than $220,000 to cover taxes on the alleged income.

One of the $20,000 payments for the easement was handled by Robert L. Bowman, a Bechtel construction manager, and Robert S. Gates, president of the two firms bearing his name.

Gates testified that he wrapped the $20,000 in $10 and $20 bills, in a newspaper and met Bowman at an inn. Bowman counted the money out on a bed, put it in an envelope and gave Gates a check which, because, of the tax factor, was for $42,000. (The discrepancies between the actual cash payments and the check amounts added to the investigators' difficulties in building their case.)

The men lunched. At Bowman's request, Gates accompanied him to the Menlo Park Shopping Center. There Bowman introduced him to Jacks.

"He told me he was in the automobile business," Gates told the jury. "He gave me his card and told me if I was buying any automobiles or something like that to look him up, and then we gave the money to him, put the money on the table, to the best of my knowledge, and Bowman had his briefcase and handed me the envelope and instructed me to give it to Mr. Jacks. I put it on the table and Bowman left and I went out after him."

Explaining how Rowland Tompkins happened to have conveyed three payments for the building permit, lawyer Joseph E. Brill told the jury that president Howard Tompkins, vice president Ralph A. Bankes and the late Roy A. Murphy, merely had performed a check-cashing service to help Colonial get money to Jacks.

The jury deliberated three days before returning its verdicts.

Colonial Pipeline was convicted on all nine counts in the indictment. (Its counsel, Warren W. Wilentz, was the Democratic candidate for the U.S. Senate last year but was defeated by the incumbent, Clifford P. Case. Wilentz's father, David, who played a major defense role for Colonial early in the case, is the Democratic National Committeeman from New Jersey.)

Jacks and Colonial executives Leuty and Feldman were each convicted on the two conspiracy counts—one for use of interstate mails, phones and travel to get the building permit by bribery, the other to do the same to get the easements.

The Bechtel and Rowland Tompkins firms were convicted on one conspiracy count each.

The indictment contained seven substantive counts, each involving an interstate trip to deliver cash for the permit or the easements.

Jacks was convicted on one of these counts, Bechtel on one and Rowland Tompkins on four. In addition, each of the Gates firms pleaded guilty before the trial to one of the substantive counts.

Mayor Zirpolo, who became ill early in the trial, faces a separate prosecution. His counsel is Edward Bennett Williams.

Colonial's Giles, who was promoted from construction manager to vice president, was, like Zirpolo, indicted on all nine counts.

But before the trial started on Nov. 13, the Government severed him from the trial in hopes of eliciting testimony against the other defendants. However, he invoked the protection of the Fifth Amendment against self-incrimination and refused to testify. Attorney General Ramsey Clark then wrote a letter requesting that Giles be exempt from prosecution.

After the prosecution submitted the letter to the trial judge, Reynier J. Wortendyke Jr., Giles was compelled to testify for the prosecution.

The indictment named as conspirators but not as defendants seven officers and employes of the contractor firms involved in the payments—Banks, Bowman, Fallow, Gates, Murphy, Tompkins and Waste.

The motion for a new trial comes two years and one day after the indictment was returned.

Each defendant faces a maximum penalty on each count of a $10,000 fine. In addition, each individual defendant could be imprisoned up to five years per count.

THE CRIMINAL ESTABLISHMENT AT YOUR SERVICE

("Theft of the Nation: The Structure and Operations of Organized Crime in America." By Donald R. Cressey. Harper & Row, 367 pp. $6.95.)

(By Nicholas Pileggi)

Donald R. Cressey, a dean at the University of California at Santa Barbara and an author of the report of the President's Task Force on Organized Crime, has just completed one of the best-documented and most comprehensive studies of the structure and procedures of organized crime in America, entitled *Theft of the Nation*. Early in the book, and with no tentative apologies, Cressey makes it very plain that organized crime exists in America because millions upon millions of the nation's law-abiding citizens demand the illicit goods and services that crime supplies and because widespread municipal corruption fosters its growth. "The operation of organized crime," Cressey writes, "should never be referred to as the operations of the 'underworld.' The activities of Cosa Nostra members are so interwoven with the activities of respectable businessmen and government officials that doing so directs our attention to the wrong places. More than one Cosa Nostra lieutenant is only a telephone call away from a governor's office."

Sometimes they are just a table top away from the very Senators who are supposed to be investigating organized crime. As Peter Maas noted in *The Valachi Papers*, his fascinating and refreshing look at this national malaise, Valachi was requested by Senator John McClellan of Arkansas to "please skip any mention of Hot Springs" (then a notorious town in the Senator's home state) during his televised congressional testimony. Fears of offending voters and of losing constituencies are poor weapons for fighting organized crime, and yet the White House itself was pressured into ordering the Justice Department to rescind its approval of Valachi's book. Maas's stubbornness and Cressey's expertise, however, have led them into corners of a national embarrassment that are generally untouched. They both present a criminal establishment that is much more than a collection of bull-necked thugs in wide-brimmed hats, a facet of American life that is more characteristic than aberrant. The child of Prohibition, organized crime remains powerful simply because there are still many services only it can provide.

The national demand for gambling (estimated as high as $50 billion annually), the businessman's need for cash when the banks turn him down, the manufacturer in search of a labor "accommodation" and the union leader in search of a businessman to squeeze to insure his own position—these are not the manifestations of organized crime, but the everyday, knee-to-groin antics of America's free enterprise system at work. Yet, these are precisely the areas of connivance where organized crime and the business community hold hands.

Cressey, who obviously had access to extraordinary information as a member of the President's Commission, has filled his book with fascinating transcribed tapes of conversations between Mafiosi, police and legitimate businessmen. His detailed analysis of just how the Mafia's gambling and loan shark operations work, from the lowest street corner functionary to remote administrators, is as complete as has ever been published. The anecdotes he recounts give good insight into the byzantine working order of things on the street:

A hotel owner involved in some illegal operations not involving Cosa Nastra was being shaken down by men who were not Cosa Nostra citizens. His brother-in-law, who was not involved in any illegalities, happened to be acquainted with three Cosa Nostra soldiers. He asked the Cosa Nostra men to see that the extortion stopped. They did, apparently as a mere favor to their friend. But some time later the extortionist gave the hotel man another whirl. When the soldiers heard about it they killed him, perhaps to show that they were not to be defied. Neither the hotel owner nor his brother-in-law was consulted. A few years later the Cosa Nostra friends killed a man over a matter that was entirely unrelated to the hotel owner. They were indicted for murder. At the trial, the hotel man provided a false alibi for them by saying they were with him at the time of the murder. He had to perjure himself or be killed. He was one of them.

Seldom do citizens become involved with organized crime by accident. Police, who Cressey claims are the least effective of all Mafia enemies, are constantly wooed and won by organized crime. Cressey includes the testimony of a West Coast police official before the President's Commission describing a bookmaker's attempt to influence him.

"These people really work on you," the official said. "They make it seem too logical—like you are the one that is out of step. This bookie gave me this kind of line: 'It's legal at the tracks, isn't it? So why isn't it legal here? It's because of those crooks at the capital. They're getting plenty—all drivin' Cads. Look at my customers, some of the biggest guys in town—they don't want you to close me down. If you do they'll just transfer you. Like that last jerk. And even the judge, what did he do? Fined me a hundred and suspended fifty. He knows Joe Citizen wants me here, so get smart, be one of the boys, be part of the system. It's a way of life in this town and you're not going to change it. Tell you what I'll do. I won't give you a nickel: just call in a free bet in the first race every day and you can win or lose, how about it?'"

Cressey makes it clear that in almost any town of 75,000 or more a large number of the city's police and political figures have been corrupt almost continuously for a period of over thirty years.

The Chief Justice of the United States, Earl Warren, like everyone else who is knowledgeable about organized crime, "believes that the basic problem of organized crime is a problem of political corruption."

The problem of organized crime, according to Cressey, is far too important to be left to the police alone. "The ruler of an organized-crime unit," Cressey writes, "whether it be an entire Cosa Nostra family or a thirty-man lottery enterprise, has three classes of enemies—law enforcement officers, outsiders who want his profits and underlings. Of the three groups, the law-enforcement agencies seem to be the least threatening."

EULOGY TO THE LATE SENATOR BARTLETT

Mr. SPONG. Mr. President, I was out of the country on committee business last week when the Senate paid tribute to the life and service of our distinguished former colleague, Senator E. L. "Bob" Bartlett, and I want to associate myself with the remarks made at that time.

Senator Bartlett's contribution to the Senate and the Nation in merchant marine affairs will long be remembered, and I shall miss his counsel in that area of mutual interest. His kind and cooperative manner to newer members of the Senate typified his unfailing courtesy. The Senate was fortunate in having the benefit of his long and devoted service.

Mrs. Spong and I were saddened by his passing, and extend our deepest sympathy to Mrs. Bartlett and the family.

WHERE DO WE GO FROM HERE?

Mr. HATFIELD. Mr. President, some weeks ago the Hearst newspapers ran a series of articles entitled, "Where Do We Go From Here?" America's problems and potential were discussed by a distinguished group of citizens including Senators JOHN SHERMAN COOPER and EDWARD KENNEDY and the able Governor from Oregon's neighbor State, Daniel Evans.

I would like to call special attention to the views on foreign affairs expressed by Senator COOPER. Although his statement was necessarily brief, it is an important contribution to the growing consensus that U.S. foreign policy commitments must be reexamined. I agree most emphatically with the Senator's proposal that the executive and the Congress and the people be provided with "the opportunity to determine, in advance, under what conditions we should commit our military forces." As the Senator correctly points out:

The deployment of large American forces on the territory of another country, even in peacetime, increases the danger of an American engagement, for if they are fired upon they must be defended and our national honor becomes an issue. This is the lesson of Vietnam. The manpower of the United States should not be committed to the territory of another country without the approval of the Congress.

I ask unanimous consent for the inclusion of this series of articles in the RECORD.

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

WHERE DO WE GO FROM HERE?

We are passing through a strange, turbulent period in our history—riots in our cities, crime in our streets, revolt among our young and a tragic war far from our shores.

More Americans are concerned about the future of their country than at any time in this century. But I, for one, am not pessimistic about our future.

I do not share the view of some that this Republic, which has achieved so much in less than 200 years, is either doomed or damned.

The American people and their leaders always have been able to rise above adversity, to solve their problems, defeat their enemies and move on to greater accomplishments.

In my lifetime, we have conquered diseases that forced previous generations to live in fear and danger. We have made important—if long overdue—strides toward guaranteeing equality of opportunity and justice to all citizens, regardless of race, religion or ethnic background.

Four times in this century, we have sent American boys abroad to fight aggression and in the last 20 years we have channeled our resources of manpower and money into the rehabilitation of nations in Europe, Asia, Africa and Latin America.

We have led the world in the fight against poverty illiteracy, disease and hunger.

Yet, much remains to be done and I think we would be deluding ourselves if we sat back complacently and counted our achievements without recognizing our shortcomings and our problems.

It no longer is sufficient to report that we are the most powerful and affluent nation in the world, with a gross national product approaching the trillion dollar mark.

We must determine how better to utilize our affluence and productivity to correct the

wrongs that exist within our society and to promote peace in the world.

We cannot be satisfied with a society from which the young, the black, the American Indian, the Spanish-speaking and the poor feel alienated. Nor can we be satisfied with a world in which war, hunger and poverty are constant threats to life.

Because this is such a time of searching, the Hearst Newspapers asked a group of outstanding citizens to explore the problems that confront us and project "where we go from here."

I am proud to offer this series of articles to Americans everywhere in the hope that the ideas propounded by the contributors will help us move toward tomorrow with greater enlightenment.

WILLIAM RANDOLPH HEARST, Jr.

PROBLEMS OF THE CITIES

(By Joseph Alioto, Mayor of San Francisco)

The destiny of our nation is shaping in our cities.

Whether the United States continues to be a great and prospering democracy is being determined in the crowded streets of New York, Boston, Chicago, Dallas, Los Angeles, San Francisco and other major cities.

Right now, historic currents are on the move which will determine whether the nation divides irrevocably into hostile racial camps, whether the nation's young withdraw into the twilight world of drugs or into the bloody one of street rebellion.

Monumental decisions are taking form this very minute, and no American can avoid their implications to him personally.

The nation's cities burst with problems—and with hope—and the call is clear for action on many fronts.

Cities alone can't cope with the problems that, if unchecked, can burn them down, and with them the dreams and aspirations of the whole nation.

State and federal governments are removed from the firecracker string of exploding crises that daily rattle in city halls. Yet state and the federal government rake off more than 85 percent of the taxes raised in the cities, leaving cities in second class citizenship to deal with their needs. City revenues are inadequate for police and fire protection, garbage collection, street repair and other traditional services, let alone the urgent social programs for better housing, expanded education, and the rest.

The problems of the cities are not the exclusive concern of government. There must be total community mobilization. Business must recruit and train ghetto residents. Churches must crusade for social justice. Civic groups must champion constructive change in tax laws so that the weight of urban changes does not fall increasingly on homeowners.

Suburbia must be enlisted in the battle to save the cities—regional taxes or commuter payroll taxes will contribute toward vital big city services.

Above all, cities must involve all their residents in an adventurous coalition for achievement and excellence. This should have special appeal to youth.

The Peace Corps and other volunteer programs have demonstrated the constructive dynamism of the nation's young, and this force increasingly must be brought to bear on the problems that threaten our cities. The vote should be given to 18 year-olds.

Militants who seek change though nonviolence should be brought into the chain of decision-making, and not isolated and forced into alliance with the lawless and anarchic. The strutting militarism of the Black Panther and other movements has little appeal if genuine progress is being made toward social justice.

Always, city government as a central and unifying agency, should reach out and open lines of communication and participation to all possible groups. City Hall must never be the isolated citadel of a smug establishment, but should be one of many places where city officials can meet with concerned citizens. Neighborhood halls, churches and schools can be just as forceful a fulcrum for decision. The problems on which the fate of cities hang are many, but the following burn with incredible urgency:

Maintaining a social equilibrium of a city. Middle-income families are moving in increasing numbers to suburbia where housing is cheaper and more attractive. Cities are left to the poor and the rich. This tide must be stemmed by inventive housing programs, by equitable taxes that will relieve the homeowner, by providing the most in modern education.

Law and Order. Crime soars, symptomatic of the deep unrest in the cities. Law and order comes not from repression, but depends on three inseparable pillars—vigorous enforcement, enlightened community relations, and an unrelenting war on the social evils that breed crime.

Police are doing a heroic job in the face of enormous provocation. They must be given pay and training commensurate with their duties. They must receive modern computers and communication equipment so they can deploy more swiftly and effectively in high-crime areas. And, above all, they must receive the backing of all citizens.

There are two areas of law enforcement that require special attention:

1. Drug abuse. Too many young people are indulging themselves in the indolence of narcotics. A national commission should be set up—either by the President or the Surgeon General—to study why youth turn to drugs and how they are affected physically and psychologically. Furthermore, medical and community service organizations must be mobilized to treat persons who have plunged into the world of drugs.

2. Civil disorder. Dissent must be protected, but violence must be quickly controlled with whatever force is needed. Public officials must make clear the distinct line between forceful advocacy and raw force. The principle is impregnable: anyone can say what he wants, no matter how unpopular, when he wants. But no one has the right to block a street, seize a college administration building, or disrupt a meeting.

Freedom to Act. Cities must be free to enact legislation for their own well-being and protection. They should not be deterred from acting on their own problems—whether they relate to weapons control, taxes, civil disorder, pornography or other matters peculiar to cities—on the theory that state or federal legislation is preemptive.

Tax reform. The property tax no longer can continue to support the increased costs of local government. Distinction must be made between income property and non-income residential property, and taxes must be developed that are more equitably related to ability to pay.

Urban funds. Local taxes alone aren't sufficient to meet city needs, and will require massive federal, state and especially private assistance to accelerate needed programs particularly in low and moderate priced housing. Furthermore, the federal and state governments must share large portions of their revenues with cities. Revenue should be shared directly with cities based on a per capita formula adjusted to recognize the tax effort and revenue needs of individual cities.

Social action. Truly monumental programs, of the scope undertaken when the nation is in great peril, must be mounted against bad housing, inadequate employment and inferior education. These are evils that deny equality of opportunity.

Heritage of Beauty. Cities must preserve their beauty and that sophisticated climate of culture that attracts the artists, the creative man and the man with ideas. Historic buildings must be retained, and parks must be allowed to flower and should not be sacrificed to freeways. At least that's the attitude in San Francisco where the views and vistas are the inalienable birthright of all their residents.

The list of priorities may be endless, but no city will make progress against her problems unless she can count on two overriding and paramount factors—vital economic growth that opens jobs and opportunities and orderly government that allows all to speak and no one to obstruct.

The goals stand beyond narrow partisanship, and the pressure for their achievement builds forcefully in every city—and applies equally on whomever sits in the White House. President Nixon will have to confront them just as vigorously and as conscientiously as has President Johnson.

There is a dream in the cities as old as this nation. It is this—to give every American an equal opportunity to achieve the best of the human experience, in accordance with his or her capacity in an urban environment that is at once peaceful, harmonious, beautiful and healthful.

FOREIGN AFFAIRS

(By JOHN SHERMAN COOPER, Senate Foreign Relations Committee)

In suggesting the immediate tasks and future trends of American foreign policy, one must take into account the fact that President-elect Richard Nixon will make the decisions upon issues as they arise—at times in consultation with the Congress—and that he will set out long-term policies and goals for our country.

Nevertheless, it is important that private citizens and members of Congress give their views, for our foreign policy must express the will and have the support of the people. Although my views cannot be comprehensive, I would like to emphasize three urgent tasks:

First, and of critical importance, is the settlement of several dangerous situations in the world which continuously threaten war, with the possibility of an American confrontation with the Soviet Union, and nuclear catastrophe.

The second task is to examine means to avoid future military engagements throughout the world, unless it is determined by both branches of our government to be clearly in our national interest and within the scope of our national resources.

Third is the imperative task of reducing the arms race, and of fostering peaceful associations throughout the world, if we are to have any reasonable and positive hope of a stable and peaceful world.

Since World War II, the United States has grappled with situations of danger all around the world. They remain unsettled—the war in divided Vietnam, the potentially explosive situation in the Middle East, the problems of a divided Korea and China, and the security of Western Europe and the United States under the NATO shield. It may be argued that as the United States has maintained a constant and fairly successful policy toward these problems, no radical changes are required. But new developments have occurred in all of these situations in the past year. There are new necessities, and new opportunities to deal with them now in a more radical and effective way than in the past.

The war in Vietnam remains the most troubling issue. Great credit is due President Johnson for his unselfish initiative, in ceasing the bombing, as many of us advocated in order to bring about talks in Paris, and we hope that progress will be made during the

remainder of his term. Advances have been made, and if North Vietnam and the National Liberation Front will discuss with the United States and South Vietnam matters of substance, and if the level of fighting is reduced by the North Vietnamese, true negotiations and a settlement may be reached.

If progress is not made in Paris and the heavy fighting continues, I would urge, as I have in the past, that the United States take the initiative in proposing that the Vietnam question be referred to a reconvened Geneva Conference.

Such an initiative would determine whether the Soviet Union is genuinely interested in a settlement, and whether Communist China's recent statement about coexistence has any substance. A reconvened conference should include all the Southeast Asian countries and the National Liberation Front, and would provide an opportunity for a settlement of the problems of the entire area as well as Vietnam. The participation of the United States, the Soviet Union, Communist China and, I would hope, France, would give authority for the establishment of an effective international body, backed by these powers, to supervise and to assist in implementing the terms of any settlement.

But whether from the Paris meetings, or a reconvened Geneva Conference, a final agreement emerges for free and adequately supervised elections in South Vietnam, I would consider that the United States had performed its full duty, that the securing for South Vietnam the right of self-determination of its form of government and institutions, and that our country could then honorably withdraw its forces.

We know that President-elect Nixon will support strongly negotiations for an honorable political settlement. As he is not committed to any particular formulation for a settlement, or to the support of any personality in South Vietnam, he enjoys the freedom to lead in the formulation of a settlement through which the processes of self-determination may be commenced.

The second obvious area of danger is in Europe. The deployment by the Soviet Union of ten divisions in Eastern Europe during and before its invasion of Czechoslovakia, increasing its forces to 32 divisions, upset any assumed balance of power between the NATO and Warsaw Pact forces.

Implications of the invasion were made more ominous by the statements of Soviet leaders and Pravda, claiming the right to intervene in the affairs of nations within the "socialist commonwealth" in the name of the "class struggle," whenever the Soviet Union determines to do so. It is a declaration of policy unknown in any concept of international law. It raises serious questions about the stability of Soviet leadership, and their intentions toward the areas protected by the North Atlantic Treaty Organization, and the nearby states of Rumania and Yugoslavia.

The purpose of NATO is essentially defensive. Its objectives are to maintain forces sufficient to deter military aggression by the Soviet bloc and to meet and restrain an attack if it comes. But its purpose also is to provide the security necessary to seek detente with the Soviet bloc and the eventual settlement of the issues left from World War II.

The immediate and urgent task of the United States and its NATO partners is to restore the credibility of the NATO mission.

I have obtained an estimate from our Defense Department and I believe it is the first made public of the cost of maintaining our forces in Europe, including the Sixth Fleet, and backup forces in the United States. It is in the neighborhood of $12 billion annually.

Despite this vast expenditure the United States must continue to improve the quality of its ground forces, but the test of NATO's future lies with our allies who have never met their military requirements. Mr. Nixon has indicated that he will insist strongly that our NATO allies, who for the most part are quite prosperous, take the required steps to increase their strength, manpower, training, equipment, and reserve forces. Unless our NATO allies take these steps, I foresee opposition in the United States to the continued presence of our forces in Europe.

To prevent future involvements such as Vietnam, the Executive and the Congress should examine critically the multi-lateral and bilateral security agreements to which the United States has become a party since World War II—the essential party, since its major allies, Great Britain and France, are disengaging themselves from many burdens of responsibility.

I do not propose that the U.S. abandon constitutional agreements essential to our security, but I do propose that we find out to what degree—whether by treaty of executive agreement—the United States has committed itself to provide assistance, and particularly troops, to the defense of other countries. We should know if these agreements are constitutional, are in the interest of our national security, and within the capabilities of our resources.

Generally, the agreements require that in the event of an armed attack upon a party to the treaty, the other signatories will assist in meeting the danger "in accordance with its constitutional processes." The term "constitutional processes" is not defined, but it should mean congressional approval.

The deployment of large American forces on the territory of another country, even in peacetime, increases the danger of an American engagement, for if they are fired upon they must be defended and our national honor becomes an issue. This is the lesson of Vietnam. The manpower of the United States should not be committed to the territory of another country without the approval of the Congress.

These suggestions do not restrict the constitutional powers of the President—his authority to dispatch forces to protect American lives and property, to defend our troops, and to defend our country. But my proposal would provide to the Executive and the Congress and the people the opportunity to determine, in advance, under what conditions we should commit our military forces.

I believe that my suggestions are in accord with the statements of the President-elect. For if one reads Mr. Nixon's statements closely and in connection with his plans to "review our commitments," he makes a distinction between the defense of the United States and the defense of a region, such as the NATO area and the western hemisphere, on one hand, and becoming involved militarily in other areas which are not in the scope of our security interests or within the capability of our resources.

A further step should be taken to reduce tensions and the chance of war between the divided countries. The time is near when we should support the admittance of North and South Korea, North and South Vietnam, and of Communist China to the United Nations, while continuing our support of the membership of Nationalist China.

The United States has discharged faithfully its obligations to South Korea on behalf of the United Nations, and its obligations to Nationalist China and to South Vietnam. It is time to transfer at least part of our vast responsibilities to the world community represented in the United Nations. The United Nations could bring to bear on these divided states a considerable influence toward the settlement of their problems, the protection of their integrity as states, and without prejudice to their ultimate reunification.

These immediate tasks and long-range policies which our country must examine and undertake do not suggest any return to isolationism. The United States will look more closely at its capabilities and the purpose of its foreign policy and this, I believe, will bring a larger involvement and appreciation of our people in the development of a more realistic and constructive foreign policy.

They include our commitment to assist our Latin American neighbors through the Alliance For Progress; the strengthening of our ties with Western Europe through support of the Common Market and the establishment of a workable international monetary system; the return of Okinawa to Japan and the strengthening of our naval and merchant marine fleets to deter hostile pressures in Asia as well as Europe.

Outlook for the States

(By Daniel J. Evans, Governor of Washington)

The year 1969 promises to be one of great challenge and great opportunity for a rebalancing of the federal system. Ever since the days of the Great Depression, the role of the states in the governmental process has been in a period of decline.

In most cases, this occurred not so much because of a deliberate design by the Federal Government to assume state functions as by the seeming unwillingness and in some instances the inability of the states to solve the problems within their own borders.

A feeling grew up, particularly in the big cities, that any help would be forthcoming not from the states but rather from the Federal Government. Thus, for many years, a close relationship has developed between Washington, D.C. and local governments to the exclusion of any participation by the states.

Although this federal-local relationship along with the vastly increased power exercised by the Federal Government, has been the most significant development in the federal system over the past 35 years, it is now apparent to even the most casual observer that to eliminate the role of the states is shortsighted and a grave error.

Even the current national Administration has come to realize that the states have an important role to play and that they provide a unit of government which is both large enough to do an effective job yet small enough to be close to the people it serves and responsive to their needs.

There has been an increasing willingness on the part of federal officials to listen to state officials and, of equal importance, state officials are taking the time to make their views known. As a consequence of this new approach, the most vital and active part of the federal system can be at the level of state government.

None of this means we should hoist the tired and tattered banner of "states' rights." Usually those who promote this phrase are more interested in inactivity on the part of state government than in asserting any rights of the states. It does mean, however, that if the federal system is to survive and if government is to serve the people, all governmental resources must be applied to the solution of the problems of our country.

Although there are many areas in which great opportunities exist for the states to play a more important role in the federal system, I believe the most significant are in the area of federal-state financing; urban problems and local government; and the unique opportunity we now have for states to become truly innovative and flexible so as to be capable of responding to the particular priorities of individual states.

The present system of federal revenue sharing with the states is through single-purpose categorical grants which go only to specific programs. These grants are generally hedged in by federal restrictions and regulations and many times are not responsive to a state's needs.

I believe it is essential that we develop a better way of sharing federal revenues and

revenue sources. This can be accomplished both through the Federal Government giving up some of its tax sources so they can be assumed by the states and by returning a portion of the federal income tax to the states in the form of block grants rather than categorical grants.

Funds which would come to the states in block grants for broad, general purposes—such as health, education, public welfare—would allow the individual states to make the decisions as to how the money should best be spent.

By using block grants and by giving states the direct use of some federal tax sources, we not only allow a better use of resources by the states but also avoid the danger of federal rules which search for the lowest common denominator in their application, which often tend to stifle state initiative, and which do not allow state solutions that may be an improvement on the federal standards.

I believe states must exercise greater concern for urban problems and improve their relationship with local governments. For too long, the states have forced local governments to seek federal aid, primarily because of the default of states to help with local problems. As a consequence, many local governments have built up a distrust of the ability of states to function adequately in helping to solve their problems.

I believe with the sizable preponderance of Republican governors, that there will be an increasing drive on the part of states to work both directly with local communities in helping solve their problems and to see to it that both state financial aid and legislation to authorize local sources of financing is made available.

Their position between the Federal Government and local governments allows the states to perform a unique function. Because of their size, they are far better able to coordinate activities at the local level, yet at the same time they are large enough to work together and with the Federal Government to help manage national goals.

With specific reference to urban affairs, states can assume leadership so that together with the private sector and citizen volunteers it can work to solve the serious social problems which come with urban growth.

Perhaps as important as any specific action that can be taken by the states is the role they can play as 50 laboratories in the art of government. Although many of our problems are nationwide in scope, their solutions are in most instances more readily susceptible to a state and local rather than a federal solution.

Until the advent of the New Deal, the states had been consistently in the forefront of developing new ideas for the solution of social and governmental problems.

I believe this innovative tradition can be recaptured and that in the next four years we will see each of the states working as a full partner with the Federal Government in developing solutions responsive to state and local needs which will be far superior to static and inflexible federal programs and directives which do not take account of local conditions.

But none of this can be done easily nor can it be done without a price.

In my "State of the State" message to the Washington Legislature in 1967, I said:

"If we are not willing to pay the price, if we cannot change where change is required, if we cannot prepare and carry out the programs so necessary to the conduct of expanding state affairs—if these things are not possible then we have only one remaining recourse, and that is to prepare for an orderly transfer of our remaining responsibilities to the Federal Government."

This is the challenge to the states: To meet the demands of orderly change within a vital and growing society. With the new Nixon Administration, with an increased recognition both as to the need for action and an increased regard for its ability to perform, I believe state government will seize the opportunity to become a full partner with the Federal Government, with local government, with the private sector and with citizen volunteers to develop the solutions to the problems facing the people of this nation.

The next four years can show the rebirth of the federal system with the states leading the way.

Involvement of Youth

(By Edward M. Kennedy, Senator from Massachusetts)

On a mild spring evening in Indianapolis, during the primary election campaign this year, 22 young Americans sat down to talk.

After riding many hours in buses and sleeping on benches in campaign headquarters, they had spent a grueling Saturday on the sidewalks of the city taking the issues to the people. Now it was time to take stock.

They talked of Republicans who refused to hear them out, of Democrats who would not budge on Vietnam, of black children flocking to pass out campaign buttons, of whites in streets as grubby as any Negro ghetto showing quiet pleasure that an educated visitor wanted to hear what they thought.

The canvassers for Robert Kennedy that I met with that night were engaged in the kind of active political work by young people that characterized this year's primary elections. When they started that morning they had been novices. The next morning they would return to the sidewalks older by more than a day.

At about the same time last spring, another group of young people was pursuing a different course at Columbia University. The issues they held up to the university—construction of a college gymnasium in a Negro neighborhood, Columbia's affiliation with a Defense Department research organization—reflected beneath their surface real questions about the right of students to a share in the governing of their school.

The Columbia protest added up to the occupation of five campus buildings, the ransacking of administrative offices, and a bloody confrontation with police with more than 100 seriously injured and nearly 700 arrests.

It would be comfortable to conclude that the young folks in Indiana were working responsibly within the established system while those at Columbia were working irresponsibly against it.

It is more important to realize that both were working for what they believed in. One group hoped positive efforts would be effective; the other had concluded that they wouldn't.

The distance between confidence and futility is growing small with American youth today. Some believe our society will always work, and some believe it will never work again. Most, I suspect, are in the middle.

Today's young people don't share the historic guideposts of their elders. They did not know the mobilization of resources and patriotism brought on by the two world wars. They did not feel the comradeship of disaster created by the Great Depression. They were too young to grasp the national fear of global communism in the early 1950s.

They are spared the emotions of the past. They come to us with fresh vision. And with all the right questions.

They want to know why the war to preserve the freedom of South Vietnam kills or injures more than 200,000 civilians of that country each year.

They want to know why, with the United Nations more than 23 years old, the world is stockpiling nuclear weapons, enough to destroy civilization several times over.

They want to know why Negroes can fight in America's wars but often can't live in America's suburban neighborhoods.

They want to know why, in the wealthiest and most highly educated society in history, the poor are expected to break out of the ghettoes with no money and no education.

The young are told, "It's much better than it used to be." And they reply, "But why is it still as bad as it is?"

They are not only asking disturbing questions. They are also suggesting to America that the legacy they will inherit is worth saving, but not by much.

To say that the younger generation is going to the dogs is not only foolish but futile. For one thing, whatever the young choose to be is a reflection of what their elders have taught them to be, by direction or by neglect. For another, writing off the young is like saying that our nation will come to a noble but sad end in 30 or 40 years.

The way to appeal to the young is not to deplore them, but to put faith in them. The Peace Corps put faith in them, and they responded. VISTA put faith in them and they responded. The Teacher Corps put faith in them, and they responded.

For there is no question that the young people of today are a remarkable generation.

They are independent and skeptical and confident. They look at the world with the characteristic honesty of the young, and what they find does not inspire them.

This year they put their remarkable abilities into politics. They worked for their candidates from New Hampshire to California. They took their civics lessons at face value, believing that a democracy could function only if everyone participated. And they brought to the political process far more energy and dedication than most of their elders ever had.

In Chicago, they felt, their hopes had turned to ashes. Outside the convention hall the young demonstrators were being battered and beaten. Inside, the mandate for change that they fought for and won in every primary election was being voted down in the platform committee and on the floor.

But although the young people in their urgency thought the battle had been lost, on measure it had largely been won.

Their conviction had helped bring the nation face to face with the tragic nature of the Vietnam war.

Their hard work had helped demonstrate that politics really can work at the grassroots level.

Their skills had helped convince the Democratic convention to institute reforms which will open party processes to the young in the future.

And their example had helped persuade the White House and both presidential candidates that the young have a definite and valuable role in government.

Americans who have always preached the virtues of democracy without practicing them should take note. Americans who have never rung a doorbell for a candidate or given an hour's time for an issue should think again. Their children evidently believe what they have learned about participation and individual responsibility and the ability of one person to influence society.

Early this year, before a college audience, Sen. Robert Kennedy characterized the spirit of youth:

"It does not accept the failures of today as a reason for the cruelties of tomorrow. It believes that one man can make a difference—and that men of good will, working together, can grasp the future and mold it to our will."

It is apparent that the young people of today believe they can grasp and mold the future.

So the question is not, "Where are our young people going?" But rather, "Can we keep up with them?"

THE NATIONAL ECONOMY

(By Prof. Paul McCracken, appointed to be Chairman of the Council of Economic Advisers)

The performance of the U.S. economy in the decade ahead must come close to matching the best of this century, if it is to be an era of reasonably full employment. That was decreed early in the postwar period when those now of the "middle generation" decided to have that large crop of postwar babies.

The figures are impressive. In the last decade (the 1950's) the labor force was increasing by 740,000 per year. In the 1970's, on whose threshold we are now standing, the nation's work force will be growing by close to 1.5 million each year. Clearly the job-creating capacity of the economy must perform far more vigorously than during most of the postwar period, or during our history going back for about a century.

If we succeed, the dividends will be substantial. By the end of the 1970's the average family's income, in terms of today's prices, will approach $1000 per month, and our gross national product will be in the $1,500 billion zone, compared with $860 billion for 1968.

There will be no lack of demand for this enlarged output. As levels of living rise, levels of aspiration also rise. With each rise in purchasing power, new things come within our horizons that we had never considered seriously before. To the newlyweds, their aspiration may be owning a home in the suburbs. Once the home is bought, other things come into view—a second car, a cottage at the lake, a trip abroad.

A few (usually quite affluent) social philosophers may worry about what will happen when people's wants are all satiated. This never worries the consumer whose list of things to buy next never seems to get much shorter.

Can we realize this promise in the years ahead; It will all depend on how we handle three major problems of economic policy.

First, we must cool down the recent inflation without producing a large and sustained rise in unemployment. Since 1964 the consumer price index has been rising at a rate which would cut the purchasing power of the dollar 50 percent every 18 years. And during the first half of this year the price level was rising at a 5.7 percent per year rate, a rate which would double the price level every 12½ years.

This cannot be allowed to continue. It is de-stabilizing because mounting inflation-mindedness distorts orderly business decisions. It also is inequitable because it shifts wealth and net worth from the people of moderate means to the wealthy.

Yet a policy of disinflation must be administered delicately to avoid a substantial and persistent rise in unemployment (whose victims are, of course, also those of modest means).

The 1958–64 period proved that we could have price-level stability, but the unemployment rate was unacceptably high. In recent years we have had lower unemployment, but inflation has been unacceptably rapid. Neither was sustainable. The task is to ease the economy over the path of a more stable price level and reasonably full employment.

Whether the technology of economic policy is up to this delicate task is as yet not demonstrated, but this is the problem we face. It is a problem made far more difficult because of over three years of large increases in our price-cost level.

Second, the 1970's could easily become an era of international economic and financial warfare. This must not be allowed to happen. At the end of World War II we set about to build a system that would facilitate the expansion of international trade. This made economic sense. As world incomes grew, products and services available to consumers could also include increasingly those produced abroad. And each nation could more nearly concentrate on what it could produce best. Production became thereby more efficient, and patterns of consumption became richer and more varied. The policy succeeded. During most of this period world trade expanded even more rapidly than world incomes.

In recent years things have not worked out so well. To preserve the formalities of the system, the U.S. has imposed direct controls limiting the outflow of capital to a capital-short world. It has worked out quotas to limit certain imports. It has threatened to curtail foreign travel—just when, to the great advantage of Americans, English was becoming a world language.

There have been recurring monetary crises that have already involved the pound, the dollar, the franc, and the Deutschemark (whose under-valuation has made a major contribution to international financial disorder).

Each nation, to defend its own position, has responded with internal deflation. Yet these must be managed carefully to avoid a round of international deflation, economic stagnation and unemployment.

The international financial disorder of the 1930's made its contribution to the world disarray that erupted into World War II. The nations of the world must not start down that road again.

Finally, we must give specific attention to policies that will assure an ever-widening diffusion of the fruits of progress to all people. There is an essential morality to an economy where the route to success is through performance. Yet we must realize that people begin the game unevenly positioned around the starting line. Some, through inherited wealth or simply from a favorable home environment, begin the race considerably ahead of the starting line. Others—through circumstances that they had no part in choosing—begin so far behind the line that it would be monstrous to talk about equal availability of opportunity. The 1970's must be a decade in which we make a major break-through toward giving all people full access to the social and economic mainstream of our national policy.

Thus the years ahead constitute an era of great economic promise. Whether we realize this potential depends on the ingenuity and candor that we can bring to bear on some formidable problems of national policy.

There is this reassurance. In our nation the optimists have been the realists.

RACE RELATIONS

(By Carl Stokes, mayor of Cleveland)

Toward more progress in eradicating poverty and meeting the challenge of the urban crisis—that is the direction America should go in race relations.

On the federal level, the necessary and desirable legislative steps have been taken in the civil rights area. The speeches have been made, the goals clearly set. But full citizenship is still denied a great many Americans because of the color of their skin.

In my own city of Cleveland, there are 50,000 substandard housing units, many of them occupied by Negroes. The unemployment rate in the Cleveland metropolitan area is less than three percent, but in ghetto areas—both black and white—the jobless rate is as high as 15.6 percent, and one recalls that President Kennedy called a "disaster area" any section of the country where unemployment reached six percent.

In my own city, there are children, many of them black, who go to bed hungry. School attendance rates in the inner-city are poor because families are poor and as a consequence, their children lack adequate clothing to venture from house to school.

What kind of race relations can we expect when there are large pockets of poverty and misery in Cleveland and other large cities? Compassion and understanding are important, but, like rhetoric, they will not serve themselves to elevate race relations.

In the words of the Kerner Commission Report we must turn to "the major unfinished business of this nation—making good the promises of American democracy to all citizens—urban and rural, white and black, Spanish-surname, American Indian, and every minority group."

Progress in race relations is inextricably interwoven with progress toward eradicating poverty. The dignity and pride that only a job with upward mobility and a decent house in which to live can provide are essential to improving race relations, although, for a time, the struggle for dignity and pride may seem to widen the gulf between black and white.

In the cities generally, black citizens are demanding the things they deem necessary to dignity and pride—representation on city councils, representation in Congress, representation on every level of government, economic power so that the Negro benefits directly from the growing Negro market, Negro history in the school curriculum, entrance into the building trades, opportunity in the professionals and in business management.

Thus, the confrontations, the bitterness, often open hostility between black and white. Integration has become a dirty word to some militant blacks, and the sociologists talk about the increased "polarization" of the black and white communities.

Sometimes I am accused of being an incurable optimist, but I do not believe the confrontations, no matter how angry and hostile they may be, mean that race relations are deteriorating and that we should desperately seek some magic formula for avoiding such encounters and for quieting the angry statements.

Instead, I view the encounters, the confrontations, as injecting a necessary note of honesty and realism into an area where heretofore there has been much lip service to brotherly love and knowing your neighbor but insufficient genuine attention to implementing the democratic principles of equal opportunity and equal protection of the law.

Implementing these principles—"making good the promises of American democracy"—will do more for constructive race relations in this country than a century of Brotherhood Weeks, sermons, conferences, and seminars.

We have to demonstrate that the American system—economic, political and social—is viable, flexible and strong, and this can be demonstrated only by substantive progress toward solution of the basic problems of the poor, the disenfranchised and the disadvantaged.

The poor black, like the poor white, wants the opportunity to earn the respect, dignity and pride that come with the opportunity to win the good things of life. And if, given the opportunity, he fails, the failure must be his, not society's.

That is why we in Cleveland, for instance, have established a Department of Human Resources and Economic Development. It will coordinate and assist more than 20 job-placement programs and work to expand and retain business and industry.

We are establishing a network of neighborhood-based day care centers where mothers can leave their children while they pursue gainful employment. In the absence of such facilities, these mothers really lack the opportunity to work and are involuntarily on welfare rolls. Four such centers have received "Cleveland Now!" funds; the goal is 10 and we will reach it.

The Cleveland community relations board checks firms bidding for city business to make sure they are equal opportunity employers, and the city is continuing to put its own house in order with respect to hiring and promotion practices so that we ask nothing of private firms that we are not doing ourselves.

A problem providing money and know-how to expand small business is well under way in Cleveland with unprecedented assistance from many sectors of our community. We have furnished the Greater Cleveland Growth Corporation with $500,000 of "Cleveland Now!" funds so that small businessmen, black and white, can obtain loans or loan guarantees that otherwise might be denied them.

"Cleveland Now!" perhaps it should be explained is a comprehensive program announced early in 1968, addressed to the city's immediate pressing needs in the areas of jobs, housing, neighborhood improvement, health care, economic revitalization and city planning. The first 18-month phase envisions the expenditure of $165 million in federal, state and local government funds and more than $11 million from the private sector. Individuals—from school children who contributed nickels and dimes to a wealthy couple who contributed $1 million—and corporations are ahead of schedule with subscriptions from the private sector.

Small businesses already assisted by the Greater Cleveland Growth Corporation include a soap company, aiming initially at a substantial share of the black market, a furniture store, an electronic parts and service enterprise, and a decal manufacturer.

Technical assistance is furnished by businessmen volunteers, including members of the Harvard Business School Club, and Cleveland banks and the Federal Small Business Administration are cooperating fully with the Growth Corporation.

The 40-member board of trustees is made up of representatives of city and county government, of bankers and businessmen, attorneys and accountants, black and white, so that the two races are working together in the vital task of expanding small business enterprise throughout Cleveland, thereby strengthening the city's economic base and providing additional employment opportunities.

In the housing field, at this writing, we are just about to announce a Community Housing Corporation with a board, also black and white, that will include representatives of the non-profit housing groups already formed with church, union, foundation and business sponsorship. The Community Housing Corporation is to receive a $1.2 million "Cleveland Now!" commitment for its first year and $1.4 million annually for three years thereafter. It will use the funds as seed money to accelerate housing development for low and middle income families.

Toward broadening of opportunities, toward programs assisting the disadvantaged to make use of opportunity, toward dignity and pride for our Negro citizens—this is the direction America should go, not only to improve race relations but also to preserve, strengthen and enrich the fabric of American life.

A TIME OF TRANSITION

(By Robert E. Thompson, national editor, Hearst Newspapers)

The tide of change that has swept across this land in the 1960's will continue to swell and heave into the 1970's—slashing at the old ways of life and destroying some of the orthodox patterns of the past.

When it finally ebbs, and that may not occur until well into the next decade, American society will be as drastically transformed as it was after the Civil War, after the Industrial Revolution, and after the flamboyant Prohibition era.

Those who voted for Richard M. Nixon with the expectation that he could—or would—stem this turbulent tide will not find their hopes fulfilled. Those who voted against Nixon because they feared he would seek to stifle change will not see their anxieties realized.

For President Nixon, even if he so desired, could not stop the dynamic forces of transition that have come into play in this nation in recent years.

The best option open to him—and it is indeed an illusive option—is to keep the momentum of this epic transition within the limits of orderly progress.

Mr. Nixon and the American people may be able to slow the movement of change. But they cannot stop it. Above all, they cannot turn the clock back.

To do so would require mass repression of young people; magical overnight transformation of our cities; return of the Negro to a condition of bondage; rejection of the economic lessons of the last decade, and a blotting of the Vietnamese War from the American conscience.

None of these is possible.

Therefore, the American people and their leaders must accept the fact that the transformations within our society in the recent past form but a prologue to further transformation in the future.

Millions of citizens will be aghast at the prospect that the old traditions and customs—some good, some bad—will suffer further erosion in the days ahead.

Yet, they must understand, first of all, that a sizeable bloc of intelligent, active young people deeply desire change. And, those young people have age and energy on their side.

They want an end to war and the draft. They want the fruits of American progress and productivity to be extended with equality to citizens of all races and ethnic backgrounds. They want to have a voice in the decisions made by their country.

One of the great challenges facing Mr. Nixon is to establish rapport with these young people, to make them feel that they are full-fledged participants in their society.

But whether or not Mr. Nixon is able to achieve this breakthrough, the young, with their own special values and modern concepts, eventually will prevail—simply because they are young and because the United States one day must be theirs.

Civil strife will continue and possibly even increase in urban areas unless drastic action is taken to improve the way of life for city dwellers.

President Johnson set in motion more important programs to benefit the cities than any of his predecessors. Yet, because of rising expectations in a period of unparalleled affluence, the Johnson programs could not keep pace with the demands for dramatic change.

Mr. Johnson sought to do more. And Mr. Nixon may seek to do more. But, despite their lofty objectives, presidents are captives of a Congress that continues to hold the purse strings.

Many members of Congress find it far more popular with their constituencies to support legislation to control the activities of troubled citizens than to support legislation that gets at the root causes of despair and deprivation.

If the transition within our cities is to be made more tranquil, it therefore is up to Congress and to the resources made available by the private sector—business, industry, labor, the foundations, churches.

Congress and the new President also are challenged to hold action on the economic front. They must reduce the inflationary trend within the nation. But, if they seek to return to economic policies practiced prior to the "new economics" of the Kennedy-Johnson era, they could find themselves enmeshed in a new recession—a recession that would further inflame tempers in the ghetto.

For, in this period of violent transition, the poor who dwell in the cities—and who suffer most in times of high unemployment—are not likely to accept a recession with old-fashioned equilibrium.

The problem confronting Mr. Nixon in dealing with young people, Negroes, and the underprivileged is to provide enough hope and incentive to prevent rabid militants from capturing the leadership of these groups.

Not many young Americans are now aligned with the radical elements nor are many Negroes affiliated with the Black Panthers. But if dreams and promises are not fulfilled, the militants will become more powerful.

Finally, there is the change involving America's position abroad. The Vietnam conflict has demonstrated that the people as a whole lack the patience to fight a small, limited war far from their shores.

Since there is a renewed birth of nationalism elsewhere in the world, it seems certain that nationalism—and its corollary, isolationism—will tighten its hold on the United States.

Although Mr. Nixon is an internationalist who will attempt to carry forward the basic foreign policy concepts of the Truman, Eisenhower, Kennedy and Johnson administrations, he will find Congress and the public drawing away from international commitments, both military and economic.

Liberals will argue that money designated for projects abroad can be spent better at home. Conservatives will argue that aid to other nations is a waste of taxpayers' dollars.

Many influential voices already are urging a retreat to protectionism in trade and further diminution of the foreign aid program. It will require both statesmanship and leadership for Mr. Nixon to attempt to reverse this tide, for there may be short-run political advantage to be gained if he were to swim with it rather than against it.

So, the next four years will not be easy—for Mr. Nixon or for the nation he seeks to guide. At all levels of American society, drastic changes are in progress. The great task is to keep those changes within manageable bounds.

ATTACK IN ZURICH EMPHASIZES NEED FOR HUMAN RIGHTS RATIFICATION—XXI

Mr. PROXMIRE. Mr. President, it is most fashionable among some to dismiss the failure of the Senate to act on the Human Rights Treaties as of little consequence. The critics of these treaties say they are only symbolic in nature—devoid of any true substance. The incident occurring last Tuesday in Zurich, Switzerland, the shooting up of an Israel plane, demonstrates just how important it is for all nations to adhere to the norms of international law. These norms can best be reemphasized and implemented through international documents such as the Human Rights Treaties promulgated by the United Nations.

By downgrading the importance of these treaties, the critics can add to an era of lawlessness that seems to be infecting international relations to a greater and greater degree in these perilous times. No individual Senator wants to assume responsibility for lawlessness but we all must look to ourselves. Everyone of us must be prepared to accept a share of the blame if the Senate fails to ratify principles which must be accepted by all nations if international law and order is to become anything but an empty slogan.

QUALITY EDUCATION IS EXPENSIVE

Mr. BAYH. Mr. President, perhaps no phrase has been more overworked than that of "quality education." What college president, school administrator, commencement speaker, or student campus leader has neglected to comment on the

heights of performance already achieved or the goals of excellence toward which all must strive. There is unanimity of opinion, not only among the professional educator but also throughout the concerned public, that the quality of education at all levels—elementary, secondary, and higher, both undergraduate and graduate—must be continuously and meaningfully upgraded.

Despite basic agreement with this need for improvement, the fact is too often ignored that poor-quality education, though seemingly inexpensive at the time, may in the long run be extremely costly. In the never-closing drive to keep public expenditures down and to economize on what may appear to be unnecessary activities or facilities, many of us lose sight of the real, hidden costs which inevitably will result from an inadequate educational system.

Recently, I had the opportunity to read an excellent analysis of some of the great losses incurred by our economy and society because of shortsighted financial treatment of the schools. This article, entitled "Costs of 'Cheap Education' High," points out that the cumulative effect of inadequate education under modern conditions can be devastating. The authors, Dr. David L. Rice and Dr. Donald D. Bennett, both of the Indiana State University Campus at Evansville, describe many such results, including increased unemployment, crime, disease, dependency and poverty. They estimate that poor education accounts for approximately one-fourth of the persons now in the poverty group.

Mr. President, it is important that the Nation fully understand that the future costs of cheap education now will be great. I ask unanimous consent that the article, published in the winter issue of the Indiana Teacher, be printed in the CONGRESSIONAL RECORD. After reading the evidence presented so convincingly by the writers, I believe that most Americans will agree with them that, "The problem of financial need of our public schools is neither debatable nor postponable."

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

COSTS OF "CHEAP EDUCATION" HIGH

(By Dr. David L. Rice and Dr. Donald D. Bennett, Indiana State University, Evansville Campus)

An inadequate education in today's world for today's youth not only will set the stage for future turmoil and problems, but the hidden costs to our technological society loom monstrous, increasingly expensive to our working world.

The finances necessary for good school facilities and school programs; professional, well-qualified teachers, and effective education relevant to reality cannot be postponed. The costs of a cheap education are high—a double-cost burden to society.

Education has historically played a central role in the American Dream and the American Promise. Yet in our society, education is only part of the total environment.

SCHOOLS CENTER OF AMERICAN DREAM

Wouldn't it seem, therefore, unrealistic to expect education, no matter how good, or how equally available, to correct all the injustices inherent in any imperfect social organization of imperfect human beings? Despite these realizations, schools still remain the center of the American Dream. They're also the center of evaluative analysis as to whether they are fulfilling their responsibilities and expectations.

Some critics say that public schools can unwittingly become powerful forces in the consolidation and intensification of distinctions among social classes. They also note that the growing evidence of the high relationships between economic status and quality of schools in communities suggests that this tragic evolution has already occurred.

Others view the results of efforts by schools to retain the American Dream. They talk about renewed efforts and special educational programs which are focused upon an element of American society formerly forgotten, the culturally deprived.

SPECIAL PROGRAMS SUCCESSFUL

Professor Edward Gordan of Yeshiva University in New York City notes, for instance, that recent fund increases have financed between 285 and 500 of these special programs. He further summarizes results which show:

That the programs seem to be invariably successful

That all students can learn if efficiently taught

That cumulative evidence indicates that intellectual potential can be salvaged effectively at various levels

That early and sustained efforts are critically important.

Other summaries of such programs point out their effectiveness and stress the need for additional finances, both locally and nationally.

Others stress the necessity of more funds added now to already "good" school operations, which ultimately will result in saving money. A commitment to do things already known to bring substantial results is a necessary ingredient of a good school. Such a commitment requires economic resources for:

1. Highly capable, competent professional teachers and administrators.
2. Adequate facilities.
3. Effective programs.
4. Appropriate materials and learning resources.

Effective and relevant education is a must. It can be persuasively argued with available evidence that the "cycle of pathology," which afflicts and constricts the functioning of many, *begins with inferior, non-imaginative educational opportunities.* The cumulative effect of such inadequacies contributes substantially to the inherent costs to society, either hidden or exposed in:

Unemployment and underemployment

Low motivation, despair, defeatism, and personal deterioration

Chronic and acute eruptions of violence, excessive crime, and delinquency

More inmates in penal institutions

Chronic mental and physical diseases

Unsanitary, overcrowded, and deteriorated housing

The chronically dependent

The wastage of human resources through undeveloped potential for constructive contributions to society

The loss of productive power

The loss of consuming power

The need for compensatory and remedial education.

What is the relationship between inadequate education and poverty? This question has drawn the spotlight recently, including the relationship to unemployment and underemployment, and to unnecessary social and political unrest.

More than 30 factors, it is known, do affect income and contribute to poverty, but estimates are that almost 25 percent of the persons in the poverty group in our country are there primarily because of lack of proper schooling.

NO JOBS FOR THE UNDER-EDUCATED

These poverty-stricken persons are unprepared for jobs—and the many productive jobs that are now available on the labor market are *not* available to them.

The problems of poverty require greater educational investments. The President's Council of Economic Advisers report states:

"For the children of the poor, education is a handicap race; many are too ill-prepared and ill-motivated at home to learn at school, and many communities lengthen the handicap by providing the worst schooling for those who need the best."

Numerous studies note that economic status is a significant factor in lower achievement and that in general, average achievement scores vary directly according to income levels. A study of the urban public school systems in the North revealed that in those schools where the mean family income was above $7,000, students tended to achieve above grade level while in those schools with below $7,000 income, children achieved below grade level. (*An NEA 1968 report indicates that 31.2 percent of Hoosier households have incomes under $5,000 a year.*)

What conclusions can be drawn from these studies? Giving financial support to poor people, while making only feeble efforts to educate them, is not solving the problem, but only tends to perpetuate such conditions. Evidence has demonstrated beyond a doubt that it is possible to raise the academic performance of culturally deprived students by manipulating the educational process controlled by schools.

The Banneker Project in St. Louis under Dr. Samuel Shepard Jr. demonstrated this fact. So does data from the Junior High School 43 Project in New York. With this program:

39 percent more students finished high school

2½ times as many students completed an academic course

3½ times as many students went on to some type of post high school education upon completion of high school

Behavior problems practically disappeared.

This project later demonstrated how costly it was not to continue with a successful program. The impact came, when, rather than using the results and findings to upgrade the quality of their education program, they substituted a diluted, ineffectual "Higher Horizons Project."

Evidence indicates that the most direct answer to poverty is jobs. Education, however, linked with freedom of entry into the job market, and freedom for competitive opportunities for advancement are key features in the successful operation of a free market.

SALEABLE SKILLS ARE NEEDED

In a technological society, education increasingly determines personal productivity. If he's going to escape the poverty group, an individual is going to find it difficult (or impossible) if he can't read or write. He must possess basic skills; must possess saleable skills needed in the market place; must be able to work with different kinds of people; must be proficient and produce quality work; must be able to keep his skills and competencies up to date.

Data confirm the increasing need for education in today's world of work. Unemployment rates increase for those with 12 or fewer years education, while declining for those with 13 or more years of education.

Inferior and irrelevant education which does not help accomplish the above goals is expensive. We spend about a fourth of new tax dollars for the support of public schools. Business and industry also invest approximately $15 billion a year for training. Federal programs provide approximately $2 billion per year for job-oriented education and training programs.

To the extent that support is inadequate to provide capable teachers and administrators, adequate facilities and teaching re-

sources, and effective programs, a double-cost burden is placed on society through:

1. Initial taxes

2. Compensatory and remedial instruction needed to make people ready for pre-job or on-the-job training or apprenticeships.

The consequence of persistently denying equality of opportunity in education and in employment has been estimated to be equivalent to *squandering more than 10 percent of our potential labor force and budding management personnel, researchers, and technicians.*

Perhaps even a more critical concern is the threat of founding a caste system of poverty founded on under-education and underproductive people. How much has inadequately financed and ineffective education contributed to unnecessary social and political unrest dominant in the United States in the last few years?

Public education in the United States was established on the premise that regardless of economic birth, every child should have equal opportunity for educational fulfillment. This concept placed education in the role of a great equalizer of opportunity, and education has become an indispensable instrument for self-advancement in our society, an American promise ever increasing in value.

POOR EDUCATION GENERATES UNREST

Social and political unrest has been generated by those who have found, or felt that they had found, the gates of educational opportunity restricted because of unqualified teachers, inadequate facilities, and obsolete educational programs.

Schools need competent teachers with positive, constructive, and unbiased attitudes toward the educability and motivations of students. Many students pay a heavy penalty because of tests—poorly administered with results misinterpreted—yielding data reinforcing misconceptions about performance norms and even non-educability. The cumulative impact of such experiences has even led to the deterioration of many a student's measured I.Q.

Students in overcrowded classrooms, in schools where specialists are not there to conduct tests, where unqualified and unprofessional teachers are assigned classes, will continue to pay a penalty.

No one can measure exactly the extent to which inadequate education contributed to the frustrations which erupted into violence in more than 50 incidents of civil disorder in which property damage alone was estimated to be approximately $750 million in 1967.

But this "shock treatment" gave American society a message it hasn't forgotten. Poverty, through this unrest and the disorders, was recognized. Funds became available for a growing number of developments and for the testing of new and successful approaches to educational problems. Educational programs are showing underprivileged citizens that their rising expectation can, with training, be fulfilled.

On the American horizon there's still disagreement in a concerted effort to give all American youth a better education and to eliminate poverty. What are the proper remedies? What can be postponed?

The costs of "cheap education" are high. The problem of financial need of our public schools is neither debatable nor postponable.

WALTER KENNEDY

Mr. SPARKMAN. Mr. President, a little more than a half a century ago, when I was a freshman in college, one of the subjects I took was ROTC. The captain of my company was a brilliant young senior by the name of Walter Kennedy.

Following his graduation and his service in World War I, he went into the banking business. He retired January 1 of this year from the position of chairman of the board of directors of the First National Bank of Montgomery, Ala.

Just recently, that bank officially adopted a resolution praising Walter Kennedy. I ask unanimous consent that the resolution, a biographical sketch of Walter Kennedy, and an article entitled, "Walter Kennedy—The Man and the Banker," published in the Southern Banker of January 1969, be printed in the RECORD.

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

CERTIFICATE OF ADOPTION OF CORPORATE RESOLUTION

At a regular meeting of the Board of Directors of The First National Bank of Montgomery held on December 10, 1968, the following resolution was unanimously adopted:

"Whereas Walter Wallace Kennedy, Chairman of the Board of The First National Bank of Montgomery, will retire from active service as an officer of the bank on January 1, 1969; and

"Mr. Kennedy joined the staff of The First National Bank of Montgomery on October 1, 1935, as Trust Officer, and thereafter held the official capacities of Vice President and Trust Officer, Executive Vice President, President, President and Chief Executive Officer, and Chairman of the Board, serving as a member of the Board of Directors since 1946, thus completing over thirty-three years of distinguished service to said bank; and

"The First National Bank of Montgomery made outstanding progress as a result of Mr. Kennedy's leadership and service, especially as President and Chief Executive Officer and Chairman of the Board; and

"During his illustrious banking career, Mr. Kennedy has distinguished himself on local, state, and national levels as a banker, author, educator, and lecturer; and

"Mr. Kennedy has been a singularly useful citizen in the business, social, religious, cultural, and civic life of his community and state and in the service of his country, and in positions of prominence to numerous to recite herein; and

"Mr. Kennedy's integrity and exemplary character and conduct have been inspirational to his associates and others; and

"By the foregoing and his many other accomplishments and outstanding career, he has reflected great credit and honor upon this institution and upon banking in general;

"Now, therefore, the Board of Directors of The First National Bank of Montgomery does hereby express its great pride that Walter Kennedy has been associated with this institution, does hereby extend its highest commendations and gratitude to him for his service, and does hereby extend its affectionate goodwill to him and Mrs. Kennedy, and its best wishes to them for a full enjoyment of his retirement, anticipating with pleasure a continued association with him as a member of this Board of Directors."

In witness whereof, I hereunto set my hand and affix the seal of this corporation on this 10th day of December, 1968.

J. ALLEN REYNOLDS,
Executive Vice President and Acting Secretary.

WALTER WALLACE KENNEDY

Born in Birmingham, Alabama, on December 20, 1898.

Graduate of University of Alabama in 1921 with A.B. and L.L.B. Degrees.

Married Myra Belle Pope.

Three Children: Mrs. William (Anne) Burchenal, Mrs. Watkins C. (Carol) Johnston, and Mr. Walter W. Kennedy, Jr.

Engaged in the practice of law in Birmingham—1921–25.

Employed by First National Bank of Birmingham as Assistant Trust Officer—1929–35.

Employed by The First National Bank of Montgomery in 1935, serving as Trust Officer, Vice President and Trust Officer, Executive Vice President, President, President and Chief Executive Officer, and as Chairman of the Board and as a member of the Board of Directors.

Served in World War I as a Second Lieutenant in the U. S. Army, and in World War II as a Lieutenant Colonel in the U. S. Army Air Corps. Retired from active duty as a Lieutenant Colonel in the U. S. Army Air Corps. Retired as a Colonel in U. S. Air Force in 1958.

President of Alabama Bankers Association—1954–55.

President of Trust Division, American Bankers Association—1957–58.

Member for seven years and chairman for four years of Board of Regents of Stonier Graduate School of Banking at Rutgers—The State University, New Brunswick, New Jersey.

Member of Board of Directors of National Trust School, Northwestern University—1959–61.

Numerous committee posts with national and state banking associations.

Author of *Bank Management* and co-author of *The Management of a Trust Department*, both books published by Bankers Publishing Company, Boston, Massachusetts.

Contributor of articles to numerous leading national banking pubilcations.

Served on faculty of Stonier Graduate School of Banking (Rutgers—The State University, New Brunswick, New Jersey), The School of Banking of the South (Louisiana State University), The School of Consumer Banking (University of Virginia), and the Graduate School of Business (Columbia University).

WALTER KENNEDY, THE MAN AND THE BANKER

Imprinted on the annals of Southern banking are the marks of literally tens of thousands of men and women who have gone before, together with those still with us. They have trod a broad path of leadership and achievement, setting examples of excellence that those yet to come will do well to emulate.

Perhaps it is provincial prejudice to believe that the South has been especially blessed with a corps of banking leaders possessing outstanding resources of vision, imagination, determination and inspiration. We don't think so. As one goes down the roles, the reservoir of talent is truly awesome.

To attempt to single out any one individual for special accolades can be a potentially dangerous thing. But as we reach that time of the yearly cycle when retirements play a large part in the personal news of the profession, it seems fitting to symbolize Retirement Time—1969 by briefly focusing the spotlight on Walter Kennedy, an exceptional fellow of many parts.

We feel confident that the legion of friends of Walter Kennedy will agree unanimously that *The Southern Banker* is on firm editorial ground when it suggests that here, indeed, is a man who epitomizes "the Southern banker" of this dynamic era. During his 34 years of active service in banking, culminated by his years as chairman of the board of The First National Bank of Montgomery, Ala., Walter Kennedy has done a remarkable job in helping to shape the future of his in-

stitution, his city, his region and his chosen profession.

A man of his diverse interests and abilities will surely find retirement perhaps the busiest time of his life.

At the recent correspondent bank conference of The First of Montgomery, his colleagues paid a well-deserved and spectacularly-produced tribute to Walter Kennedy. It was delivered in the form of a bright, light musical salute, complete with chorus, actors portraying highlights of Mr. Kennedy's life and career, and skits that brought warmth and laughter to the assembled banking audience. In short, it was "a really big shew" for a really big man.

Various segments of the presentation pointed out Mr. Kennedy's accomplishments as student, soldier, artist, scholar and banker. Taken as a whole, it was a heart-felt production dedicated to Walter Kennedy—The Man.

Walter Kennedy was born in Birmingham and received his early education in the public schools of that city. He took his undergraduate collegiate work at the University of Alabama and after military service as a lieutenant in World War I, returned to the University and received his LLB degree in 1921.

Walter Kennedy was active in many phases of college life at the University. He was captain of the varsity basketball team, president of the "A" Club and the highest ranking cadet officer in the ROTC. He was also the president of his fraternity, Phi Gamma Delta.

After practicing law in Birmingham following graduation from the University, he began his banking career in the trust department of the First National Bank of Birmingham in 1929. In 1935 he became vice-president and trust officer of The First National Bank of Montgomery. After several years service as a colonel in the Air Force in World War II, he returned to First National as executive vice-president and in 1948 became its president.

In 1947 he graduated from the commercial banking course at the graduate School of Banking at Rutgers. Among the positions which Mr. Kennedy has held in banking associations are: president of Alabama Bankers Association, president of the trust division of The American Bankers Association, executive council of The American Bankers Association, banking education committee of The American Bankers Association. He served for seven years on the board of regents of the Graduate School of Banking at Rutgers and for four years was the chairman of the board of regents. He has also served on the faculty of the School of Banking of the South at Louisiana State University.

Mr. Kennedy is the author of a text book entitled "Bank Management" which has enjoyed wide popularity and is now in its fourth edition. He is also co-author of a recently published book entitled "The Management of a Trust Department."

In 1950 Walter Kennedy was national president of the University of Alabama Alumni Association. On September 1, 1964, he became chairman of the board of First National.

Whos' Who in America, after listing numerous positions and honors which Mr. Kennedy has held in civic, religious and professional organizations, notes that he has been a frequent contributor to legal and banking periodicals.

NEW YORK STATE BAR ASSOCIATION REVIEWS SELECTED ISSUES BEFORE 90TH AND 91ST CONGRESS

Mr. JAVITS. Mr. President, the Committee on Federal Legislation, of the New York State Bar Association, has just issued in its bulletin a review of selected issues before the 90th Congress expected to arise in the 91st Congress. The bulletin contains an analysis of such issues as law enforcement, equal opportunities in housing and education, and the process of political change, as well as the role of the bar in promoting citizen participation in lawmaking.

I ask unanimous consent that the bulletin be printed in the RECORD.

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

NEW YORK STATE BAR ASSOCIATION: BULLETIN OF THE COMMITTEE ON FEDERAL LEGISLATION

INTRODUCTION

This Bulletin is designed to present to legislators, members of the Bar and concerned citizens reports of the Committee on Federal Legislation of the New York State Bar Association and related documents which may be relevant to consideration of federal legislation.

This issue reviews reports by certain Bar groups within the geographical jurisdiction of this Committee on issues which arose before the Ninetieth Congress and which are expected to arise before the Ninety-First. Except as indicated, we present these reports as information without taking any position at this time on the recommendations reported.

During the forthcoming session, this Committee will expand its efforts by calling upon experts in many fields to aid us in our deliberations. We hope that such an "interdisciplinary" approach will enhance the value of our recommendations.

We also intend to provide means for citizens to bring to our attention their experience with the workings of federal statutes under review by Congress.

During the 90th Congress, Bar Associations whose reports are covered by this bulletin urged steps going beyond those actually enacted in many fields. These include law enforcement, expanding opportunity in housing, education, consumer protection, processes of change, and strengthening the legal structure for our foreign relations. Taken together, these recommendations constitute a challenge to constructive thinking for the nation's future.

We wish also to invite those who receive this bulletin, including both legislators and citizens, to help us by sending us your recommendations for areas and alternatives which deserve study.

I. Citizens today regard dealing with crime and violence as a prime national need. It is equally clear that order cannot be obtained without justice, both in processes of enforcement of law and in the extension of wider opportunity.

A. To enforce the law means protection of all citizens from criminal conduct. It also includes protection from abuse in the law enforcement process. In a free society, neither effective law enforcement nor individual rights can exist without the other, any more than a human body can survive without both heart and brain. Great advances are possible in both respects.

1. ELECTRONIC SURVEILLANCE

In 1968, Congress passed the first comprehensive federal statute dealing with wiretapping, "bugging" and like methods of electronic surveillance.

For the first time, the statute restricted private bugging as well as wiretapping, and advertising and sale of private wiretapping and bugging equipment in interstate commerce or through the mails.

The law also prohibits official bugging and wiretapping except under defined procedural safeguards, and excludes from evidence in state as well as federal trials information obtained through illegal wiretapping.

State and federal officials are permitted to use electronic surveillance where a judge finds probable cause to believe that certain types of crimes may be detected and where other safeguards are observed.

The statute undoubtedly represents only the beginning of evolution of the prohibited and permitted categories of surveillance. Some of the areas of potential future development are set forth in a joint report of the Committees of Federal Legislation and on Civil Rights of the Association of the Bar of the City of New York under the chairmanship, respectively, of Eastman Birkett and Louis A. Craco. The recommendations of this joint report were subsequently also endorsed by the Committee on Federal Legislation of the New York County Lawyers Association (Vincent L. Broderick, Chairman).

The Bar reports would disallow some surveillance allowed by the statute, and would allow some surveillance which the statute does not authorize.

a. Bugging in homes and professional offices

Under the statute as enacted, bugs may be placed in any location once probable cause is established and the other procedures laid down are followed. Devices could be placed in private homes and also in lawyers' and doctors' offices or even confession booths. This may be done by surreptitious entry on the premises or by placing a parabolic microphone or other powerful sound detecting device outside. The Bar joint report states on this point:

"The [statute] draws no distinction between the home and other places, as far as wiretapping and bugging is concerned. We do not agree.

"It is of course a possibility that homes will be used for illegal activities, such as gambling activities, and it may be noted that the famous Appalachin meeting took place in a home. We are prepared to accept the idea of wiretaps on home telephones. *Bugs in homes go too far, however. There must be some sanctity required where one can think and speak without fear. We would ban all electronic bugging in homes.*"

The report draws a distinction between wiretaps on home telephones and bugs in homes. The reasons are obvious. One may decide not to use the telephone for discussing the most sensitive private matters. Further, the telephone as a modern means of communication can be abused for sinister purposes, including long-distance arrangements to murder witnesses, fraudulent sales pitches by telephone, running of gambling syndicates and the like.

On the other hand, before modern advances in technology, private conversations could be held in homes without electronic surveillance. Law enforcement was able to function without bugging homes to overhear conspiratorial conversations. The question raised by the Bar report is whether a new step using technology to *restrict previously existing privacy* in homes is justified. The Committees concluded that the price to be paid for any gain to law enforcement in this instance was too high.

b. Who can approve surveillance and for what crimes

Under the statute as enacted, orders for wiretapping or bugging can be obtained to investigate certain listed federal crimes and state crimes within very broad categories embracing any crime "dangerous to life, limb or property" as well as gambling and other listed offenses punishable under state law by imprisonment for one year or more. Any judge of "competent jurisdiction" can issue an order.

The Bar report recommends an entirely different approach. The impact of wiretapping and bugging is nationwide because of the nationwide character of an ever increasing number of our enterprises and activities. Congressional power stems from the fourth amendment which applies to the states through the fourteenth amendment and the federal commerce power which applies to all

activities which affect interstate commerce. But the statute effectively turns over complete discretion as to what offenses justify tapping and bugging to each of the fifty states.

The effect of this is enhanced by the ability of the party seeking the order to select a particular judge thought most likely to grant the application. The judge most lenient in granting such orders may be most likely to be picked. There is no numerical limit on the number of wiretaps or bugs which can be obtained in this manner.

The Bar report seeks to limit wiretaps and bugs to cases which law enforcement authorities regard as truly serious. Listing types of crimes by name is one way to do this but every case of "gambling", "assaut", etc., is not equally serious. Very serious sets of facts may also come within statutes not listed. The name of the crime is less important than the facts of the actual case. Therefore, the Bar report suggests a limit on the *number* of wiretaps and bugs and would *leave it to law enforcement authorities to pick the truly serious cases in which they should be used.* An unlimited number of taps or bugs would be allowed for crimes which are in and of themselves serious enough to justify the use of these methods, such as murder, kidnapping and espionage.

To make the restriction of wholesale tapping and bugging effective, the report calls for federal judges to be the only ones to issue wiretapping and bugging orders. Judge-shopping would be avoided by requiring applications to be made to the judge assigned at the time to hear them. Where there is no federal court in the place where the tap or bug is sought, state authorities where the court is sitting might make an emergency application on the basis of sworn hearsay information obtained by telephone to be followed by further papers.

Under the Bar report, a national quota of taps and bugs for crimes other than murder, kidnapping, espionage, etc. would be fixed. A national authority—comparable in this respect to the Home Secretary in England—would be responsible for assigning these quotas. Perhaps the Attorney General would be given this responsibility. Some quotas might be assigned to state and local authorities and to United States Attorneys in various Districts on a permanent basis. Others might be held by the Attorney General to be used when particularly serious matters required additional quotas for special purposes in particular places. Under the report, the Attorney General would be responsible for keeping track of the numbers of taps and bugs authorized under the quota system and would be required to certify to the court at the time of each application that it was within the quota. When a tap or bug is discontinued, its quota number would become available for another investigation.

The drafters of the Bar Association report did not assert that any system was perfect, but that this approach would reconcile privacy and law enforcement better than blanket permission for state and local authorities in all fifty states to obtain unlimited numbers of wiretap and bugging orders from state judges.

The Bar report's approach would also permit electronic surveillance by law enforcement authorities in situations where it is not allowed, e.g. where a serious situation arises which is not on the list of federal crimes for which taps or bugs are authorized. For example, in a case tried a few years ago in the Southern District of New York, human plasma for injection into patients was manufactured without a license and a conviction was obtained for conspiracy to violate the Public Health Service Act. The statute involved made this a misdemeanor, yet many lives could have been at stake.

Similarly, for example, bribery of bank officials in connection with large transactions might in some instances pose severe dangers to depositors and the integrity of our banking system. The Honorable Edmund L. Palmieri has placed on public record his view that the present misdemeanor penalty for such bribery is insufficient. But Congress has not yet acted on this recommendation. Under the law as it stands, no electronic surveillance could be authorized in any such situation.

2. INTERROGATION OF SUSPECTS

Procedures for interrogation of suspects were one of the most intense issues debated and commented upon by the Bar in the 90th Congress.

For more than a decade, the courts have extended safeguards for interrogation of suspects in custody in order to protect them from coercion. In 1966, *Miranda* v. *Arizona* held that an arrested suspect could not be questioned without a detailed warning concerning his rights to silence and counsel and his understanding the effect of a waiver of those rights.

These rulings generated charges that the courts were unduly favoring criminals over the victims of crime, especially where some defendants who had admitted committing serious crimes could not be prosecuted. As one result, Congress enacted Title II of the "Safe Streets" Act in the spring of 1968, purporting to make admissible in evidence any confessions and admissions "voluntarily given."

The Committees on Civil Rights and Federal Legislation of The Association of the Bar of the City of New York opposed Title II.

Their joint report specifically questioned the constitutionality of provisions in the original bill which would have purported to deny federal court jurisdiction to review confession cases arising in state courts. These were deleted on the floor of the Senate.

The joint report also opposed the provisions retained in the final legislation seeking to make all voluntary confessions admissible in federal trials notwithstanding the *Miranda* decision.

As part of a comprehensive report on law enforcement, the Committee on Federal Legislation of the New York County Lawyers Association has proposed in lieu of the language of Title II, a series of safeguards designed to reconcile the purposes of the Fifth Amendment privilege with the need for effective law enforcement.

The New York County Lawyers Committee report does not seek to go back to the pre-*Miranda* situation or to allow all "voluntary" confessions to be received as evidence. Rather, the report would retain all of the present restrictions concerning questioning of suspects in custody, while seeking to develop new approaches to obtaining evidence under circumstances which will protect the legitimate rights of the suspect and the purposes of the Fifth Amendment. If this is done, according to the Bar group, the need for station-house interrogation can be lessened.

The report states in part:

"The validity of the new provisions if interpreted to overrule the constitutional decisions in such cases as *Miranda* is most doubtful.

"The dilemma is an acute one. On one hand, by permitting police interrogation of arrested suspects without counsel to become a major source of evidence, we encourage interrogation under what frequently may be coercive circumstances. On the other hand, under our present approach, by providing counsel and insisting on warnings, we may get no evidence at all in crucial cases.

"Neither result is satisfactory.

"Interrogation is important as a source of evidence in a number of types of situations where other techniques of investigations are not likely to be fruitful.

"The fundamental purposes of the Fifth Amendment, historically and as outlined by Justice Goldberg in *Murphy* v. *Waterfront Commission*, 378 U.S. 52, 55–57 (1964) include:

"1. Protection of the suspect from a 'trilemma' in which he must

"(a) admit his crime;

"(b) commit contempt of court in refusing to answer; or

"(c) face prosecution for perjury if he denies wrongdoing.

"2. Protection of the suspect from inquiry into the area of his conscience of religious or political beliefs.

"3. Protection of the suspect from extraction of false confessions obtained during questioning under coercive circumstances.

"4. Protection of the suspect from being placed in a position where he must expose himself to cross examination, bringing out prior convictions. This was one of the factors in *Griffin* v. *California*, 380 U.S. 609 (1965), holding invalid a California procedure permitting comment on failure of a defendant to take the stand at his trial.

"The possibility of developing a system of procedural safeguards which would warrant comment in the course of trial on a refusal to answer should therefore be considered.

"The literal language of the Fifth Amendment states that no person may be 'compelled' to be a witness against himself in any criminal case. The constitutional issue here concerns what constitutes compulsion. This question should be resolved in accordance with the underlying purposes of the constitutional provision.

"The following safeguards might be established where the person refuses to answer before a grand jury and the prosecution wishes to proceed further:

"(1) The right to have counsel present.

"(2) The right to a transcript of the proceedings.

"(3) The right to have objections to questions passed on by a judicial official.

"(4) Protection from contempt sanctions for failure to answer, the only consequence of such failure being that logical inferences may be drawn from it on the question of guilt, subject to any explanation the suspect or defendant might make.

"(5) Protection from prosecution for perjury for answers given under these circumstances, the only sanctions against false statements being that these also would be considered evidence on the question of guilt if their falsity could be proved.

"(6) The prohibition of questions dealing with the internal mental processes or religious or political beliefs of the witness, questioning being limited to what the witness did or observed.

"(7) Protection against any claims that answering questions under these circumstances would expose the witness to revelations of prior arrests or convictions.

"If safeguards such as these are given, comment on refusal to answer might be permitted.

"These safeguards would only come into play if (a) the witness refused to answer on the ground of the privilege against self-incrimination, and (b) the prosecution elected to grant the witness these safeguards in order to obtain the right to comment on any failure to answer.

"Revision of immunity statutes

"Another situation arises where the witness has information primarily important to a judgment as to whether others have committed crimes. Under present immunity statutes, a witness can only be compelled to answer with sanctions of contempt for failure to do so by giving him absolute immunity from prosecution for any acts or transactions covered by his testimony. This may result in an entirely unintended barrier to prosecution if the witness was involved in violations which could be proved by other evidence entirely apart from his compelled testimony.

"This danger is particularly acute under those statutes which confer immunity automatically where a witness is called in an investigation under certain laws, even if the witness does not refuse to answer, or does not claim his privilege against self-incrimination.

"Recently, however, the Supreme Court has indicated that it does not violate the privilege of self-incrimination to compel testimony if that testimony cannot be used against the witness in any criminal proceeding. *Murphy* v. *Waterfront Commission*, 378 U.S. 52 (1964).

"Provisions should be made to permit questioning of witnesses in investigations under statutes now having 'automatic' immunity provisions without conferring such immunity, if the Government expressly warns the witness that he may remain silent and that anything he says may be used against him.

"Provision should also be made for the Government to be permitted to compel testimony of a witness in any important criminal prosecution, if he is shielded from direct or indirect use of such testimony against him in any criminal case, but without giving him absolute immunity from prosecution based on independent evidence not flowing from his testimony. The prosecution should have the option of using such a procedure in lieu of any of the existing immunity statutes, but it should also extend to any crime, whether or not covered by the existing statutes."

The Supreme Court seemed to invite study of new alternatives in *Miranda* when it stated that it was imposing its requirements because of the absence of other safeguards. Much discussion has been had concerning alternative possibilities, including suggestions by eminent jurists and defense counsel that failure of a suspect to answer questions in a judicial forum under proper safeguards could be used against him. The County Lawyers' report agrees with Mr. Justice Goldberg (N.Y. Times, 12/6/68, § 1, p. 65) that the underlying purposes of the Fifth Amendment must guide us in any revision of our concepts in this area. Circumstances and the "steady pressure of facts and events" are bound to compel further evolution in which both the Bar and legislators must participate. As stated by Chief Justice Stone for the Court in 1941: "to decide [a question of constitutional interpretation] we turn to the words of the Constitution read in their historical setting as revealing the purpose of its framers, and search for admissible meanings of its words which, in the circumstances of their application, will effectuate those purposes."

3. FIREARMS CONTROL

Following the assassinations of Robert F. Kennedy and Martin Luther King and Supreme Court rulings that much of previous firearms legislation, which was based in large part on disclosure requirements under the Internal Revenue Code, violated the Fifth Amendment privilege, Congress enacted new firearms controls as Title IV of the "Safe Streets" Act, and further firearms control legislation has since been added.

On July 4, 1968 the Executive Committee of the New York State Bar Association adopted a resolution urging federal licensing and registration of firearms as well as a ban on mail order sales of long guns. Stronger federal firearms control laws have likewise been recommended by the Committees on Federal Legislation of The Association of the Bar of the City of New York and of the New York County Lawyers Association. We have no doubt of the extent of federal power in this field under the commerce clause, which permits federal legislation on any matters affecting interstate commerce.

This Committee embraces a wide range of views on this subject, our membership including both the Chairman of the New York Citizens Committee for Gun Control Laws, and counsel for the New York Sporting Arms Association. Taking advantage of this diversity of views, the Committee will explore possibilities for federal legislation which would provide at least limited uniformity of gun regulations to assist sportsmen and the industry, while imposing stronger controls than now exist.

4. SENTENCING

Several bills have been introduced concerning sentencing practices, including bills to abolish the death penalty. The Criminal Law Committee of the Federal Bar Association of New York, New Jersey and Connecticut has proposed a comprehensive review of sentencing procedures. The Federal Bar Committee believes that greater flexibility should be allowed sentencing judges by permitting more alternative types of treatment of offenders, including options for a defendant in particular cases, with the approval of the Court, to serve a portion of a sentence in a mental institution, "halfway house" or under other supervision. If sentencing judges were permitted to determine the most appropriate treatment for persons found to have committed anti-social acts on the basis of all the circumstances, including the mental condition of such persons, some of the reasons for the insanity defense might be lessened. This would not be so, of course, unless the death penalty, if not abolished as provided by certain bills, were at least inapplicable to the crime or permitted by law to be waived in advance.

Flexibility would also be enhanced according to the Federal Bar group if judges were permitted to place defendants on probation for apportion of the maximum allowable sentence, even where imprisonment for more than six months is imposed. This is not now permitted in federal cases under 18 U.S.C. § 3651. Likewise, consideration might be given to permitting injunctive relief to be granted as part of a judgment of conviction where justified, inasmuch as the defendant has been found guilty beyond a reasonable doubt, a higher standard of proof than required in a civil case. The possibility of preliminary injunctive relief might also be considered to deal with cases where unlawful conduct is continued even after the return of an indictment. Bail does not prevent this because it is designed solely to secure the presence of the defendant for trial.

The Federal Bar Committee has proposed another way to increase flexibility in sentencing, by authorizing fines related to the "magnitude of the transactions involved." This might take the form of authorizing a fine based on a multiple of the value of items obtained, used, or involved in a crime. The Federal Bar Committee stated that an extreme example of the miniscule fines authorized by present statutes was the mail fraud statute, 18 U.S.C. § 1341, which permits imposition of imprisonment for up to 5 years, but a fine of only up to $1,000.

The Federal Bar report further called for a review of factors considered by the courts in imposing sentence, a matter perhaps not suitable for legislation, but suitable for analysis and discussion by legislative bodies and the Bar. The Committee's report states on this point:

"In addition to widening the options available to a sentencing court, the factors considered in imposing sentence must be reevaluated. Traditionally, great weight is given to (a) presence or absence of a prior criminal record; (b) prospects for rehabilitation as indicated by the family background of the defendant, his employment history, his ties in the community and educational background; (c) indications of good moral character furnished by citizens of the community; (d) assurance of future employment; and (e) psychiatric or other explanations of the defendant's conduct furnished by persons professionally able to consider his condition.

"Each of these factors, entirely valid in and of itself, inevitably tends to favor the defendant having a responsible position in the community, financial resources and influence, high prestige, and community respectability. When these are the sole controlling factors in sentencing, the result is a denial of equal justice. Without denying the validity of these factors, it is submitted that other factors should also be considered, including (1) the extent to which the defendant has abused a position of responsibility entrusted to him by society, (2) the extent to which he sets an example for others because of his position, and (3) the large-scale influence which his conduct may have on others because of a pivotal relationship which he has voluntarily assumed in society and as a result of which his actions could have wide ramifications. These factors are simply an expression of the notion, rooted in our traditions, that power implies responsibility. Cf. Stone, *Public Influence of the Bar*, 48 Harv. L. Rev. 1 (1934); Mason, *Harlan Fiske Stone, Pillar of the Law*, 344–56, 369–84 (1956). Such factors must be considered if criminal justice is to be fair and effective; it is hard to expect small-time violators to obey the law when larger scale offenders receive lenient treatment. If a person chooses to seek to advance to a position of responsibility in a society, society has a right to expect from him a high standard of conduct. . . ."

5. SEARCHES AND SEIZURES

The "Safe Streets" Act contains two provisions dealing with searches and seizures. One permits the Government to appeal from pre-trial decisions suppressing evidence and the other allows search warrants to seize evidence of criminal offenses, in addition to instrumentalities of crime and contraband. These provisions represent part of the continuing evolution of our law of search and seizure under the twin pressures of the need to control crime and to protect individual rights. Here, as in the case of sentencing procedures, the Committee on Criminal Law of the Federal Bar Association of New York, New Jersey, and Connecticut has, this time through a subcommittee, urged a comprehensive view of our procedures, going beyond the changes made by the 90th Congress.

* * * * *

6. AID TO LOCAL LAW ENFORCEMENT

The 90th Congress established a procedure for aid to local law enforcement authorities. The question remains open, however, whether federal action should encourage specific kinds of innovation by local law enforcement authorities, and if so, how. The President's Commission on Law Enforcement and Administration of Justice has called for a number of steps including development of prejudicial procedures for dealing at the station house level with minor infractions without resort to the courts and without giving the offender a criminal record and expansion of community-police advisory panels and local councils.

A task force report also praised procedures for "work release" of appropriate prisoners so that they can accustom themselves to worthwhile and remunerative work while awaiting final release. Vincent L. Broderick, a member of this committee and former Police Commissioner of New York City, has further suggested wider use of police callboxes and motor scooters equipped with two-way radios to give the protection of visible police presence over a wider geographic area with limited manpower and with the ability to call for assistance when needed.

7. OTHER STEPS

The Committee on Federal Legislation of the New York County Lawyers Association has recommended a comprehensive review of law enforcement procedures and changes in

several additional areas, including a right of the government to appeal from adverse rulings before or during trial as to important matters to match the defendant's right to review after a conviction, and extension of the obstruction of justice statute to prohibit intimidation of witnesses in all federal hearings.

B. Recognizing the indispensability of greater efforts to achieve justice for all citizens, the Bar dealt during the 90th Congress with issues concerning housing, education, consumer protection and equity for migratory workers.

1. HOUSING

The Housing and Urban Development Act of 1968 calls for a 10 year program for rebuilding the nation's cities. The Senate Report on the Act stated:

"The goal of a decent home and suitable environment for every American family can best be achieved through a definite plan . . . for the effective utilization of available resources and capabilities . . . in both the public and private sectors . . . over a . . . period of 10 years."

The Committee on Federal Legislation of the New York County Lawyers Association in reporting on this legislation stated:

"In order for such a plan to be effective it must be based on firm commitments and long-term financing. A plan which cannot be counted on by those engaged in carrying it out would be ineffective.

"Long-range commitments under federal programs are not new. Under the federal highway program, contracts running many years into the future must be entered into in order that large scale highway construction can proceed in an effective and economical manner. United States Code, Title 23, Section 118(b) provides for such contracts running far beyond one year.

"Under the Demonstration Cities and Metropolitan Development Act of 1966, funds appropriated are to remain available until expended.

"In the case of housing today, as President Eisenhower said at the outset of our present federal highway program in 1954: 'Large scale improvement is needed simply to remedy deficiencies not met in the past.'

"Effective rebuilding in the central cities will benefit every group in our society. Residents of the central city will obviously suffer until it is achieved.

"If the central cities are not rebuilt, the suburbs will lose their suburban character. Increasing numbers will move to the suburbs merely to escape intolerable conditions in the inner cities unless the central cities are made attractive for those who wish to leave there. Blight, like rot on an apple in a barrel, is bound to spread . . .

"In the absence of long-range funding, there is little job security in the building trades. Each construction project is separate and there is no assurance of continued employment when it is completed.

"Unemployment is often high and jobs sporadic. Employees in the building industry therefore use every means that they can to protect their jobs. As a result, it is more difficult than it otherwise would have to be for newcomers to enter the industry.

"Likewise, employees concerned for their jobs are obviously going to be reluctant to accept new technologies which might reduce work necessary for construction of buildings. This is reflected in Union rules. It is also reflected in the great variety of local building codes.

"If long-range commitments were made for rebuilding entire parts of cities on a comprehensive basis, the following advantages could be achieved:

"1. On the basis of long-term contracts given to contractors, building contractors could be enabled or required to hire employees on a longer term basis.

"If this were done and the program were sufficiently extensive to assure jobs for the labor force in the industry, the reasons for resistance to technological advance and to the bringing in of newcomers to the industry would be largely obviated. As part of such a program, Congress or the agency administering the program could require or expect that restrictions on building methods or on what work particular employees are permitted to do—primarily designed to protect jobs—would be waived in return for the job benefits which the employees would receive.

"2. Transportation, education, shopping, entertainment and other facilities could be built into the housing as constructed, generated exciting diversity and replacing the draft and repetitious architecture of many existing projects.

"3. Based on continuation of present methods and the present way of doing things, prospects for advances in effective building technology are not bright. But if institutional barriers were overcome, the opposite would be the case.

"The reduction in cost achieved through long-range planning and use of the most efficient technologies would permit lower rentals or purchase price payments for lower-income persons, with less and perhaps in some cases no direct subsidy.

"Assistance for low-income residents could be provided by means of a sliding scale of payments for residents based on income of the residents and the quality of the accommodations.

"This would eliminate unfortunate features of old-style public housing where there has been a fixed income ceiling. Residents' incentive to improve their earning power is stifled by such a ceiling. It promotes a high turnover, low morale and high crime rates. As part of such a program, persons in ghetto areas should be enabled to own their own homes where this would not otherwise be possible."

The views of the County Lawyers Association were based, in part, on those of a group of civic leaders in the greater New York Metropolitan area, known as the Community-wide Panel which was organized to seek to bring together previously diverse views. The Panel backed long-range commitments for rebuilding as a means of obtaining job security, opening up use of the most modern technological advances, and developing job opportunities for citizens in the urban core.

This proposal likewise received the support of important segments of the building and construction industry and construction unions.

The views of the New York County Lawyers Committee were also commented upon favorably in an editorial in *America* magazine (8/17/68), p. 93.

A recommendation for a sliding scale of rents or purchase price payments in publicly-aided housing was also approved in an unanimous report of the Committee on Housing and Urban Development of the Community Service Society of New York. The Society urged the abolition of income limits for remaining in publicly-aided housing and urged instead that those whose incomes go up be asked to pay an additional amount to help build more housing or reduce costs for poor residents. CSS pointed out that fixed income ceilings promote high turn-over and low morale and a poor image for housing programs.

The possibilities of a breakthrough in housing technology are significant. For example, Seymour Melman of the Engineering Faculty of Columbia University believes that an "alphabet" of building components could be created which could be produced on a mass production basis which could be used to construct many different types of buildings that would not look alike. The cost per unit would be greatly reduced by wider use of prefabrication and other modern methods. At the same time, construction employment would be expanded rather than cut if a long-term commitment were made to a program sufficiently large to rebuild effectively.

2. EDUCATION

Numerous education bills were considered by the 90th Congress and the Committee on Federal Legislation of the New York County Lawyers Association likewise commented on legislation in this field. Its report stated in part:

"Special urgency has been given to concern about our schools by the role of education in the urban crisis. It is beyond dispute that for whatever reason ghetto schools are failing to equip children in many minority areas for the challenges of the last third of the twentieth century.

"Deepening concern about our entire educational system is growing. This is expressed in many forms, including vehement revolt by many of the students themselves.

"A vital function of the work-study program is to make possible education for students who could not otherwise afford further schooling. The importance of this to training for future needs of the nation is clear. It is equally important in working toward equality of opportunity for those whose parents are less affluent. There is also a further reason for extending it.

"Today, unprecedented numbers of young Americans are in school. They are required to remain in school for longer periods than ever before to be qualified for decent jobs. Academic training is largely separated from non-academic work. Young people who in past years would have been fully responsible adults are in a position of studying for long periods in order to work later. The difficulty here is that for those of age to assume adult responsibility, study alone is rarely fully satisfying:

"There is, in fact, an innate need of human nature requiring that men engaged in productive activity have an opportunity to assume responsibility and to perfect themselves by their efforts." [Pope John XXIII, Mater et Magistra, Part II, Para. 82]

"In large part our young people are restricted in such opportunities today.

"One of the main reasons for widespread student discontent and the susceptibility of large numbers of students to those who pursue extreme methods is the lack of constructive responsibilities and creative opportunities open to many American students.

"In order to deal with this situation, we recommend a future extension of the work-study program on an expanded scale on the basis of the success of the program to date. We further recommend that such work-study programs encompass constructive efforts dealing with national needs which will give the greatest creative opportunities for exciting work on the frontiers of knowledge and of the greatest importance to society. Such programs as the Peace Corps are steps in this direction. Such opportunities must also be made available for many who cannot interrupt their educational career for uninterrupted periods of full-time work of this kind. Perhaps arrangements can be made for academic credit in varying institutions for work-study efforts which have high educational value.

Advance funding

"H. Rep. No. 1319, 90th Cong., 2d Sess. (1968) points out that federal educational programs have been disrupted on an extremely large scale because of the uncertainty, often up to the last minute, as to whether funds will be available. This Committee has received the same information from many sources.

"As a consequence, many qualified persons today are reluctant to work on educational programs dependent upon federal funds.

Many feel as a result of past experiences, that there will be no assurance that promised funds for school programs will, in fact, be forthcoming.

"To remedy this, we endorse the proposal that funds be voted during the fiscal year preceding the year in which programs are to be carried out. We further urge that consideration be given to extending this important reform to cover other federal activities in the field of education.

"The procedure is not novel. Whenever it has become clear that long-range planning with knowledge that funds are available is indispensable to the effectiveness of a program, methods have been found to achieve this.

"Any other course is wasteful and amounts to throwing away a large part of the funds spent—because they cannot be effectively used without long-term planning.

Preschool programs, child care centers and school lunches

"The impact of the Head Start program made clear the value to students and parents of pre-school and child care programs.

"Without pre-school care of children, many mothers must remain on welfare and children must often remain in an unsatisfactory environment.

"Federal action on a permanent basis is justified as an investment in the future of the Nation. The cost of such programs should not be viewed as current expenses, but as part of investment in the future.

"The same is true of school lunch and school breakfast programs. No child can learn well on an empty stomach. Nutrition is as much a part of what he needs for his own future and the nation's as textbooks. No child in America should be in school hungry.

National educational policy

"The pending legislation and the suggestions we have made only begin to scratch the surface of national needs in the field of education. Comprehensive study and rethinking is necessary to bring our consideration of educational needs up to date to meet the challenges of the last third of this century.

"Much of our education has been devoted to 'cramming information into the heads' of students, who are viewed as passive receptacles like jars into which masses of information are to be poured, for the purpose of being checked on short-answer and multiple choice tests. This is surely outdated in today's rapidly changing environment.

"Our emphasis upon formal education also often deprives citizens who did not do well in school or who lack the appetite for conventional formal education of the opportunity to work in jobs for which they are actually qualified or could become qualified by on-the-job training.

"At the same time, many young Americans who would profit from additional schooling cannot get it because they cannot afford it.

"For these reasons, we approve the pending proposal that it be a national policy that every citizen be entitled to education limited only by the ability of the student to benefit. We likewise endorse the proposal for a National Educational Policy Commission to examine how to carry this goal into effect."

3. INSURANCE IN THE CENTRAL CITIES

Legislation enacted by the 90th Congress for re-insurance on policies of property insurance under State plans seeking insurance regardless of "environmental hazards" was approved by a unanimous report of a Committee on Civil Rights of The Association of the Bar of the City of New York. The Bar report also approved a bill introduced by Senator Smathers of Florida calling for a Federal corporation to offer direct property insurance against damage due to crime where insurance is otherwise entirely unobtainable. The report recommended that limitations of such "coverage of last resort" to small business be dropped since encouragement of larger firms to enter the core cities is also needed. The report likewise urged that evidence that a specific loss due to such an event as a fire, not require proof that the loss was due to crime if the loss was of a type likely to be so caused.

4. CONSUMER PROTECTION

The 90th Congress enacted the "Truth in Lending Act" containing numerous provisions dealing with consumer protection. Another consumer bill reported by the Senate Commerce Committee called for a "cooling-off period" during which consumers could cancel contracts obtained by door-to-door salesmen on credit. This bill was approved by this Committee, the Committee on Legal Assistance of The Association of the Bar of the City of New York (Harold Baer, Jr., Chairman) and the New York County Lawyers' Association Committee on Federal Legislation.

The Senate Commerce Committee modified the bill as originally drafted to incorporate recommendations made in the County Lawyers report that injunctive relief be authorized and that the "cooling-off period" be extended to more than one day.

The Committee on Trade Regulation of The Association of the Bar of the City of New York also supported legislation which would authorize preliminary injunctions in Federal Trade Commission proceedings subject to traditional equity safeguards.

5. MIGRATORY LABOR

Legislation to extend coverage of the National Labor Relations Act to migratory farm workers, considered in the 90th Congress, has been unanimously approved at different times by the Committee on Labor and Social Security Legislation of The Association of the Bar of the City of New York, the Committee on Labor Law of the Federal Bar Association of New York, New Jersey and Connecticut, and the Committee on Federal Legislation of the New York County Lawyers Association. The latter two committees have likewise urged that steps be taken to extend greater voting rights to migratory workers generally. The Committees contended that legal discrimination against migratory workers followed in large part from the fact that they could not vote because of residence requirements and were thus deprived of substantial political influence. For these reasons, it was felt that the Bar had a special duty to intervene on behalf of migratory workers. The Federal Bar Report went further and urged study of a Federal corporation which might act as an intermediary for migratory workers and grant them long-term employment contracts so as to assure the types of job security and fringe benefits generally available in other industries.

C. Because of the American political axiom that governments derive their "just powers from the consent of the governed" and because of the importance of processes of orderly change in securing respect for law, those processes have received particular attention by the Bar in recent years.

1. DIRECT ELECTION OF THE PRESIDENT

The proposal of the American Bar Association for direct election of the President received the endorsement of The Association of the Bar of the City of New York.

The Committee on Federal Legislation of The Association of the Bar has maintained its opposition to measures which would distribute electoral votes by congressional districts or divide them according to the votes within each state.

2. INCENTIVES FOR POLITICAL CONTRIBUTIONS

This Committee and the Committees on Federal Legislation of The Association of the Bar of the City of New York and of the New York County Lawyers Association likewise endorsed limited tax incentives for contributors to political campaigns as a means of broadening public participation in political processes and relieving candidates of part of the necessity to rely on large contributors who might otherwise have an undue influence on the candidate. The County Lawyers group in addition expressly opposed proposals to provide direct federal subsidies to candidates and prohibit citizens from expending monies not authorized by the candidates and included within his quota. The Committee felt this would result in undue restriction of freedom of expression and citizen initiative in politics on which our country was founded.

3. OPPOSITION TO "CONSTITUTIONAL CONVENTION ACT"

The Committees on Federal Legislation of The Association of the Bar of the City of New York and of the New York County Lawyers Association likewise disapproved a bill to encourage the calling of a new Federal Constitutional Convention and to turn over most decisions on the composition and procedures of such a convention to state legislatures.

4. RESIDENCE REQUIREMENTS

Committees of the Federal Bar Association of New York, New Jersey and Connecticut and of the New York County Lawyers Association have called for reduction or elimination of residence requirements for voting in presidential elections and reconsideration of such requirements for elections for other federal office.

Recognizing the events beyond our borders will necessarily have an accelerating impact under the influence of ever more rapidly advancing technology, transportation and communication, the Committee on Federal Legislation of the New York County Lawyers Association has approved two reports concerning the legal structure for our foreign relations, which read in part as follows:

A. *A United States delegation to discuss legal structure for closer unity of free nations.* [Cong. Rec., Vol. 114, pt. 21, pp. 28103–28104].

"The tragedy of August, 1968 in Czechoslovakia together with other international difficulties reminds us of our obligation as lawyers to examine the legal structure for our foreign relations and to deal with proposals which might strengthen that structure.

"H. Con. Res. 48 [90th Congress] would provide for a delegation of leading citizens of both parties to meet with representatives of other free nations to consider possibilities of closer union. The resolutions would not commit the United States in advance to any particular course of action.

"The House Foreign Affairs Committee has acted favorably and has reported out the House version of the proposal. H. Rep. No. 1656, 90th Cong. 1st Sess. (1968). In our view it merits favorable action.

"Steps toward closer unity among free nations are of vital importance in dealing with many problems, including currency crises, balance of payments difficulties, effective assistance to developing nations, and the creation of conditions which will prevent or deter acts of aggression against any nation.

"Our concern is with the legal structure which will permit appropriate steps in this respect. The proposal approved by the House Foreign Affairs Committee establishes firm congressional authority for the necessary consultations with the representatives of other nations, which would be of prime value in making those consultations meaningful and effective.

"A precedent may be found in Public Law 86–719, 74 Stat. 818, enacted September 7, 1960, which authorized participation of leading citizens in an international convention of citizens from North Atlantic Treaty countries.

"In the present instance, we do not believe that consultations need be necessarily limited

to citizens from nations which are members of NATO, nor do we believe the language of the pending resolutions would close the door on participation by citizens of other free nations who might wish to take part . . .

"Likewise, we believe that the language of the present resolutions is broad enough to permit the representatives on behalf of the United States to consult with both governmental and non-governmental agencies and representatives from other free nations, as may be appropriate. If the pending resolutions are amended, this point could also be made clearer . . .

"The underlying purpose of the resolutions has been publicly endorsed by such diverse public figures as Richard M. Nixon, Nelson A. Rockefeller, Hubert H. Humphrey, Robert F. Kennedy and Eugene J. McCarthy among others.

B. *Long-Range Commitments in International Economic Programs.*

"In his second Inaugural Address on January 21, 1957, President Dwight D. Eisenhower stated:

" '. . . our world is where our full destiny lies—with men, of all people and all nations, who are or would be free . . .

" 'From the deserts of North Africa to the islands of the South Pacific one-third of all mankind has entered upon an historic struggle for a new freedom: Freedom from grinding poverty.

" 'To build . . . peace is a bold and solemn purpose. To proclaim it is easy. To serve it will be hard. And to attain it, we must be aware of its full meaning—and ready to pay its full price.'

"Our other Chief Executives both before and since have emphasized the same conclusion. However, public support has often been lacking because there is no specific interest group closely affected to guard the effectiveness and fate of our programs in this field.

"In our view, one reason for difficulties encountered by the program and one stumbling block in its effectiveness has been an inadequate long-term legal foundation for our efforts . . .

"Many projects require more than one year to complete. Uncertainty from year to year as to funds available and even authority for the existence of the program therefore tends to promote wasteful and inefficient administration . . .

"We believe that keeping a necessary part of our national policy on short leading-strings is self-defeating. Congress would still retain the authority to enact laws altering the program and improving it if the hand-to-mouth phase of its existence were transcended.

"There is ample precedent both for long-range authorization and long-range commitments of funds in federal programs. Under highway programs, commitments running far beyond any single year are authorized under 23 U.S.C. § 118(b).

"Furthermore, many statutes are open-ended and contain no expiration date; for example in the case of the Foreign Service, also a vital tool for our foreign relations, the Service is simply created with no expiration date (22 U.S.C. Chapter 14. And the law simply provides that:

" 'Appropriations to carry out the purposes of this Act are hereby authorized.' Act of August 13, 1946, sec. 1071, 60 Stat. 999, 22 U.S.C. § 801, note.

"There are no ceilings on appropriations. The amounts to be funded are determined by Congress when the monies are voted.

"The need to do whatever we can to help bring developing nation's economies into the twentieth century is a matter of national self-interest and will continue to be for some time. The legal foundations of our aid program should reflect this if they are to meet our needs in the last third of the twentieth century.

"We recommend that consideration be given to the following improvements in further legislation dealing with the aid program:

"1. The basic authorization should be open-ended with no specific expiration date, subject, of course, to further amendment by Congress at any time.

"2. The authorizing legislation should permit appropriations of such sums as may be necessary. The amount to be voted should be fixed when appropriations are enacted and no ceilings on monies to be voted should be contained in the authorization statute.

"3. Appropriations, at least for long-range projects, should be for the entire amount necessary for such projects and should remain available until expended. There is no constitutional difficulty in this procedure, since the only limitation in the Constitution on the duration of appropriations is for armies, where funds are limited to a term of two years. Article I, § 8, Clause 12."

The report also recognized that the type of aid we give requires improvement if it is to be effective.

C. *Statute of Limitations for Deportation.*

In other action affecting our foreign relations, this Committee and the Committees on Federal Legislation of the County Lawyers Association and of The Association of the Bar of the City of New York have repeatedly urged legislation to fix a statute of limitations for deportation for long-past misconduct. The American Bar Association has likewise urged such action.

III. We believe the efforts of Bar groups covered in this bulletin show that new and better approaches to the most difficult problems can be found.

In the last third of this century, such efforts will require the united cooperation of citizens from all walks of life in meeting the challenges and crises which we must and will confront and overcome.

A. In order to bring expert opinion outside the law to bear upon proposed federal legislation, this Committee, in connection with other Bar groups which may wish to participate, will establish a series of citizens' advisory panels dealing with the major areas considered in this Bulletin and others. Participants will aid in reviewing draft reports in their areas of competence and in calling to the attention of the Bar emerging challenges requiring the attention of the national legislature.

B. This Bulletin seeks to make available information concerning proposed federal legislation of importance to citizens as well as recommendations to and by the Bar relevant to such legislation. We also intend to encourage publications of all kinds which will bring to the attention of the public long-range developments, constructive efforts by citizens to meet our challenges, and new alternatives. This is crucial today because of the tendency of some of the mass media to stress material having instantaneous shock value to the exclusion of information of long-range significance to citizens. Where appropriate we will also assist in such publications or documentaries to bring long-range trends and possibilities before the public.

C. Citizens in all walks of life have essential information concerning the practical impact of federal measures affecting them. Only through the widest consideration of the views of all citizens can the most effective legislation result. We intend to work with both citizens and official agencies, and to take steps, through seminars, hearings and other means, to assist in gathering and transmitting such information.

In these endeavors, we invite and solicit the aid of all citizens.

Committee on Federal Legislation, New York State Bar Association; Richard A. Givens, Chairman, New York City; Anthony P. Marshall, Secretary, New York City; Leslie H. Arps, New York City; Harold Baer, Jr., New York City; Mark E. Benenson, New York City; Edward S. Blackstone, New York City; Vincent L. Broderick, New York City; Mason O. Damon, Buffalo; David M. Dorsen, New York City; John T. Elfvin, Buffalo.

Robert B. Fiske, Jr., New York City; Lawrence W. Keepnews, New York City; Norman Kellar, Kingston; Herbert C. Miller, New York City; George W. Myers, Jr., Buffalo; Bernard Nussbaum, New York City; Robert Patterson, Jr., New York City; Arthur C. Stever, Jr., Watertown.

U.S. INTERNAL DEFENSE POLICY

Mr. FULBRIGHT. Mr. President, the January 1969, Foreign Service Journal contains an article entitled "Our Internal Defense Policy: A Reappraisal," written by Charles Maechling, Jr., "Internal defense policy" is the formal bureaucratic term for what is known as the counterinsurgency doctrine, a major element of our Nation's foreign policy since 1962.

Mr. Maechling's article is a thoughtful analysis of the inherent faults of this policy which, he wrote:

Seems to presuppose that the United States has a global mission to support "free" societies throughout the Third World regardless of whether a political orientation in the countries concerned is essential to US interests.

On the matter of "leverage" we have heard so much about, Maechling wrote:

The whole policy vastly overestimates US "leverage" once a commitment of assistance has been made. Governments of underdeveloped countries know to the last millimeter just how much we are "hooked" once we give even a qualified endorsement of a regime to Congress in the course of justifying an assistance program.

I hope that my colleagues will keep that in mind in considering foreign aid legislation. Point by point the article reveals the basic fallacies of the counterinsurgency doctrine which has caused so much grief to our country.

By propounding the thesis—

The article concludes—

that the United States should involve itself in the internal affairs of other countries, without having the authority to guide the domestic policies of these countries, the policy positively invites indecisive entanglements and inconclusive results. By not imposing strict limitations on its applicability to remote areas and ambiguous situations, the policy positively invites recurrent involvement in foreign land wars that would drain our resources, estrange us from our allies, and tie up our most precious military asset, strategic mobility.

Mr. Maechling has had a long exposure to U.S. counterinsurgency policy and is well qualified as a critic in this field. He served as Director of Internal Defense in the Office of the Secretary of State from 1961 to 1963; special assistant to the then Under Secretary for Political Affairs, and Ambassador-at-Large, Averell Harriman, 1963–66; and as staff director of the special group—counter insurgency. He is now deputy general counsel of the National Science Foundation, freed from the inhibitions of State Department employment.

I commend the article to the attention of Senators and other readers of

the RECORD, and ask unanimous consent that it be printed in the RECORD.

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

OUR INTERNAL DEFENSE POLICY: A REAPPRAISAL

(By Charles Maechling, Jr.) [1]

Since 1962, American military and civilian agencies operating in friendly countries of the Third World have been governed by a counter-insurgency doctrine which at its highest level is styled the United States overseas internal defense policy. The broad outlines of this policy were first expounded by then Deputy Under Secretary U. Alexis Johnson in the July, 1962 issue of the FOREIGN SERVICE JOURNAL, and may again be briefly summarized: In certain parts of the world it is Communist and extreme left-wing strategy to aggravate tensions wherever they are found, to exploit local grievances, to divert peaceful movements for social change into extremist channels, and generally to take advantage of the stresses and strains inherent in the development process to take over local governments by means of subversion, violence and insurgency. Since the aim of US foreign policy is to foster the development of a community of independent nations, each one free to pursue its destinies in its own way, it is in the interest of the United States to frustrate this strategy by coming to the aid of friendly governments so threatened. We do this chiefly by means of assistance programs designed to enable a threatened government to defend itself and its territories—but if necessary through direct military intervention.

In their collective application such assistance programs constitute "counter-insurgency"—a term defined in the Joint Dictionary as "those military, paramilitary, political, economic, psychological, and civic actions taken by a government to defeat subversive insurgency." As a strategy, counter-insurgency is intended to be preventive in character and temporary in application—a technique for tiding weak and unstable governments over periods of internal upheaval until the constructive forces of political and economic development are strong enough to control the situation without external assistance. Its immediate aim is to deny the environment of a friendly country to the insurgents by shoring up the weak sectors of the country's society, providing the local government with an internal security capability, and promoting internal reforms aimed at alleviating the social ills in which disaffection festers. An essential feature of the policy is the limited and selective character of military counter-measures: violence is to be kept at the lowest level possible and every effort made to spare and protect civilian life and property so as to detach the insurgents from the population and erode their base of support. Those familiar with counter-insurgency literature will observe how this part of the doctrine fits in with the Maoist aphorism that in a rural environment the peasants are the sea and those who would win their allegiance must behave like fish.

This policy, and the military counter-insurgency doctrines which stem from it, tacitly accept the Maoist assumption that internal conflicts falling within the category of "People's Revolutionary Warfare" are essentially struggles to obtain mastery over the environment. For the sake of convenience they accept the Maoist thesis of a three-step division of insurgency, wherein the lowest level (Phase I) comprises subversion, sabotage, underground political activity, and selective acts of violence; the middle level (Phase II) embraces terrorism and localized guerrilla action; while the third (Phase III) includes widespread guerrilla activity that may attain the level of mobile warfare when conducted by organized military units.

So much for theory, here stated in simplified form. As articulated in policy papers and manuals nothing could be more obvious and logical. Yet even under the best of conditions the policy has proved difficult to apply, while in situations of extreme violence or open internal warfare it breaks down completely. One weakness is that its prospects for success depend not on US efforts but on the will and capabilities of the society and government of the country concerned—in other words on proxies. Another is that in a deteriorating guerrilla situation or escalated insurgency it appears to be at cross-purposes with standard military doctrine and the somber imperatives of conventional warfare.

The internal contradictions and limitations of the policy are best illustrated by contrasting its theory with the circumstances under which it is likely to be applied—in other words with real life. The policy seems to presuppose a young, underdeveloped country, whose democratically oriented government is beset by a subversive insurgency movement that seeks to exploit discontents and grievances in order to overthrow the government and lead the country into the Communist camp. When this is a tropical country with an agricultural base, the insurgency struggle centers around the rural population or peasantry, which is assumed to be a malleable and essentially neutral force that has been "neglected" or "misunderstood" by the central government; otherwise, a discontented urban proletariat, led by left-wing students and intellectuals may be the focal point of the disturbance. In any event, when the local government calls on the United States for assistance we respond with a multi-faceted assistance program composed of a MAP element (mainly civic action, light weapons, vehicles, communications equipment, and counter-guerrilla training); a police element (vehicles, communications gear, counter-espionage training, etc.); a public information element (equipment and training to bring the local government into communication with the people); and a special program of economic aid targeted on disaffected areas. This diet is supposed to be washed down with heavy drafts of advice and counsel on social, economic and political matters from the US Ambassador. Throughout the policy there is an unspoken bias in favor of social and ethnic uniformity and centralized government control, as opposed to diversity, decentralization, and non-interference.

But what if the reality is more complex. Suppose that this is a typical backward country with a low standard of living, a high incidence of disease and infant mortality, an uncertain economy, and a grossly inequitable distribution of the national wealth, particularly arable land. Suppose the country has a heritage of misgovernment or, alternatively, has just emerged from colonial rule. Suppose that it is divided by deep-seated ethnic or religious differences. Suppose that the civil service is hopelessly underpaid and corrupt, and that the ruling oligarchy is numerically so small that it has to keep the political opposition, which is radical to the core, divided and neutralized in order to prevent being blown sky high. Suppose that the insurgents consist not merely of dedicated left-wing fanatics but also of alienated workers and students who are fed up with the state of things as they are and will espouse any creed that promises social justice and participation in the political process. Suppose that the ranks of these hard-core activists have been supplemented by large numbers of ignorant peasant youths or urban laborers who have been half-conscripted and half-lured into the insurgent movement by promises of a better life. Finally, suppose that the less the average peasant or worker sees of his government the better for him—no taxes, no forced labor, no conscription, no eviction for debt.

Confronted with this picture of reality a host of dilemmas appears. If the insurgency is still in an incipient stage, the strategy dictated by both doctrine and common sense is for the United States to move in with an integrated emergency assistance program of the type just outlined while at the same time putting pressure on the government to improve conditions and alleviate grievances, the theory being to buy time until economic and social reform cuts away the foundations of the insurgents' support.

However, for this program to achieve satisfactory results—or indeed, to take effect at all—the United States has to rely on the local government. Actual military and police operations can only be planned and carried out by local security forces. As to redress of grievances and social reform, these are absolutely contingent on the willingness of the ruling oligarchy to parcel out its property and surrender its political power—in the latter instance to the very factions that seek to destroy it.

These contradictions are brought into sharper focus when one studies the practical application of the doctrine to counter-guerrilla operations—the military side of the program. If the object is to obtain control of the environment, or at least to deny it to actual or potential insurgents, then winning the allegiance of the population is of paramount importance. That means befriending them, protecting them, preventing them from willingly or unwillingly giving support to the insurgents, and giving them the benefit of the doubt even at the risk of endangering one's own forces. It entails the highly selective application of military counter-measures—not burning down the barn to get rid of the rats. Above all, it means keeping disruption of the local economy and society—already in enough turmoil—to an absolute minimum, in order to sustain the local economy and political structure and prevent an uprooted population from becoming an unmanageable burden to the central government.

The difficulty is how to apply these principles to tropical countries where life is cheap and war and internecine strife are typically conducted with a brutality that stultifies the whole rationale of the doctrine. Indigenous military forces, in constant danger from raids and ambuscades, can hardly be expected to act with restraint and consideration to peasants suspected of collusion with the enemy when the whole history of civil strife in the country is one of treachery, murder, and savage reprisal. Standards of discipline and restraint are only enforceable when their upholders have the authority and determination to carry them out, as was the case with the British in Malaya. They can hardly be imposed on half-civilized tropical levies by a handful of foreign advisers who have no command responsibility and are normally kept away from operations in the field. A counter-insurgency doctrine that relies for implementation on local nationals, and requires them to conduct military operations in a style at variance with their own customs, is unrealistic to say the least.

Official doctrine suggests a solution for this dilemma. The United States is to employ advice and persuasion, perhaps even disguised threats, to assure that doctrine is complied with, that equipment is utilized effectively, and that reforms are carried out, or at least

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[1] Charles Maechling, Jr. is a lawyer and government official. He served as Director of Internal Defense in the office of the Secretary of State 1961–63; Special Assistant to the Under Secretary for Political Affairs and Ambassador-at-Large (Averell Harriman) 1963–66 and staff director of the Special Group (Counter Insurgency). Mr. Maechling is Deputy General Counsel of the National Science Foundation.

initiated. Again, there is an unspoken assumption that a weak, unstable regime will be either so well-motivated or so dependent on its benefactor for support that it will swallow the unpalatable medicine prescribed for it.

But this comfortable answer discounts the lethal consequences of political defeat in most of these countries. It underestimates the propensity of a ruling faction that maintains itself by intrigue, coercion, and legalized terror, to employ the age-old tactics of evasion, delay, and token performance to postpone indefinitely any measure that will diminish its income or dilute its power. Moreover, the whole policy vastly overestimates US "leverage" once a commitment of assistance has been made. Governments of underdeveloped countries know to the last millimeter just how much we are "hooked" once we give even a qualified endorsement of a regime to Congress in the course of justifying an assistance program. They also have an uncanny knack of gauging the extent to which the United States depends on their support in the United Nations and other international forums.

Hence, a series of anomalies. US internal defense policy purports to govern the conduct of internal warfare in friendly countries—but without transgressing the sovereignty of those countries. It propounds a doctrine to enable another government to maintain control over its environment—but it provides no means for assuring that the totality of the doctrine is effectively carried out. Finally, the policy prescribes general principles of internal reform without ever translating these principles into specifics. It is the old horror of responsibility without authority, elevated to the plane of high strategy.

Of course these anomalies are not necessarily fatal. In countries where insurgency is still incipient, and where a reasonably decent and progressive administration is doing all it can to alleviate economic hardship and social injustice, the preventive aspects of the policy may be valid and capable of effective implementation. In some areas, the military side of the policy has been quite successful—as in Latin America, where the MAP program has succeeded in transforming clumsy, garrison-bound military establishments into reasonably effective mobile warfare forces. But once local insurgency gets out of hand, the problem becomes vastly more complicated. If the situation turns critical, both US involvement and US responsibility are likely to expand enormously. Yet our inability to exercise direct control remains unchanged. We will still have no command over local military forces, even though they use our equipment and associate us with their conduct. We will still have no way of accelerating internal political and social reform except through the feeble medium of the US Ambassador.

But the major consequence of escalation is to render our counter-insurgency doctrine a virtual nullity. The first casualty is the concept of a friendly civilian population. Where counter-insurgency doctrine stipulates that civilians must be presumed friendly unless conclusively proven hostile, local security forces are likely to assume exactly the opposite. In the immediate theater of hostilities the civilian population becomes at best an encumbrance and at worst a cover for insurgent operations. Once the conflict heightens in intensity, military considerations become paramount and villages occupied by insurgents become "enemy" villages—legitimate targets for destruction. Selective, restrained use of firepower is deemed to imperil the safety of troops in the field. Disruption of community life, and dislocation of the population, are considered an acceptable price to pay for a temporary tactical "victory."

If the situation deteriorates further, the local government is likely to become desperate. Callous of human life to begin with, it now has little compunction about calling in air strikes and artillery bombardments on its own cities and villages. As to the wounded and refugees flowing in from the devastated areas, these have long exceeded the capacity of the government to care for them. Let the American aid program take the responsibility!

For the United States, the situation has now passed out of effective control. American prestige is now committed to a government victory. If we refuse to furnish ever-increasing quantities of military and economic aid to our tottering ally, we run the risk of seeing government forces defeated and the regime overthrown. On the other hand, if we intervene in strength with our own forces, we run the risk of taking over the military side of the conflict and being held responsible for the military consequences—but without any more voice in the management of the country's affairs than we had before.

The intervention of US military units also introduces US military doctrine—a fearsome prospect for any country, as Vietnam has found out to its cost. Again, the concept of an environment to be mastered, a population to be won over, give way to the stark imperatives of warfare, this time amplified and intensified by the full arsenal of modern technology and firepower. The term "enemy" is applied to any territory with a hostile coloration; towns are destroyed in order to "save" them; and the efficient conduct of military operations becomes the sole criterion for measuring success or failure, regardless of the havoc wrought on the hapless inhabitants.

Moreover, US military doctrine does not even purport to cover the all-important political aspects of internal warfare, especially eradication of the enemy's infra-structure. This infra-structure may be conceived of as a multi-purpose, decentralized base of operations, that is at once an intelligence web, a communications channel, a personnel recruitment system, a finance and taxation system, and a service of supply. In areas under government control terrorist and guerrilla movements depend on the infra-structure for support and cannot be sustained without it; conversely no insurgency can be permanently defeated as long as the underground base remains intact. The infra-structure can never be rooted out in an atmosphere of political chaos, economic disruption, and hostility to the central government. And it cannot even be detected by uniformed foreigners, unfamiliar with local language and customs, and leading a life apart from the population.

Thus, in any serious kind of insurgency situation, the enemy has both the local government and the United States in something of a box. To the extent that he can force escalation, and bring military doctrine to the fore, he can, by a sort of strategic judo, turn our strongest asset—modern firepower—against the society we are supposed to be defending. Whenever a desperate local government flattens and devastates every city and hamlet that has been infiltrated by insurgents, it really enters into a state of hostilities with the environment it is trying to master. The resentment of the local population will focus on the immediate perpetrators of the destruction and on the authorities responsible for civilian welfare, thereby stoking the fires of disaffection anew.

What are the implications of these contradictions? Is U.S. overseas internal defense policy inherently fallacious, or is it merely incomplete? Of what concern are these doctrinal inadequacies to the Foreign Service officer whose duties mainly relate to program and policy implementation overseas?

The first point to note is that while the policy purports to cover the full spectrum of counter-insurgency it in fact only fully addresses itself to the equipment and training aspects. All the requisite elements of a congruent, multi-pronged program are set forth, but little is said about how the programs are to be put into effect. In the military sector, the policy denies the United States any authority beyond an advisory role (except *in extremis*). In the crucial political, economic and social sectors the policy eschew any effective direction of the client's internal affairs and smugly assumes that pious exhortations and tactfully phrased admonition conveyed once or twice monthly by the U.S. Ambassador are the equivalent of detailed planning and administration.

Second, the doctrine overstates, or perhaps overassumes, both American influence and American ability to solve the internal difficulties of other countries. Our own social, economic, and political problems are sufficiently complex to defy easy solution; there is no reason to believe that those of unstable, economically backward countries are any simpler. Yet without a massive expenditure of funds and deep penetration of plans and programs into the political and social life of a country no outside influence can be expected to have much impact.

Third, the doctrine fails to take into account the serious consequencies of escalation, particularly if accompanied by active US military intervention. It blindly ignores the catastrophic effect of modern military operations on fragile societies.

Finally, the policy seems to presuppose that the United States has a global mission to support "free" societies throughout the Third World regardless of whether a favorable political orientation in the countries concerned is essential to U.S. interests. This poses the additional question of whether the policy is so unrelated to other premises of U.S. strategy that it threatens to entangle us in controversies and predicaments that are entirely marginal to our true national interests, and may actually conflict with them.

Moreover, like other hastily contrived theories, the policy assumes a unanimity of purpose and an availability of resources that is wholly non-existent. If there is one overwhelming fact of contemporary political life, it is that there is no national consensus in favor of supporting unpopular local regimes against local insurgencies throughout the underdeveloped world. On the contrary, there seems to be a widespread determination on the part of Congress and the public not to get involved in any more Vietnams.

At this point in history, our national resources are also under strain. Pressure for the solution of pressing internal problems is so great that unless large sums are diverted to welfare and renewal programs for the cities there will be such social turmoil that no foreign commitments can be honored. The United States economy is a delicate mechanism that can withstand prolonged fiscal or economic strain only up to a certain point without requiring stringent correctives. Unless we propose to live in a prolonged state of crisis and national mobilization we must husband our resources and apply them in the most effective way possible.

Fortunately the United States inhabits a continental island with a wide moat on either hand and as much distance from a potential enemy as any nation can reasonably expect on this crowded planet. In addition, to our vast nuclear arsenal, we possess an unrivaled naval, air and airlift capability that permits us to deploy our military power in virtually every quarter of the globe with great celerity and concentration of force. But this priceless gift of strategic mobility is not unlimited. We should be wary of impairing it in situations where it cannot be employed swiftly and decisively, as in the Dominican Republic. We cannot afford to get bogged down in profitless military stalemates that impose unacceptable limitations on our freedom of action, and impede our capacity for swift reaction elsewhere.

Yet, by a curious paradox, this is precisely what our internal defense policy threatens to do. By propounding the thesis that the United States should involve itself in the internal affairs of other countries, without having the authority to guide the domestic policies of these countries, the policy positively invites indecisive entanglements and inconclusive results. By not imposing strict limitations on its applicability to remote areas and ambiguous situations, the policy positively invites recurrent involvement in foreign land wars that would drain our resources, estrange us from our allies, and tie up our most precious military asset, strategic mobility. In short, our overseas internal defense policy treats counterinsurgency as an end in itself, instead of as a delicate instrument to be sparingly employed in the service of specific foreign policy goals.

REFORMING THE PRESIDENTIAL ELECTORAL SYSTEM

Mr. BAYH. Mr. President, there is widespread interest today in the subject of reforming the present method of electing the President and Vice President of the United States. The close results of the 1968 election, coupled with an unusual amount of publicity during the campaign and immediately thereafter on the fact that the will of the people could be thwarted through procedures which are now authorized by the Constitution, has aroused an unusual amount of public concern about the problem of how best this system could be improved.

Many public figures, newspaper columnists, editorialists, and other citizens have made worthwhile comments on the need for and prospects of change in the operation of the electoral college. Because of the national significance and timeliness of their message, I ask unanimous consent that the following items be printed in full in the RECORD at the conclusion of my remarks: An address to the Machinists Non-Partisan Political League by Hon. EDMUND S. MUSKIE, Senator from Maine, published in the Machinist for February 13, 1969; an article by Jerald F. terHorst entitled, "Do We Need an Electoral College?" published in the Autumn 1968, issue of Panhandle magazine; an article entitled "Electoral College is Dangerous, Undemocratic," printed in the IUE News for February 6, 1969; and a column written by David S. Broder on the "Faithless Elector," published in the Washington Post of January 28, 1969.

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

[From the Machinist, Feb. 13, 1969]

U.S. ELECTION PROCEDURES: OUTMODED, HAPHAZARD, UNDEMOCRATIC

(NOTE.—U.S. Senator EDMUND S. MUSKIE of Maine, Democratic nominee for Vice President in last year's election, addressed the recent meeting of the Machinists Non-Partisan Political League at the Machinists Building in Washington, D.C. Here is an important excerpt.)

(By EDMUND S. MUSKIE, U. S. Senator from Maine)

I think it's clear that the American people consider that in many respects we have an outmoded, undemocratic, and haphazard election process. Especially with respect to the election of the President of the United States. I can't help but wonder, with all this ferment against the process, all this cry about the need for reform, whether or not we are likely to achieve the kind of reform we ought to have.

Earlier this month you may have noticed that Congressman Jim O'Hara of Michigan and I undertook to challenge the vote of a North Carolina elector by the name of Dr. Lloyd Bailey.

The fact that he was elected on the Republican ticket or the fact that he was chairman of a chapter of the John Birch Society, or the fact that he voted for George Wallace is immaterial.

The Congress refused to challenge the vote cast by Dr. Bailey. Bear in mind the facts: he was an elector on a Republican party slate, nominated by his district convention, endorsed by his party state convention to be a Presidential elector on the Nixon slate.

In North Carolina, as in 34 other states, the names of the electors do not appear on the ballot. Only the name of the slate's Presidential candidate appears on the ballot. So the electors are chosen only if their candidate for President receives the approval of the electorate of the state.

In North Carolina, Mr. Nixon received the plurality vote of the state and Dr. Bailey was elected an elector as a direct consequence. And yet on Electoral College day in December he declined to vote for Mr. Nixon and cast his vote for Mr. Wallace because in his personal individual judgment Mr. Wallace on that day was the better candidate.

We have the statute under which the Congress has the authority to refuse to count such a vote, and the Congress refused to exercise that authority.

What Congress has done by that action, is to liberate Presidential electors to the degree that they have never been free and independent for over 130 years. Between the years 1820 and 1948 electors always assumed that if they ran for office as a Presidential elector on a party slate, they were bound to honor their party's candidate for President.

PRECEDENT SHATTERED

In 1948, for the first time since 1820, an elector chose to ignore that mandate. Again in 1956 this happened. In 1960 it happened, and then in this election campaign you will recall all of the speculation of what was to happen if no candidate received a majority in the electoral college.

It was common knowledge that Governor Wallace had pledged his electors to cast their votes in whatever way they chose. It was his view and his objective to decide the election, not in the House of Representatives, where the Constitution provides that it shall be decided, failing a majority for any candidate in the electoral college. Wallace wanted to decide it in the Electoral College where he could exert maximum pressure and put together a maximum compromise and a maximum bargain along lines he would dictate.

Well, now, the Congress has liberated the Presidential elector. In future elections, as a result of that decision, electors are free on Electoral College day, to vote for the candidate of their personal choice whether or not they were elected on a party slate, whether or not their names are on the ballot which goes to the voters.

This is the situation in which we find ourselves today. And the interesting thing is that there are members of Congress who have said in the course of debate against Dr. Bailey, and since, that maybe it isn't too bad an idea to leave this discretion in the hands of the electors rather than in the hands of the Congress.

So the whole thing is loose, the whole thing has come apart. It was said up on the Hill, it was said in the Senate, we don't really need to be worried about this because it is inevitable that we'll have reform of the Electoral College in this Congress. Well, is it inevitable? And if it comes, what form will it take? And if the reform that's proposed by the Congress is inequitable or inappropriate, or if it runs counter to the wishes of the people, what will we do about t?

SEVEN YEARS MINIMUM

If we should adopt a Constitutional amendment dealing with electoral reform, that amendment will be alive for seven years so that the states can act on it. Suppose that it takes seven years before the states either finally approve or disapprove such an amendment.

Once we have put an amendment in motion, we are not really in a position to consider another one, or a better one, for seven years. And if such an amendment is rejected, so that we must consider another one, that will take another six or seven years before that one is finally adopted. So it is conceivable that as much as twelve years would pass before we finally resolve this problem.

Twelve years means three more Presidential elections, three more Presidential elections subject to the risk of faithless electors; three more Presidential elections subject to the danger of manipulation in the Electoral College; three more elections subject to the risk that the will of the people will be frustrated.

It's incumbent upon us then to consider electoral reform as an urgent piece of public business, and secondly, we should consider it as so important at this time that we put together the best possible kind of reform.

In my judgment there is one kind of reform that meets the test. The test ought to be this:

That we eliminate the possibility of free choice in the hands of electors;

That in any election campaign the appeal ought to be not to states, but to voters;

That every voter's vote is to be of equal value and of equal importance wherever it is cast.

Now there is only one reform that meets all three of those tests. And that is the direct popular election of the President of the United States.

There are those who say, well, we ought to preserve the electoral vote even though we don't preserve the Presidential electors in order to preserve the integrity of the state. To that, may I say that the election of the President is the election of the President of all the states of the country and not the President of any particular state.

As a matter of fact, under the present system, the small states have less influence than they would have under a direct election system.

Under the present system the Presidential electors in the larger states have more influence upon the choice of the President than the electors of the small states. The balance between large and small states seems important to you. The important thing is that under the present system, where the winner takes all in every state, those who voted for the minority candidate in a particular state are disenfranchised in the election of the President of the United States.

PROBLEM OF DIRECT ELECTION

There is only one problem with respect to the national election of a President by direct popular vote that ought to concern us, and that is the question of uniformity of election procedures, uniformity of requirements establishing eligibility to vote, because obviously these could be manipulated by states undertaking to increase their influence upon the national results.

In addition there is the problem of the close election. The method of resolving a close election is a test of any election process, whether it's under the present system involving the Electoral College or under a direct popular vote system. It is the close election which raises public doubts as to whether the final result will be their choice or the

choice of a few men manipulating the process for their own benefit.

It is easy to accept the result of any election when one candidate has a clear majority. It is less easy to preserve the result in a close election.

But if we have the direct election of the President by the people and we have a close election, one that is decided by a few hundred thousand votes as in 1968:

How do we decide which ballots have been cast properly and which ballots have been cast improperly?

How do we decide who is eligible to challenge and who will supervise the challenging procedure?

When we deal with this subject, we are dealing with a subject that has been the traditional responsibility of the states. When we are dealing with the election of a President, it seems to me that we ought to make sure that at the same time we establish a direct popular vote system, that we also have in mind the method for dealing with the close election. Otherwise, we might find ourselves right back where we are with a close election and the danger of manipulation by the people who ought not to have that power.

[From the Panhandle magazine, autumn, 1968, published by Panhandle Eastern Pipeline Co.]

DO WE NEED AN ELECTORAL COLLEGE?

(By Jerald F. terHorst) [1]

"So you see the Judas of the West has closed the contract and will receive the thirty pieces of silver. His end will be the same. Was there ever witnessed such a barefaced corruption in any country before?"

Those angry words were penned by Andrew Jackson, the popular winner of the 1824 Presidential election, following a Congressional deal that awarded the Presidency to John Quincy Adams, who finished second. The special object of Jackson's scorn was House Speaker Henry Clay, a formidable and powerful leader. The election of 1824 had failed to produce an Electoral College majority for any candidate. As provided in the Constitution, the choice had been tossed to the House of Representatives. Clay, using his influence, rounded up sufficient votes in the House to deny Jackson the Presidency and give it instead to Adams. In turn, Adams rewarded Clay by making him Secretary of State.

THE PRESIDENCY IS THE LAST MAJOR OFFICE IN THE LAND ON WHICH THE VOTERS DO NOT HAVE A DIRECT VOICE

A deal like that today, with its brazen nose-thumbing of the nation's voters, would touch off a popular outcry unmatched in American history. All recent protest marches would look pallid by comparison. Such a deal would seem to be unthinkable. It's been 144 years and 35 elections since the House has had to choose a President of the U.S. But statistics breed a false sense of security. We have had six narrow escapes since then, including the 1960 Kennedy-Nixon contest. And this year of 1968 could be another close brush with fate.

The nation's voters just could wake up the morning after the election to learn that it had all been for naught, that they had not chosen a new President; and that the choice of the next President would be made by Congressmen from 26 states.

The reason the 1968 Presidential election is so vulnerable is due both to the weakness of our system for electing Presidents and the special circumstances of this year's campaign. The weakness is that while American voters may think their ballots will elect the next occupant of the White Houes, the choice is actually made for them by the delegates to the Electoral College from each of the states and the District of Columbia, who are legally able to vote as they please.

The special circumstances of 1968 are that an extremely close race is in prospect between Republican Richard Nixon and Democrat Hubert Humphrey, the two major candidates, plus a kicker: a strong third-party challenge by Alabama's ex-Governor George Wallace, who apparently is basing his strategy on a plan to prevent either Nixon or Humphrey from getting a required majority of those Electoral votes. That would give him a chance to bargain with one or the other in the Electoral College or, failing that, force the election into the House of Representatives where another compromise could be attempted.

The Electoral College system is such a Rube Goldberg contraption that one wonders how it has managed to survive to the present day. At best, it means that no matter how the people vote, their decision must be ratified, as it were, by another body of government. At worst, it permits the will of the people to be tinkered with, warped or even rejected.

Of all the great and noble principles of government expressed in the U.S. Constitution, the provision for an Electoral College is not among them. It is, really, a political expedient that was adopted by the delegates to the Constitutional Convention of 1787 in Philadelphia as a way out of a dilemma.

Having agreed to create the office of President, with potentially great powers even then, they could not agree on how he should be chosen. Some wanted Congress to choose him, but others objected that it would make him subservient to the Legislative Branch and also open the door for "intrigue, or cabal or faction." Some suggested a direct vote of the people, a forward-looking and almost radical idea at the time. But others said the citizens of the land were still too "uninformed" and would be "misled by a few designing men."

So the Constitutional Convention finally compromised on an intermediate elector plan. Each state would appoint, "in such manner as the legislature thereof may direct," a number of (Presidential) electors equal to the number of its Senators and Representatives in Congress. The key words in quotation solved the problem. The electors could be appointed directly by a state's legislature, they could be elected to serve in the Electoral College by a direct vote of the people, or a legislature could give a Governor the right to name a state's electors. The Electoral College came into being simply because the original states, jealous of their own sovereignty, could not agree on any other plan that was acceptable to all of them.

If there is no majority for a Presidential candidate in the Electoral College, then under the Constitution the choice goes to the House of Representatives. Each state would have but one vote; a majority of the states (26 out of 50) would be required to elect the President. If a state's Congressional delegation was split evenly between the two parties, it could lose its vote completely.

BITTER AND FRANTIC POLITICAL INFIGHTING BROUGHT BURR DANGEROUSLY CLOSE TO THE PRESIDENCY

On its first try in 1789, the Electoral College seemed to be a success. But the appearance was deceptive. One major early weakness was to toss the election of 1800 into the House of Representatives, the first election so decided, as Thomas Jefferson found Aaron Burr, his Vice Presidential running mate, in fact, his major contender for the Presidency.

The problem was the system of "double balloting." The Constitution directed each elector to cast two separate votes for President, but he could not differentiate and specify one for President and the other for Vice President. As the fledgling parties solidified on a more national basis in 1796, the first bizarre effect of this "double ballot" resulted in the election of a President from one party and a Vice President from the other. Ironically, a similar result would appeal to a section of the popular vote in this election of 1968.

When the Electoral votes of the election of 1800 were tallied, Thomas Jefferson stood face to face with Aaron Burr, each having received 73 votes. As the House of Representatives retired to its chambers to elect a President, bitter and frantic political infighting brought the inferior Burr dangerously close to the Presidency. This unhappy example spurred passage of the 12th Amendment in 1804, requiring the electors to vote separately for President and Vice President.

To see the potential for national chaos in this antiquated system, one needs only to review the jet-age, nationally-televised Presidential campaign of 1960 between John F. Kennedy and Richard M. Nixon.

The official records show that Kennedy won 303 votes in the Electoral College to 219 for Nixon and thereby became President. But a shift of only 4,491 popular votes in Missouri from Kennedy to Nixon, and a shift of 4,480 in Illinois, where voting fraud charges seemed plausible, would have denied both men a majority in the Electoral College and would have tossed the outcome into the House of Representatives.

The tradition, of course, is that a state's electors will cast their votes in accord with the majority of the popular vote in that state. But they do not have to do so. Indeed, the 1960 "unpledged" electors from Alabama and Mississippi decided to go for neither man. They voted for noncandidate Harry Byrd Sr., the elderly Virginia conservative, as did one elector in Oklahoma.

Suppose the Kennedy-Nixon contest had been thrown into the House of Representatives. The odds would seem to favor Kennedy. But as the New York Times' Tom Wicker has observed: "The trouble with that assumption is that the House would have voted under an archaic provision giving each state delegation one vote, regardless of the size of the delegation, with a simple majority of 26 votes required for election. But at the time a Nixon-Kennedy decision would have been made, there were 23 delegations controlled by Democrats from northern and border states, six by Democrats from the Deep South, 17 by Republicans, and four split evenly between the parties. Obviously the Democratic but anti-Kennedy Deep South states and the four split states would have held the balance of power and it is impossible to say what would have happened after the bargaining, logrolling and vote buying had been completed . . .

"What would have happened had the whole mess been left to the House is too ghastly to think about."

That it didn't happen then, or in the previous close shaves of 1948, 1892, 1860, 1856 and 1836, has to be attributed to Providence which, as the saying goes, looks after fools, drunkards and the United States!

In each of those Presidential elections, a shift of less than one per cent of the popular vote would have robbed the Electoral College winner of his majority and would have sent the decision into the House of Representatives.

In the Kennedy-Nixon race, the shift would have had to be less than two hundredths of one per cent.

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[1] Jerald F. terHorst, chief of the Washington bureau of the Detroit News, is considered to be one of the most knowledgeable reporters in the Capital on national politics and economics. Many of his stories are syndicated to other newspapers by the North American Newspaper Alliance. A graduate of Michigan State University, terHorst started his newspaper career on the Grand Rapids (Mich.) Press and has been on the Washington scene as a newspaper correspondent since 1957.

In the 1948 contest between Harry Truman and Thomas Dewey, Dixiecrat Strom Thurmond would have been in the driver's seat had a few popular votes shifted. If 23,000 voters in Ohio and California had gone for Dewey instead of Truman—less than three hundredths of one per cent of the total vote—Truman would have lost his Electoral College majority. The outcome would have gone into the House.

Thurmond had only 39 Electoral votes that year, and less than 2 per cent of the popular vote, but he could have bargained with either of the two major candidates before the Electoral vote was counted and, had he made a deal, he would have been able to provide an Electoral majority for either Truman or Dewey. Had the Electoral College failed, Thurmond could have bargained as leader of the Southern states in the House.

Is this what George Wallace has in mind for 1968?

There's no question that Wallace's third-party candidacy will have an impact on the Democratic and Republican races for the White House. The latest Gallup polls give him 19 per cent of the popular vote, possibly enough to deny either Humphrey or Nixon a majority of Electoral College votes.

Wallace, of course, hopes that he can win the Presidency outright. As he points out, if he can get more popular votes in any state than his rivals—34 per cent or better—he will, by tradition, be entitled to that state's full quota of Electoral votes. The more likely Wallace role, however, is that of the spoiler. His options are varied, but they all hinge on pressing for policy concessions from either Humphrey or Nixon if his own Electoral vote is large enough to deny them a majority of Electoral votes.

The historical odds, of course, are against Wallace. To beat the odds, he would have to carry five or more states (possibly Alabama, Georgia, Mississippi, Louisiana, South Carolina) at the same time that the other two candidates finish within 2 per cent of each other in the popular vote across the nation. The finding is based on a computer analysis by Dr. Charles Bischoff of Yale University. Unless he does better than the Bischoff minimum, Wallace will be out of the running on the day after the November election.

There have been suggestions that the two major parties take a pre-election pledge against bargaining with Wallace. The most interesting proposal, by Professor Gary Orfield of the University of Virginia, would require a promise by Democratic and Republican Congressmen that they would give the Presidency to whichever candidate received the highest popular vote in event neither has an Electoral majority.

Despite kind words by some officials of both parties, however, the pledge is not likely to be made. The reason is that a no-deal pledge in itself smacks of a deal. Wallace, for one, quickly labeled it as such.

But the basic point, the real question, is not whether Wallace can beat the system but why we still have it.

What's needed is the abolition of the Electoral College system through a Constitutional Amendment that would provide for the direct election of a President by the votes of the people.

If this sounds bold, it's only because the Presidency is the last major office in the land on which the voters do not have a direct voice.

The government of the United States, supposedly, is derived from the consent of the governed. Yet the procedure for picking a President has made it possible for a majority of the voters to be thwarted and, indeed, it has actually happened.

There have been literally hundreds of proposals for changing, modifying, or abolishing the Electoral College system, some plans dating back as far as 1800. American Presidents from Madison to Jefferson to Lyndon Johnson have been trying to devise something better.

The best plan, however, is at once the simplest; a direct vote by the people.

THE ELECTORAL COLLEGE SYSTEM IS SUCH A RUBE GOLDBERG CONTRAPTION THAT ONE WONDERS HOW IT HAS MANAGED TO SURVIVE

Of course, there is the problem of what happens if there are more than two candidates for the White House and no one has a majority.

The American Bar Association, which has conducted an exhaustive study of the Electoral problem, suggests that any candidate with 40 per cent of the national vote be declared the winner. If no candidate has 40 per cent, the ABA proposes a national runoff between the top two candidates. Senator Birch Bayh, of Indiana, and 19 other Senators have co-sponsored a Constitutional Amendment providing for this but it has not cleared Congress. Actually, a runoff would rarely be necessary unless there were many splinter party candidates. The 40 per cent figure would tend to discourage that. Additionally, a study of 170 governorship contests in 30 states over a 12-year period shows that the winning candidate polled more than 40 percent of the vote in all cases and more than 45 per cent in all but two.

A solution like this is certainly more in the American tradition than the involved and potentially devious Electoral College-House of Representatives system now required to pick a President. There have been too many elections in which the nation has come dangerously close to handing the world's most powerful office to a man who was not the first choice of his people.

To quote Neal R. Peirce, the respected political editor of Congressional Quarterly and author of the book, "The People's President":

"No one has been able to show how the preservation of a quaint 18th Century voting device, the Electoral College, with all its anomalies and potential 'wild cards,' can serve to protect the Republic. The choice of the Chief Executive must be the people's, and it should rest with none other than them."

The American people have been right more often than wrong. Why continue to play games with their votes?

[From the IUE News, Feb. 6, 1969]

ELECTORAL COLLEGE IS DANGEROUS, UNDEMOCRATIC—OUTMODED WINNER-TAKE-ALL SYSTEM ONCE AGAIN UNDER FIRE IN CONGRESS

We propose that the Electoral College be abolished and the President and Vice President be chosen by direct, popular election."

This statement, submitted by the AFL–CIO to the platform committees of the 1968 Democratic and Republican National Conventions, is forthright and clear. It addresses itself directly to one of the most serious political needs of the country—the need for electoral reform.

The present system is as old, in almost all its parts, as the Constitution itself. Under it, the citizen casts his ballot not for the presidential candidate of his choice, but for one of two or more slates of electors, each publicly committed to a particular party ticket.

Whichever slate of electors receives the most votes in each state may cast all of that state's electoral votes for the candidate it represents when the Electoral College convenes. If no candidate receives a majority in the Electoral College, the election is decided by Congress, with the House of Representatives choosing the President and the Senate choosing the Vice President.

The system was built into the Constitution largely as a result of two fears.

One was a fear of democracy. Real democracy was something new and almost untried, a revolutionary idea, when the Constitutional Convention met in 1787.

Conservatives such as Alexander Hamilton hoped that the Electoral College would serve as a buffer against democracy by placing the selection of the President in the hands of a small group of prominent citizens (the electors), who would exercise their own judgment, not the people, in making a choice.

The other was the fear among the small states that, in the new and tighter federal system, they would be at the mercy of the more populous states. As the price of their ratifying the Constitution, they insisted on various safeguards, including the provision that the Electoral College be weighted in their favor by making the number of electors in each state equal to the state's representation in the House, plus two extra for the state's two senators.

Both fears might have been understandable, if not excusable, in 18th-century America. But they, and the whole Electoral College system, are completely out of date in the 20th century.

CRITICISMS

Constitutional experts have pointed out any number of defects in the system. Here are just a few:

Although Hamilton's idea of a small body of independent electors hasn't worked out as he hoped, since electors usually vote their constituents' wishes, the system is still undemocratic. It insults the voter with the implication that he is unfit to choose his President directly.

On several occasions in American history, it has resulted in the election of minority Presidents. In 1876 and 1888, respectively, Democrats Samuel J. Tilden and Grover Cleveland each polled more popular votes, but won fewer electoral votes, than their Republican opponents. The Republicans went to the White House.

It weights votes unequally. On the one hand, small states have the advantage of two additional electors. On the other, there's the argument that the voters responsible for the winning margins in a few crucial large states actually hold the balance of power. Whatever the case, it's a long way from "one man one vote."

Then, by its winner-take-all character, the system wipes out all votes for unsuccessful candidates in each state.

For example, in 1968, 1,237,000 New Jersey voters cast their ballots for Hubert Humphrey. But since Nixon carried the state by 50,000 votes, all Jersey electors were Republicans. As far as they were concerned, the Democratic voters might just as well have stayed home.

Another difficulty is that there is no assurance that electors will vote as they've promised. In the last election, one North Carolinian pledged to Nixon defied the will of his constituents and cast his ballot for George Wallace.

THE LESSON OF 1968

In a very close electoral count, this kind of arrogance could change the course of history.

The 1968 campaign furnishes an example of the dangers inherent in the system. George Wallace's American Independent Party managed to get on the ballot in all 50 states. During the campaign, there was speculation that Wallace might carry enough states to deny an Electoral College victory to either of the two major party candidates.

This didn't happen. But suppose it had?

Wallace's strategy would have been to seek to make a "covenant," or bargain, with one of the other Presidential candidates. The deal—Wallace's electoral votes in exchange for a promise not to enforce civil rights laws, or for a Wallace veto over administrative and judicial appointments, or for whatever else the former Alabama governor might have dreamed up.

If no deal had been made, there would have been no Electoral College majority, and

the election would have been thrown into the House.

There, each state's delegation would have voted as a unit for one of the candidates. (That is, a state with 10 Congressmen, six Republicans and four Democrats, would have cast one vote for Nixon). The candidate who received the votes of the most state *delegations* (not necessarily of the most Congressmen) would have won.

It would have been possible, too, for the House to have deadlocked, by failing to give any candidate the nods of 26 of the 50 delegations. And it might have taken weeks, or even months, to resolve the deadlock—possibly through the Senate choosing a Vice President who then would have become acting President.

It could have wound up that the nation had no duly elected President by Inauguration Day. Considering the turbulence of the past year or so, it takes no great effort of the imagination to picture what might have happened then.

PROPOSALS FOR REFORM

Over the years, hundreds of proposals for changing the system have been introduced into Congress.

In the present Congress, Sen. Birch Bayh (D-Ind.) is holding hearings of the Constitutional Amendments Subcommittee on the merits of several alternative plans, one of which he himself has introduced.

The proportional plan, introduced by Sen. Sam Ervin (D-N.C.), would divide the electoral vote of each state among the various candidates in proportion to their shares of the popular vote. The candidate receiving the greatest number of electoral votes (above 40 percent) would be elected.

This would eliminate one of the worst features of the present system, the "winner-take-all" feature. But it would still give undue weight to smaller states, since it would make no change in the distribution of electoral votes among the states. And it would still, in cases where no candidate receives 40 percent, allow Congress to choose the President.

The District plan, advanced by Sen. Karl Mundt (R-S.D.), would provide that electors in each state be chosen individually, in single-member districts, rather than as a group. It would also make it impossible for electors to vote against the wishes of their constituents. But it, too, is obviously no more than a half measure.

Sen. Bayh himself has proposed a constitutional amendment practically identical with the AFL–CIO position. His proposal would junk the whole, obsolete Electoral College system, and substitute a system of direct election by the people. In the event that no candidate should receive 40 percent of the popular vote, a runoff election would be held between the two leading candidates.

The Bayh proposal attacks the problem at its root. It would ensure that the man elected President would be the choice of the greatest number of voters.

But the outlook for its passage is uncertain. Any one of these proposed constitutional amendments must be approved by two-thirds majorities in both houses of Congress, then ratified by three-fourths of the state legislatures.

With several other plans competing for approval, Sen. Bayh is pessimistic about the prospects for getting the resolution through the present Congress.

Even if he does, it will have a difficult time with the state legislatures, many of which can be expected to oppose it.

Still, something needs to be done, and done soon. As Sen. Bayh has said, "People just aren't willing to patch the roof when it isn't raining, and memories fade fast."

In other words, it won't be long before most people forget the fears, so prevalent during the 1968 campaign, that we would have a minority President, or a President who had got his office by making a corrupt bargain with George Wallace, or a period without any President at all.

If electoral reform is put off until the next Presidential election year, it might be too late. And what was only a frightening possibility in '68 might become a grim reality in '72.

[From the Washington Post, Jan. 28, 1969]

FAITHLESS ELECTOR PROVES NEED FOR ELECTORAL REFORM

(By David S. Broder)

The most intriguing aspect in the testimoney of Dr. Lloyd W. Bailey, the North Carolina Republican presidential elector who bolted to George Wallace, was his account of the process that made him one of the few Americans actually empowered to help choose the new President.

Sen. Birch Bayh (D-Ind.) invited the Rocky Mount ophthamalogist to appear before his Constitutional Amendments subcommittee last week in hopes the Bailey case would demonstrate the need for electoral reform.

The results were better than Bayh could have hoped. The good doctor proved to be a man so totally candid and so splendidly self-righteous that he showed the present system for what it is—not just awkward but dangerously absurd. His story is a case study in the casual irresponsibility of the electoral college system.

Dr. Bailey explained that he went to the 2d District GOP convention last February, "knowing that I would be proposed for nomination to the position of presidential elector. I did not seek this position, but I did not decline it. . . . We were in the position of having to find people to fill every office in the party structure. No one else was proposed for presidential elector, so I was nominated.

"This was a number of months before we even knew who the presidential nominees would be," he noted. "There was no discussion of party loyalty, there was no pledge, and there was no commitment made to any candidate."

Personally, Dr. Bailey said, he was disappointed when the Republican convention nominated Richard Nixon, rather than Strom Thurmond or Ronald Reagan. Therefore, he felt no twinge of conscience last fall in supporting and voting for George Wallace.

North Carolina is one of those States that neither pledges presidential electors to support Party nominees nor bothers to list their names on the ballot. In a system of symmetrical irresponsibility, the electors are as unknown to the voters who elect them as they are free of obligation to heed their wishes.

"As an example of how lightly the position of Republican elector was taken," Dr. Bailey told the subcommittee, "I had even forgotten that I was the elector until I was reminded of it by Dr. Stroud, the 2d District Republican chairman, shortly before the general election."

Those who wish may scoff, but Dr. Bailey is a busy man; it is a long time from February to November; and it is easy to see how that little extracurricular chore of choosing the President might have slipped his mind.

But the doctor is also a conscientious man, whose interest in public affairs had long since been evidenced by his membership in the John Birch Society. Once reminded of his duty as an elector, he began to pay close attention to Mr. Nixon's activities. His first instinct, he testified, was to give Mr. Nixon his electoral vote, even though the 2d District has supported his personal choice, Mr. Wallace.

But then Dr. Bailey noticed the President-elect had named a half-dozen staff members whom he recognized (from reading Dan Smoot's book, "Invisible Government," as members of the Council on Foreign Relations, a sinister group whose goals, he told the subcommittee, "appear to be uncomfortably close to those of the international Communist criminal conspiracy." When Mr. Nixon asked that other Birch Society nemesis, Chief Justice Earl Warren, to remain in office and to administer the presidential oath, the "forgetful elector" was moved by conscience and love of country to become "the faithless elector." Rejecting the suggestion that he resign his post as "cowardice under fire," Dr. Bailey, on the appointed day in December, calmly and deliberately cast one of the 12 electoral votes Mr. Nixon had won in North Carolina for Wallace. He was only the fifth elector in the last 150 years to vote his conscience, rather than his party, but his constitutional right to do so was solemnly affirmed by both houses of Congress when the electoral vote was officially canvassed early in January.

By their decision, the lawmakers served notice—in headline-size type—that any elector, however chosen, was free under our present system to do exactly what Dr. Bailey had done. The doctor himself told the subcommittee he hopes his example will be widely imitated.

The mass of voters, he said, have been so victimized by the distortions of the news media that it would be preferable to have the President chosen by "informed men" like himself, who (with the help of Dan Smoot and Robert Welch) "take the time to go into things."

SUPREME COURT OVERRIDES EXPRESSED VIEWS OF CONGRESS

Mr. BYRD of Virginia. Mr. President, one of the outstanding lawyers of Virginia is the attorney general of our State. I have received from him a letter which I think merits the attention of the Senate.

You will note that Attorney General Robert Y. Button documents a case for his assertion that the Supreme Court of the United States "is completely overriding the expressed views of the Congress."

I ask unanimous consent to have printed in the RECORD the letter to me from Attorney General Button.

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

COMMONWEALTH OF VIRGINIA,
OFFICE OF THE ATTORNEY GENERAL,
Richmond, February 12, 1969.

Hon. HARRY F. BYRD, JR.,
Member of the Senate, Congress of the United States, Washington, D.C.

DEAR HARRY: The Civil Rights Act of 1964, codified as 42 United States Code Annotated § 2000c, defined a public school as follows:

"(c) 'Public school' means any elementary or secondary educational institution, and 'public college' means any institution of higher education or any technical or vocational school above the secondary school level, provided that such public school or public college is operated by a State, subdivision of a State, or governmental agency within a State, or operated wholly or predominantly from or through the use of governmental funds or property, or funds or property derived from a governmental source."

The Virginia tuition scholarship or grant program was considered by a three-judge Federal court in the case of *Griffin, et al.* v. *State Board of Education,* which case was argued December 14, 1964, and decided on March 9, 1965, in an opinion by Judge Albert Bryan, Virginia school tuition grant laws

were upheld. I quote from that opinion with respect to the Virginia statutes as follows:

". . . (1) that they are not unconstitutional on their face, as fostering forbidden race distinctions; (2) that the grants may lawfully be used in a private, segregated, non-sectarian school if they do not constitute the preponderant financial support of the schools; but (3) if the grants are paid by the governmental authorities knowing the funds will be used to provide the whole or the greater part of the cost of operation of a segregated school, as it is in each of the private schools described in the complaint, then such disbursement of public moneys is impermissible."

Subsequently, an attack was made on the tuition grant program of the State of Louisiana in the case of *Poindexter* v. *Louisiana Financial System Commission*, 275 Fed. Supp. 833, and the South Carolina Program in the case of *J. Arthur Brown* v. *The South Carolina State Board of Education*.

Both of these cases before the three-judge Federal courts invalidated the tuition grant program of Louisiana and South Carolina, and the United States Supreme Court affirmed these decisions without oral argument and by per curiam opinions.

The *Poindexter* case particularly held that the validity of a tuition grant program is to be determined by whether the arrangement in *any* measure, no matter how slight, contributes to or permits continuance of segregated public school education.

The Virginia tuition grant program was reargued before the same three-judge Federal court that had decided the matter in 1965, and by a decision entered on February 11, 1969, their prior holding was reversed, Judge Bryan saying that a more exact test was impliedly enunciated by the Supreme Court in 1968 and that the precedent was binding upon them.

The purpose of writing you this letter is to call your attention to the fact how the Supreme Court of the United States is "completely overriding the express views of Congress" in a matter that had been fully and carefully considered, in which legislation a test was definitely set up, which test has been completely changed by the rulings of the United States Supreme Court.

With kindest regards and best wishes.

Sincerely yours,

ROBERT Y. BUTTON,
Attorney General.

JUNEAU RESOLUTION IN MEMORY OF SENATOR BARTLETT

Mr. STEVENS. Mr. President, I ask unanimous consent that a moving and heartfelt resolution of the Juneau City Council in memory of the late Senator Bob Bartlett be printed in the RECORD.

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

A RESOLUTION COMMEMORATING THE LATE U.S. SENATOR BOB BARTLETT BY THE CITY OF JUNEAU, ALASKA

Whereas Bob Bartlett was taken from us in death on 11 December 1968; and

Whereas his official residence as a United States Senator was the City of Juneau; and

Whereas he served Alaska longer than any other representative in Congress, having been a delegate for the territory for the final fourteen years before statehood, and having served for the first decade of statehood as one of our Senators; and

Whereas Bob Bartlett, in conjunction with the Alaska-Tennessee Plan delegation and other interested Alaskans achieved for his home country the full sovereignty of statehood as the 49th State of the Union; and

Whereas both as delegate and as a Senator, Bob Bartlett was a tireless, selfless worker for Alaskan causes; and

Whereas during his twenty-four years in Congress he sponsored and guided to passage much of the Federal legislation of special benefit to Alaska; and

Whereas his contributions in the Senate went beyond the borders of his State—to his nation and to international affairs in which his country was involved; and

Whereas over his long years of service Bob Bartlett was responsible for much legislation and administrative action of direct benefit to the greater Juneau area; and

Whereas he was not only a great public servant, but a great human being as well whose friendship was highly valuable in itself, aside from any consideration of power or influence;

Now, therefore, be it resolved by the Council of the City of Juneau, Alaska:

The people of the City of Juneau deeply mourn the passing of Bob Bartlett, our friend, protector and guide. And we convey to his widow Vide, and to his daughters Doris Ann and Sue our heartfelt condolences.

Copies of this Resolution shall be sent to members of Senator Bartlett's immediate family and to the Alaska Congressional delegation at Washington.

Passed and approved this 16th day of January, 1969.

CITY OF JUNEAU, ALASKA,
By JOSEPH H. GEORGE, *Mayor.*

Attest:

IONA N. STONE,
Deputy City Clerk.

WYNNE MATHEMATICS LABORATORY PROJECT, WYNNE, ARK.

Mr. FULBRIGHT. Mr. President, in our educational system we have great need for imaginative innovations. We must have educational programs that are attuned to local needs and that will enable students to become contributing and effective members of society.

We have a very good example of this type of program in Wynne, Ark., with the Wynne Mathematics Laboratory project, under the direction of Mr. Gene Catterton. I am happy to say that this project is one of several in Arkansas which has benefited from Federal funds under title III of the Elementary and Secondary Education Act of 1965. The Arkansas State Department of Education says that title III provides "a chance to try a different approach, to be innovative, to work on the problem areas where no solutions have yet been found."

According to American Education, the magazine published by the Office of Education of the Department of Health, Education, and Welfare, this Arkansas teacher has found "a right answer" for his math students.

Along with other Arkansas teachers, Mr. Catterton developed new materials, called "drop-in mathematics," aimed at the lower third of the ninth grade. Because there is a high correlation between low income and low achievement, the project became one, in effect, for the low-income student who needed help in practical mathematics for everyday living.

The entire story of the development of this successful program is told in the American Education article, entitled, "Underachievers Measure Up," written by Mr. Bill Lewis of the Arkansas Gazette.

Mr. President, 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:

UNDERACHIEVERS MEASURE UP: ARKANSAS TEACHER FINDS A RIGHT ANSWER FOR BORED MATH STUDENTS

(By Bill Lewis)

If low achievers can't be taught mathematics with a pencil and paper, can they be taught with a calculator? From a small eastern Arkansas farm community called Wynne comes a cautious "Yes." But even before a more definite answer can be given, awaiting a full evaluation, Wynne's Mathematics Laboratory Project, which takes a new tack in teaching math to the lower third of a ninth-grade class, has won the loyalty of its teachers and students.

Ed White of Hope, Ark., who formerly taught the course without calculators, says from now on he won't use any but the project approach. And Ruth Van Riper of Fort Smith, a veteran teacher of college preparatory math, requested reassignment at her school to a low achievers' class because no other teaching has given her more satisfaction.

Even more significant is the changed attitude of the students, who bring to class an awareness and interest they never had before. Gene Catterton, chairman of the mathematics department in Wynne school district and protagonist in getting the program started, says, "I am confident that the new approach has reduced the number of apathetic students."

Over a number of years as a math teacher in Arkansas, Catterton observed that the general math course simply wasn't getting across to a good many of the students, the low achievers who had been passed up the grade ladder mainly because they physically outgrew their grade levels. Ninth graders were coming to Wynne Junior High with math skills comparable to those of youngsters as low as the fourth grade. The course used examples that had no relevancy to students from farms or small towns. Consequently, attention spans were extremely short: The students were bored with math and freely admitted it. What's more, they had convinced themselves that they could not learn it. Most of the low achievers were further handicapped by below-average intelligence quotients.

Catterton also observed that the dropout rate began to climb at the ninth-grade level. Obviously, a lack of success in math contributed to the rising rate. Why not, he wondered, design a program specifically for potential dropouts?—one that would provide not only a new motivation for the slow student but a wholly new approach to the teaching of math.

Shortly thereafter, Catterton heard about just such an effort then under way in some Iowa schools. In 1964, he went to Iowa to see what it was all about. "Before I went," he said, "I wasn't very enthusiastic. But after I talked with teachers and students, looked at tests and records, and saw the plan in operation, I became completely sold on it."

The Iowans were experimenting with the use of calculators in the ninth-grade general math class, mainly as devices that would enable the nonachievers to get a few right answers for a change. Catterton returned to Arkansas, and, with the passage of the Elementary and Secondary Education Act of 1965 he applied for a grant under title III which was promptly approved. With it, Catterton invited seven other veteran math teachers from six widely scattered, diverse Arkansas school districts to join him for six weeks of summer study at the University of Arkansas to develop new materials and approaches.

Their new materials, dubbed "Drop-In Mathematics," were aimed at the lower third of the ninth grade. Because there is a high correlation between low income and low achievement, the project became one, in effect, for the low-income student who needed help in practical mathematics for everyday

living. The text borrowed from grocery advertisements, bills of sale from a community tire and supply store, ads from the local newspaper, the price list of an athletic equipment store.

At the end of the six weeks, Catterton applied for an operational grant of $90,000 to start the program in five Arkansas schools. The math project was begun in September 1966 but did not become fully operational until the second semester of that school year. It was funded to continue through the 1967–68 school year and two more Arkansas schools joined in the project.

First, the teachers created a mathematics laboratory by converting physics-chemistry labs or conventional classrooms or by wiring and equipping portable classrooms. They bought 16 calculators—one for every two students—for each of the schools, along with elementary physics laboratory equipment, particularly measuring devices. Audiovisual equipment was obtained from the schools' regular stocks. The teachers were acutely aware of the inability of the students to read and comprehend math questions, so two of the schools provided reading machines to help with comprehension.

Initially, the teachers devoted two days a week to working with the calculator. To combat limited attention spans, the teachers would change techniques two or three times each class period, using audiovisuals in one segment, a demonstration or student participation in another, and usually closing with Chinese-checkers-type games that made the students count and use other simple mathematical processes.

Students were also encouraged to bring to their classes problems in math that they encountered away from school. They were required to raise money to purchase some items they particularly wanted. Classes also dealt with school financial matters such as the cost of athletic equipment and cheerleaders' wearing apparel.

Measurement was an important element in instruction. Students would be sent two at a time to measure the length of a building on the school grounds. If six pairs of students went out, the result would likely be six different answers—and a spirited discussion about who was right. They would settle the issue by taking an average, which Catterton explained as a "perfectly good math principle" that leads quite naturally to the subject of averages.

The teachers insisted that the students use a "flow chart"—a step-by-step written plan for doing any specific job. The class would be asked, for example, to make a flow chart for sharpening their pencils. Then they would be required to follow it exactly—sometimes to find that they had reached the pencil sharpener without having picked up their pencils first.

"Sharpening pencils has nothing to do with mathematics," Catterton explains, "but thinking ahead does. And that's what we're trying to teach them."

The teachers avoided prolonging any single topic. One or two weeks were devoted to measurement, one or two to fractions, one or two to something else. But each subject was referred to periodically all through the year. Homework, which the low achievers would not do anyway, was not given.

During the course, students were taken on field trips to local businesses—banks, manufacturing plants, utilities—for a firsthand look at how the skills they were trying to learn could be applied. Similarly, representatives of these businesses were invited to speak to the class, always with the object of motivating the students to learn math. On one trip a student asked a plant foreman, "What kind of a job do you have for someone who hasn't finished high school?"

"Well, we have a few jobs sweeping floors," was the reply, the very one Catterton hoped for.

Catterton surveyed 93 businesses in Wynne and found that 89 percent of them used calculators or adding machines of one kind or another. He reasoned that use of the calculators served as vocational education as well as an adjunct to learning math.

As the course progressed, it became apparent that students knew how to work math problems, but weren't capable of arriving at the right answer. This is where the calculators proved their value. After two weeks of learning how to add, subtract, multiply, and divide on the machines, the students had the pleasure of being able, at last, to arrive at correct answers. Success was a tonic.

Cecil McDermott, chairman of the mathematics department of Hendrix College at Conway, Ark., made a partial evaluation of the achievement of the first group of students in the summer of 1967. Comparing post-test with pretest scores, he found a gain in grade level of seven months. The average gain for students not taking the new math course was two months less. Last year, an evaluation of 700 students showed that those in the math lab had progressed about four months faster in mathematics achievement than control-group students.

This year, about 1,300 students in 13 schools are using the math laboratory approach. Some of these classes are using the special text but not the calculators. All the students involved have been pretested and will be tested at the end of the year to ascertain their progress.

Catterton is convinced that poor performance at the ninth-grade level does not reflect poor teaching in the lower grades, because all students, achievers or not, receive the same elementary instruction. And he concedes that the ninth graders who take the course probably have lower IQ's, which accounts for preliminary indications that making headway is a slow process.

"We do think, though, that we are making progress, especially if we can extend the program both downward and upward in the grades," Catterton said. "We feel the gap can be narrowed, if not closed. And if they weren't in school, where would they be? We're attempting to socialize them. And we hope they will pick up some educational benefits in the process. If we can just hold on to 99.44 percent of them through high school, I think we will have accomplished something."

A DIFFERENT KIND OF STUDENT ACTIVISM

Mr. SCOTT. Mr. President, because today's news is often filled with accounts of the antisocial behavior of students, I think we all tend to overlook the fact that the overwhelming majority of young people and students on our college campuses are working hard to prepare themselves for a positive role in modern society. A recent edition of the Bulletin of Thiel College, located in Greenville, Pa., contained a most interesting article entitled "A Different Kind of Student Activism." This excellent article points out the numerous ways in which Thiel students have taken constructive steps to better our society. I commend it highly to Members of Congress and ask unanimous consent that it be printed in the RECORD.

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

A DIFFERENT KIND OF STUDENT ACTIVISM

Thiel has its student activists and protestors. But they protest indifference to the needs of others—by deeds rather than words. And their activities are constructive.

By and large, the constructive acts of students fail to capture the headlines given to those who think the first step in rebuilding our society is to make higher education unavailable to themselves and others.

But not always, as shown in the publicity which resulted in this Letter to the Editor of the Pittsburgh Press, from Donald Smith, Jr., of New Castle:

"I enjoyed the Sunday Press coverage of the Thiel College fraternity men marching for Children's Hospital [Pittsburgh].

"It's nice to read about fine young men working so hard for someone else.

"So often we read about young people doing unpleasant things.

"By the way, lest you might ascribe this note to one of their relatives, let me say that I don't know any of the men who traveled from Greenville to Pittsburgh."

Mr. Smith is a Colgate alumnus.

The Phi Theta Phi Walkathon raised $1,630 for Children's Hospital, collected by the brothers December 6 and 7 as they walked through Mercer, Grove City, Slippery Rock, Butler, Freeport, Natrona Heights, Brackenridge, Tarentum, New Kensington, Arnold, Springdale, Cheswick, Oakmont, Verona, and Pittsburgh.

There is further evidence of Christianity in action at Thiel. As examples, other Thiel students:

Adopted a Twelve-Year Old Navajo Indian Girl in New Mexico. She is supported by the sisters of Chi Omega through Children, Inc. The sorority also sang carols for residents of the Saint Paul Home for the Aging, Greenville, at Christmastime.

Raise Funds For Other Charities. In the second annual Campus Chest Drive, held last month, students contributed to the Greater Greenville Community Chest, to college-related charities, and to the Student-Government-sponsored Scholarship Fund for students with limited resources. Almost a thousand dollars was raised for these causes, through entertainment, an auction, and other events.

Made Their New Downtown Coffeehouse Available for area residents who are students at other colleges, during Christmas recess.

Counsel Prospective Students In Their Hometowns. Eighty Thiel students have volunteered to make themselves available to talk with high school students interested in Thiel.

Donate Blood to the Greenville Hospital Blood Bank, including badly-needed rare blood types.

Help Disadvantaged Children. Each week, a group of Thiel students visits the Saint Paul Children's Home to tutor the children, spend time with them individually as "Thiel Friends," or organize group activities. A Christmas party was given for the Children's Home by Sigma Phi Epsilon at their fraternity house.

Teach Area Children. As volunteers, Thiel students tutor children every week at the Children's Home and two local elementary schools, and also teach in Sunday evening parish classes at Saint Michael's Church.

Help In Greenville's Public Recreation Program with such chores as cleaning the swimming pool, painting, and carpentry. Sometimes these labors are performed by fraternity pledges, as a constructive substitute for "hazing."

Contribute To The Cultural Life of Greenville and other communities through concerts by the music ensembles, art exhibits, and productions by the Thiel Players. Early this month the Student Government sponsored a free public lecture by Dr. Woodrow Wilson Sayre, mountaineer and philosopher. Several music groups perform in other cities as well as in Greenville.

LITHUANIAN INDEPENDENCE DAY

Mr. BAYH. Mr. President, as in former years, I am pleased to join with other Senators in calling attention to the annual observance of the day on which the

Lithuanian people declared their independence. Although it was only 51 years ago that this nation proclaimed its freedom from foreign control, it is well to remember that the history of the Lithuanian state actually dates back more than seven centuries to 1253 when the first king of a united Lithuania was crowned.

Long before the North American continent was settled by Europeans, the Lithuanians had established a strong, separate nation which continued to flourish for many generations. Just before the end of the 18th century, however, it was absorbed by Russia, and for more than 100 years its proud people were controlled and dominated by its former neighbor.

After long resistance to oppression, an independent Lithuanian state was proclaimed on February 16, 1918, and during the next few years its separate existence was officially recognized by many countries, including the United States. Unfortunately, during World War II it was overrun by the armed forces of the U.S.S.R. and of Germany, and it became attached to the latter as one of its dependent republics.

During the period of its freedom great progress was made by Lithuania. Educational facilities were expanded, progressive social and labor legislation was adopted, and marked achievements were made in literature and the arts. However, during the last quarter of a century the lack of accurate information and the flood of Soviet propaganda has tended to obscure the current status of the inhabitants of this Baltic nation. It is apparent that a sizable number of natives have fled their country or been deported from their homeland. Those who remained do not enjoy the full freedom they experienced during the two decades preceding World War II.

The United States has never recognized the annexation of Lithuania by the Soviet Union and still maintains diplomatic relations with those who represent the former independent government. Those of Lithuanian heritage now living in the United States are among the foremost leaders of the group intent on restoring once again this nation to its independent status. We have long affirmed our belief in the basic right of self-determination of all peoples and supported those who are committed to the achievement of this goal. Let us salute the courage and persistence of those who all these years have so valiantly struggled to reinstate the position of their mother country in the family of nations.

YOUTHFUL CRIME PREVENTION: "CRIME STOPPERS"

Mr. DODD. Mr. President, the problems of increasing delinquency and crime rates are largely the problems of the American city.

They are the problems of tension, frustration, and alienation, heightened by heroin, cheap wine, and guns.

Most tragically, they are the problems of our young people.

Gov. Richard B. Ogilvie recently declared Delinquency and Crime Prevention Week in the State of Illinois. In a fact sheet which accompanied this announcement, some appalling statistics appeared:

Crime and delinquency in that State have increased by four times the increase in population.

Fifteen-year-olds commit more criminal acts than any other age group, although this is the smallest age group under 18.

Approximately 50 percent of the juveniles arrested have records of previous arrest. It is estimated that 40 percent of the juvenile population will have arrest records in the next 10 years.

These are serious facts to be sure. But they are even more serious when one considers the fact that Illinois is hardly an unusual case. The statistics cited here reflect a general trend in many parts of the country.

On the national level, 16-year-olds commit more crimes against property than any other group. From 1960 to 1965, arrests of persons under 18 for serious crimes increased by 47 percent, while the size of this segment of our population increased by only 17 percent.

Testifying before the Juvenile Delinquency Subcommittee several years ago, Arthur J. Rogers, executive director of the New York City Youth Board, emphasized the far-reaching implications of such facts. Among the other social ills which usually accompany a high rate of delinquency, he cited high rates of mental illness, infant mortality, welfare, alcoholism, and drug addiction.

It is small wonder, then, that these conditions create a vicious circle which the youths of our cities seem able neither to combat nor to escape.

A young person in the inner city can scarcely avoid exposure to this decadent atmosphere. From earliest childhood, his is the life of the streets.

In "Manchild in the Promised Land," Claude Brown describes his upbringing in Harlem:

> I used to feel that I belonged on the Harlem streets and that, regardless of what I did, nobody had any business taking me off the streets . . .
>
> . . . To me, home was the streets. I suppose there were many people who felt that. If home was so miserable, the street was the place to be.

By the time he was 8, stealing, stabbing, gang fights, and the narcotics trade had become common occurrences in Brown's young eyes.

The Urban Affairs Subcommittee of the Joint Economic Committee of Congress issued a report in 1967, "Urban America: Goals and Problems," which touched upon some of the problems of urban youth:

> One of the reported advantages of living in a large city is that one is free to experiment with new social roles and to indulge oneself in behavior which might bring immediate reproval and punitive social sanctions from the community at large, in a small city.

The confusion resulting from this newfound freedom is often compounded by the decline of the family unit and frustrated needs for space, companionship, recreation and self-expression.

Noted sociologist Émile Durkheim referred, decades ago, to the phenomenon as "anomie," or "normlessness." It is a natural outcome of the urbanization process. Conflicting standards and resulting personal confusion are having a tragic effect on thousands of young people in our cities.

"Manchild in the Promised Land" tells the story. At the tender age of 8 or 9, large segments of our juvenile population are already trapped in the "street to court to reformatory to jail" syndrome. It is often too late for escape.

It is shocking, Mr. President, that it is not even our teenagers to whom I refer. It is our children.

What is to be done?

Admittedly, the prospects are dreary. But we do not have to look far for a sign of hope.

Here in the District of Columbia, a little-known program has been developed which seems directly aimed at the heart of the matters I have mentioned. I am speaking, Mr. President, of an organization called the Crime Stoppers Club, Inc.

The Crime Stoppers Club seeks the goal of educating very young children to respect the law. Its principle is that this lesson must be learned in the formative years.

Guest speakers, club mottoes, and rituals all stress the members' contributions to fighting crime "by not committing any." Members are imbued with the spirit of community responsibility.

Most importantly, the boys come to understand the severe consequences of beginning life with a police record. This, above all, is what the members are determined to avoid.

The founder and director of the Crime Stoppers Club is Margie Wilber, a former teacher now employed by the Department of State.

Having read of the role of juveniles in the rising crime rate, Mrs. Wilber was prompted to reach children before they could become habitual delinquents. She now sees Crime Stoppers as a step that may eventually bridge the gap in police-community relations.

In these days of mounting concern over law and order, it is refreshing to hear about an effort which is aimed at curbing criminal problems before they arise, rather than after the fact.

The necessity of this type of program was the clear message of the President's Advisory Commission of Civil Disorder. The Commission pointed out the wisdom of including young streetleaders in community improvement projects. Furthermore, good relations between police and young people were cited as a significant factor in preventing disorder.

This is not inconsequential, Mr. President, in view of the statistics given on civil disorder in recent years. For instance, in the Watts rioting of 1965, 45 percent of those arrested were under 25 years of age. In Detroit, it is estimated that 61 percent of the rioters were under 24.

I therefore conclude that the importance of this type of program and its role in the urban community can hardly be overemphasized.

I congratulate Mrs. Wilber and the Crime Stoppers for their timely and innovative efforts.

I commend these efforts to the attention of Senators, and strongly urge that further attempts of this nature be encouraged and supported.

Our greatest hope lies in America's youth.

THE DOOR PENINSULA

Mr. NELSON. Mr. President, it is with pleasure that I bring to the attention of Members of Congress a fine article in the March 1969 issue of National Geographic on Wisconsin's famous Door Peninsula.

The Door Peninsula is north of the city of Green Bay and lies in Lake Michigan. Its 250 miles of shoreline reminds visitors of images of New England. Indeed, Door Peninsula is sometimes called the Cape Cod on an inland sea.

The natural beauty of its shoreline as well as its Potawatomi and Peninsula State Parks attract visitors and summer tourists from across the Nation, representing a multimillion-dollar industry. Besides the tourist industry, the Door Peninsula is well-known for its cherries which in recent years have totalled 11 million pounds annually.

Of the 500 residents now on the Washington Island, about 100 are descendants of settlers who came from Iceland. The first Islanders to settle as a group in the United States came to the peninsula because of the abundance of fish in the area.

I ask unanimous consent that the article from the National Geographic be printed in the RECORD.

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

WISCONSIN'S DOOR PENINSULA—"A KINGDOM SO DELICIOUS"

(By William S. Ellis)

Darkness came quickly as wind and rain gusted out of the sky to wreck the drowsy stillness of three o'clock on a warm summer afternoon. From atop a high limestone cliff, I watched the waters of the strait below bunch up into swells and then become driving beams of frothy fury. A skiff torn loose from its mooring slammed into the base of the cliff and backed off as kindling.

Churning, whirling, bloated with arrogance, this rip of water between a peninsula and the islands off its tip mirrored all the gray grimness of the name given it by French explorers many years ago. Porte des Morts, they called it—literally Door of the Dead, but colloquially translated Death's Door. On its floor rest the bones of hundreds of ships.

The Door of the Dead washes against the tip of Wisconsin's Door Peninsula (the name comes from that of the strait), a 70-mile-long shoot of land extending from the eastern reaches of the state and bounded by Lake Michigan on the east and Green Bay on the west.

The vista here is one of striking contrasts—of land and water locked together by glaciers that receded thousands of years ago; of an acidlike surf sculpting a cove in rock, while inland, less than 100 yards away, a placid lake nuzzles a beach of white sand; of deer browsing amid wild wood lilies, and gulls in screeching pursuit of a boat, hoping for a handout; of harbors throttled by ice, and countryside awash in the pinks and whites of flowering fruit trees.

As an alien thumb of land on the corn-knuckled fist of the Middle West, the Door Peninsula, with its 250 miles of shoreline, draws expressions of surprise from first-time visitors. More often than not, the reactions invoke references to New England, such as "Cape Cod on an inland sea."

Perhaps the most imaginative reaction of all belonged to Jean Nicolet, the French explorer who visited the peninsula in 1634, before any other white man, probably. Splendidly attired in a mandarin robe of fine damask silk, he stepped ashore, convinced he was in China. Later in that century, Pierre Espirt Radisson, the French trader who kept an extraordinary journal of his fur-seeking expeditions in the Great Lakes region, saw the peninsula and the surrounding islands as "kingdoms . . . so delicious." He made the observation 300 years ago, but the kingdoms, I found, remain as flavorful as ever.

TOWN AND COUNTRY LEARN TO GET ALONG

"The wonderful thing about Door County," said Irving Miller, dockmaster at the town of Fish Creek, on the Green Bay side, "is the perfect combination of wilderness and civilization. Each makes its presence known, but neither one crowds the other."

I talked with the 80-year-old dockmaster the morning after the storm, as Fish Creek stirred and shook off the night chill. In days gone by, when the waters all around held lake trout the size of piglets, and sturgeon three times as big, the town thrived as a major fishing center. The lake trout nearly vanished for a while, victims of the repulsive, snakelike sea lampreys, which attached themselves to the trout and sucked their life juices, but recent control of the predators finds the trout returning now. Not so the sturgeon, the "monster Mishe-Nahma" of Longfellow's *The Song of Hiawatha*; catching one today is a rare experience for peninsula fishermen.

New excitement for anglers is mounting, however. To prey on Lake Michigan's detested alewives, coho salmon from the Pacific have been introduced into area rivers, including the Ahnapee on the peninsula. Fish released in State of Michigan streams in 1966 have already returned upriver once for spawning, and will make another spawning run this fall, promising a bonanza to fishermen

PENINSULA WINS HIS VOTE HANDS DOWN

On the beach at Fish Creek I found a single dead alewife, rigid and goggle-eyed under an umbrella of flies. Overhead a show-off gull executed an arabesque. And then, as if to match the bird's agility, an elderly man with a tan the color of tea spread a towel on the sand and performed a commendable, if wobbly, handstand.

"Hey, that's pretty good," I said.

"Pretty good for a 68-year-old, anyway," he replied. He was a retired businessman from Highland Park, Illinois, he said, and in only two of the past 24 summers had he failed to spend at least a week on the peninsula.

"At home I don't have the energy to scratch an itch, but that changes when I get up here," he added. "Same way with my father. He vacationed on the peninsula for 35 years."

Tourism on the Door Peninsula represents a $100,000,000 industry. Nothing approaches it in dollar volume—not agriculture, including one of the largest harvests of tart cherries in the Nation, nor shipbuilding, the peninsula's leading industrial enterprise.

A million visitors, most of them from the Middle West and especially the Chicago area, converge on the Door Peninsula each summer. They come back year after year, lured by the scenery and the eminently breathable air.

Equally appealing to me is the endearing fustiness to which the peninsula clings. Dating from the era of spas and the partaking of wonderous mineral waters, this cobwebby link with the past finds hotel guests still summoned to meals by the ringing of a clapper bell. Many of the hotels themselves remain rambling clapboard structures, their verandas freighted with wicker furniture. Amid such surroundings, croquet balls are still smartly dispatched over well-tended lawns.

For the average long-time summer visitor to the peninsula, vacation time is given over to a lot of leisure, a little culture, and the renewing of summer friendships. At least one evening is set aside for attending Wisconsin's oldest professional summer theater, the Peninsula Players' "Theatre in a Garden" near Fish Creek. Another evening finds the summer people at one of the nine concerts that make up the annual Peninsula Music Festival, held in the town of Fish Creek itself.

Otherwise, dinner is followed by the dabbing of citronella on arms and neck and a walk along the nearest beach.

"Such vacations were once commonplace, but now you might say they're almost unique," observed the owner of one of the resort hotels.

In any case, the overriding presence of things maritime is the major element in the uniqueness of the peninsula. Walking along Fish Creek's municipal dock. I counted dozens of boats, all feeding squiggling Silly Putty reflections to the clear water. They ranged from a luxurious teakwood-decked cabin cruiser to an authentic Chinese junk. On the latter, a sign announced: "Built in 1959 by the Sau Kee Shipyard in Aplichau, Hong Kong. For further information call Hong Kong 90029.

"I suppose people bother you with a lot of questions about the junk," I remarked to the woman on deck.

"Well, now and then someone stops and asks whether his shirts are ready," Mrs. Jerry Vallez replied, smiling. "Also, people see the Chinese characters on the stern and want to know what the junk is called. We've been told that the best translation is *Little Sea Wind*, but we call her *Sea Breeze*." Mrs. Vallez and her artist husband, summer residents for 10 years, do not know how *Sea Breeze* got from Hong Kong to a marina in Illinois, where they first saw it wearing a for-sale sign nearly six years ago.

The peninsula's nautical character begins to exert itself at the city of Sturgeon Bay, where a canal cleaves through Door's midsection, leaving a dual-lane drawbridge as the only access to the northern half. Crossing the bridge, I saw a proud-masted schooner, riding at anchor like an elegant crest on the water-sheathed dagger of land. Later I met owner Fred J. Peterson, chairman of a Sturgeon Bay shipbuilding firm (page 362), and he invited me to join the crew when the 65-foot staysail schooner *Utopia* took part in a race to Green Island, 16 miles out in the bay.

SCHOONER HAS KNOWN FAR LANDFALLS

Flying most of her 2,500 square feet of sail, *Utopia* moved downwind through the open drawbridge. Smaller sailboats, flaunting their speed and maneuverability, skittered around us like children taunting the village oaf.

But when the breeze yeasted into a strong wind, many of the other boats fell behind while their crews worked to corral battered sails. "Class will tell now," one of our crewmen yelled as *Utopia* took the wind and ran.

Still, others crossed the finish line ahead of us. I suggested to Mr. Peterson that his steel-hulled schooner is better suited to the ocean.

"No question about it," he agreed, recalling a memorable voyage that began in 1956.

In that year, Fred Peterson, then 62 years old, hoisted anchor in Sturgeon Bay and sailed *Utopia* down the Mississippi River and across three oceans and 10 seas. With pickup crewmen ("it was the Tongan or the Marquesan who chewed kava root while hoisting sail?"), the vessel circled the globe, returning to Sturgeon Bay in 1959.

Moving *Utopia* back to her berth after the race, we passed docks crowded with the hulks of tankers and freighters gone to scrap after many journeys on distant seas. A Coast Guard cutter, somber and Spartan in coiled-line orderliness, backed away from its pier and hurried off toward the other side of the bay. A fleet of prams put out from a yacht basin, their colorful sails beating in the breeze like the wings of monarch butterflies; boys and girls no older than 15 handled the tillers.

Vessels under sail have plied Door Peninsula waters for almost three hundred years. Many went down there, taking their cargoes with them; as a result, scuba diving holds wide popularity as a vacation-time activity on the peninsula. Of course, the booty in-

cludes few, if any, ducats, doubloons, or princely gems, for the ships that sailed the Great Lakes in the 19th century carried mostly lumber and grain and iron ore.

"We want to encourage the preservation of wrecks and stop them from sometimes being used as firewood, literally burned up." As he talked, Gene Shastal of Lake Villa, Illinois, ran his fingers over a coffee table made from the rudder of a schooner that sank in Green Bay about a hundred years ago. Other pieces from other sunken ships filled the living room of his lodge atop a high bluff near the tip of the peninsula.

Shastal and a group of Midwest divers have begun assembling the histories of the more than 200 charted shipwrecks in the area. Whenever they can get away from their jobs, they hurry to the peninsula, pull on wetsuits, and disappear under a frenzy of bubbles. I went along as an observer on two of the dives, one of them in the dead of winter with the temperature at five degrees above zero.

Our station wagon moved slowly over the 18-inch-thick covering of ice on a small bay off the northwest corner of the peninsula. An advance man on foot inspected the ice for weak sections through which the vehicle might plunge to what our driver laughingly (nothing uproarious, understand) referred to as "the ultimate in fluid drive."

"This is the spot," said Jack Michel, a scuba-diving instructor from Lake Villa, Illinois, and we came to a stop a hundred yards from shore. "We'll need a chain saw to get a hole in this ice."

The chain bit into the ice with authority, but progress was slow. The cold grew more punishing, and soon joined the others in a spirited little dance to stomp the numbness from our feet. In an hour the opening was carved. Michel and the other divers slid into the ice water and trailed down about twenty feet to the remains of the schooner *Fleetwing*.

SIMPLE RELICS EVOKE AMERICA'S PAST

Driven hard ashore in 1888, *Fleetwing* broke up and sank. She carried a cargo of lumber, including hundreds of white elm barrel staves. Jack Michel brought up one of the marble-smooth staves, and before the dive ended, at least half a dozen others lay in a pile on the ice. Certainly divers often receive more generous rewards from exploring sunken ships, but the treasure seldom comes invested with the tenor of 19th-century America. More than just parts of a barrel, the staves framed for me a mind's-eye picture of a lumber industry thriving on the demands of a nation in a hurry to grow.

The bones of Robert de la Salle's famous bark, *Le Griffon*, may lie off the Door Peninsula. In 1679 the ship arrived in Green Bay waters, the first sailing vessel on the Great Lakes above Niagara. With a cargo of beaver skins and possibly some gold, *Le Griffon* disappeared on its return voyage. One tradition holds that it sank, another that Indians burned it. What actually happened remains a mystery.

Perhaps the ship went to the bottom of the Porte des Morts because of a navigational error, easily brought on in the strait by whip-like winds and currents running counter to each other. The currents, as I witnessed, are strong enough to undermine and wash away two feet of solid ice on the waters in just 14 hours. During a single autumn storm in 1880, the ships wrecked in the passage and along the peninsula numbered in the dozens.

Here too a large canoe party of Winnebago Indians fell victim to winds and currents on a fateful day in the early 1800's. According to one story, 500 perished en route to do battle in one of the many intertribal wars that flared on the Door Peninsula: Illinois tribesmen fought Winnebagos, Winnebagos fought Potawatomis, and the far-ranging Iroquois fought everyone. Even now the ground remains hummocked with the burial mounds of braves, and plowed fields continue to yield arrowheads and, now and then, a limestone war club.

CHIEF STILL DONS A WAR BONNET

And yet, no tacky commercialism centered on packaged Indian lore afflicts the peninsula. "Of course, we have Roy Oshkosh and his trading post," said one of the hundreds of college girls who work as waitresses in the hotels. "But he's authentic, a bona fide chief."

Roy Oshkosh, titular head of the Menominee tribe, often dons a war bonnet, but only for the benefit of the summer people who crowd into his amphitheater near Egg Harbor on summer evenings for a campfire-crackling, drum-thumping, peace-pipe-smoking, evil-spirits-chasing powwow. Indian dances performed by boys and young men, schooled in the art by the chief for years, highlight the show.

Those who speak Menominee know the 70-year-old chief as Tshekatchakemau—the Old King. He is a graduate of Carlisle in Pennsylvania, a school founded especially for the higher education of Indians, but even that had not quite equipped him to deal with the complexities of a Medicare form. When I called on him, he laid the troublesome paper aside and told me that he is the great-grandson of Oshkosh the Brave, the famous Menominee for whom the city in Wisconsin is named.

"As a boy," Chief Oshkosh continued, "my father took me to visit an aunt on the reservation. She told me about a place on the Door Peninsula where our people gathered long ago—a beautiful wooded site with a stream running through it. I looked all over the peninsula, and when I reached this spot, I knew I had found the place. I bought it."

Here the chief and his wife live the year round, although the Menominee reservation is about 60 miles to the west. "If something important comes up on the reservation, they send someone up here and we talk it over," he explained, "or I go there if necessary."

Because Roy Oshkosh has no sons, hereditary rule of the Menominee tribe ends with him. As we discussed this, he told me that the second son, rather than the eldest, always inherits the role of chief. When I asked him why, he replied, "You've got me." And then he crushed out his cigarette, picked up his peace pipe, and went outside to raise the curtain on another powwow.

ICELANDERS FIND A SHANGRI-LA

Indians of many tribes chose to live in the Door Peninsula region because of the great quantity and variety of food available. For the same reason, the first Icelanders to settle as a group in the United States came to Washington Island, the crown of the peninsula severed from the mainland by the Door of the Dead. As fishermen, they looked out their front doors on some of the richest waters in all the Great Lakes. Records of catches made about that time reveal that in 1862 a 14-year-old boy pulled in seven lake trout, of which the smallest weighed 40 pounds.

Little wonder then that Pierre Radisson, again writing in the journal that inspired others to explore the western wilderness, described Washington Island and nearby coasts as places where "whatever a man could desire was to be had in great plenty; viz. staggs, fishes in abundance, and all sorts of meat, corne enough."

Of the 500 permanent residents on Washington Island now, about 100 are descendants of settlers who came from Iceland in the latter half of the 19th century. Most of them retain only memories of the customs and language of the mother country of their parents and grandparents.

One of the few descendants of Icelanders who can converse in Icelandic is Magnus Magnusson. Born on Washington Island in 1888, the year the *Fleetwing* took its cargo of barrel staves to the bottom, Magnusson served as island postmaster for 34 years.

In addition to the Magnussons, there were the Gudmundsens, Gunnlaugssons, Bjarnarsons, and others. Norwegians and Danes and Swedes came too, but most of them took up homesteads on the mainland. The Icelanders, however, maintained their colony on Washington Island; there they farmed a little, fished a lot, and tried to understand the indifference of their American-born sons to preservation of Icelandic ways.

Magnus Magnusson now oversees a small museum near the northwestern tip of the island, where the waters of Lake Michigan explode against the base of a 150-foot-high bluff. The items on display there, such as a 100-year-old meat chopper brought over from Denmark, hold little value—except to a man seeking to tighten the ties with his European heritage.

Washington Island and much of the upper peninsula are turning to this heritage for reasons not completely divorced from commercial considerations. The Scandinavian Festival held on the island each August has the ferries tooting over from the mainland every hour, each time with a capacity load of tourists. Teen-agers in Scandinavian dress dance in the streets to folk music, acknowledging, for the duration of the celebration at least, that it's fun to be square. Restaurants feature smorgasbord—heapings of open-faced sandwiches, shrimps encased in shimmering jellied molds, and delicate little cakes, each packing a sugared richness that probably had something to do with the fearful girth of the old Viking warriors.

BABIES RECEIVE A RINGING WELCOME

Many of the island's permanent residents shun such festival fare. "The men on the island outlive the women because they keep active and follow a low-fat diet," said Dr. Paul Rutledge, the island's only physician.

Dr. Rutledge first came to Washington Island in 1935 as a summer visitor. He became a permanent resident in 1960. "I've delivered 42 babies on the island and have a picture of each one under the glass on my desk," he told me, his voice touched with pride. "Once I attended a very difficult delivery, and when it ended successfully I was so happy that I went next door to the Lutheran Church and rang the bell. That became a tradition; whenever I deliver a baby, I ring the church bell."

Just north of Washington Island sits a brooding 912-acre outcropping of untrampled wilderness that once served as the private domain of Chester H. Thordarson, an immigrant from Iceland who made a fortune by inventing electrical devices and appliances.

Rock Island reminded Thordarson of his native land. To match its wild grandeur, he had constructed on the beach a massive stone combination boathouse-great hall with noble arched windows and a fireplace large enough to play ping-pong in. Here he kept his extensive collection of Icelandic literature; below, cliff swallows nested on the cavernous walls of the boathouse.

Thordarson died in 1945, and the island eventually became a state park. Except for the great hall, now under the care of a park manager, and the few other markings of the man who missed his native Iceland, Rock Island remains a preserve of woods and silver beaches which, in truth, only the gulls and deer can inhabit with grace.

I went next to Chambers Island, in Green Bay waters, where George J. Baudhuin, a Sturgeon Bay businessman and the person most closely associated with the island, waited to show me around.

A financial giant from Chicago purchased property on the island, Baudhuin told me, and began developing it into a lavish private playground. But the work stopped during the depression of the 1930's.

"There, see that rise in the ground?" he exclaimed as we bounced over a rutted road in his four-wheel-drive vehicle. "That's part

of the old golf course. And that level stretch of ground with the stunted grass growth—the remains of a private airstrip."

Nearly 20 years ago, George Baudhuin and his four brothers purchased a large cottage on the island and turned it over to the Roman Catholic Diocese of Green Bay for use as a retreat house. It fronts on a 380-acre lake within the island, and within the lake itself are two islands. A heavy silence pushes down on this kaleidoscope of wilderness and water except when the sisters go boating. When that happens, visitors to the island can sometimes hear, as I heard early one morning, a soft voice skipping over the cellophane-like surface of the lake, imploring divine assistance in getting a balky outboard motor to kick over.

WHERE MAN CAN GO TO CLEAR HIS MIND

Of all the men who found a setting for their dreams on the Door Peninsula, one met quiet but complete success. Jens Jensen, a renowned landscape architect from Illinois, sought not a private domain or playground but simply, a place "where man can go to breathe and to feel his kinship with the earth, to have a chance to clear his mind and to take soundings of where he is going."

He found it at the village of Ellison Bay, on the Green Bay side of the upper peninsula, where centuries-old cedars and withered pines stand rooted in limestone bluffs.

Establishing 128 acres of the heavily wooded site as a retreat for study and contemplation, and calling it The Clearing, Jensen invited everyone to share with him "the strength and understanding that is found close to the roots of living things."

Jens Jensen died in 1951, but The Clearing, now under the administration of the Wisconsin Farm Bureau, continues to function as he intended it to. Week-long seminars on art, music, literature, philosophy, and other subjects attract participants from many states during the summer. The presence of five dormitories, a library, and a main lodge fail to detract from the primeval flavor of the setting.

On another day I walked through a living showcase of plant life that spans a range of ecology all the way from that of the Ice Age to that of the present. The acid bogs of the subarctic, the vegetation of the tundra, the wintergreen sharpness and rubberlike resiliency of the Canadian carpet—I found them all at the Nation's largest corporately owned wild-flower reserve, an 800-acre sanctuary called The Ridges.

Located on the Lake Michigan side of the peninsula, near the town of Baileys Harbor, the ridges that give the park its name mark former shorelines built of glacial sands deposited more than 10,000 years ago. A succession of ridges interwoven with lacings of water and cedar swamps runs through the sanctuary. The forest is there, and so is the sand dune.

More than anything else, though The Ridges means wild flowers—rare, exquisite blushes of color on a canvas that stretches to the shore of the lake itself. The inventory includes more that 25 species of orchids.

The Door Peninsula of cliffs and coves and wild orchids and virgin forest lies north of Sturgeon Bay. A few miles south, the thumb becomes rolling farmland. And just about between the two, where both the moo of the cow and the mew of the gull can be heard, a group of 35 or 40 visitors gathers most every summer Sunday evening for a fish boil.

This outdoor culinary exercise, indigenous to the Door Peninsula, originated more than a hundred years ago when men in the lumber camps required great quantities of food in a hurry. The precise, carefully timed operation is more like a track meet than a cook-out.

"Time!" Jim Larsen shouted after consulting his stopwatch. Ted Anderson nodded and dumped 30 pounds of potatoes and seven pounds of salt into a pail of boiling water.

Anderson, a schoolteacher from Chicago, had invited me to one of the regular fish boils held at his summer place near Sturgeon Bay. Jim Larsen, the "boil master," was in charge.

At the end of 20 minutes, 30 pounds of filleted lake trout wrapped in cheesecloth went in. "The fish must stay in 17 minutes, no more, no less," Larsen said. "Otherwise, it will not be cooked properly."

Anderson threw fuel oil on the fire three times, causing the water to boil over and carry off the excess fish oil. What remained with the potatoes were mounds of sweet trout, brought to the peak of tenderness in exactly 17 minutes. No more, no less.

WINTER-SPORTS FANS FIND THE DOOR

After most of the guests departed, Mrs. Anderson stood by the water's edge and told me, "Our whole family looks forward to coming up here each summer. We manage to sneak away at Christmas and come up then too. I think I am as found of the peninsula in the winter as I am in the summer."

More and more winter-sports enthusiasts from the Middle West share the sentiment. After the snow comes, carloads of skiers crowd the one road leading to the seven slopes on the high hill near Fish Creek.

"The Door Peninsula is catching on as a winter vacation area," said Harold Larson, owner of the 120-acre skiing facility. "We get more people here every year." Harold and I sat in the warm glass-fronted lodge at the foot of the hill. A group of skiers, and some who only talk about skiing, gathered around the fireplace to autograph leg casts and recall past and memorable schussings.

At Potawatomi and Peninsula State Parks, both on the Green Bay shore, the buzz of snowmobiles racing through the woods smothers the screams of exhilaration trailing down the toboggan runs. And at the village of Ephraim, William Sohns raises the loudest noise of all with his homemade air iceboat.

"Stand back, now!" he yelled, snapping the propeller downward. The 65-horsepower airplane engine on the rear of the ski-fitted boat coughed into a rumble. I climbed into the cabin of the craft just in time to hear Sohns say, "I've had her up to 70 miles an hour, but I think I'll open her up today."

When he looked closer at the frozen expanse of Green Bay before us, he added: "The ice looks pretty rough. Tell you what, come back on a nicer day, and we'll give her a whirl." A nicer day never came during my visit, and I like to think my parting expressions of heartfelt disappointment sounded sincere.

HARDIEST FISHERMEN TAKE TO THE ICE

Of all the winter-sports activities on the peninsula, none demands more dedication than ice fishing. As soon as the ice thickens and toughens, the colorful fishing shacks, smoke curling up from their warm innards, appear on Green Bay; there the hardiest of all fishermen encamp for hours in quest of the bay's tasty perch. Some, like Clarence Chaudoir, a retired Coast Guardsman who lives in Sturgeon Bay, fish out in the open.

I slipped and slid for what seemed like 15 minutes before covering the 100 yards between the shore and parka-swathed Chaudoir. The temperature hung around zero. "I guess I've fished out here on the ice every winter for the past 20 years," he said. "Not much luck today; only caught nine all morning."

I glanced at my watch: shortly after one o'clock in the afternoon, and with the wind acting as if it had lunched on frosted steel. I marveled at Chaudoir's ability to tolerate the terrible cold. I marveled even more when he told me he intended to stay out another three or four hours because "sometimes they bite good in the late afternoon."

Winters on the Door Peninsula are not kind, although the surrounding waters act as a moderating influence on the temperature, raising it a few degrees above that in the city of Green Bay on many winter days. Not that the people of Green Bay concern themselves much with the freeze that grips their city each year, for they wrap themselves up in the fortunes of their beloved Packers, 11 times world champions in professional football.

TRUE PACKER FAN NEVER DESPAIRS

When the Packers do battle at home, Sunday in "Titletown" starts with a whoop and ends with a holler. Some churches schedule services early so that members of their congregations can get to Lambeau Field in time for the kickoff. Admission to the 50,861-seat stadium is by season pass only, and so highly prized is a pass that divorce actions sometimes bog down when neither party agrees to let the other have it—the car, yes; even the house and dog; but not the season ticket.

"I heard the story told—not that I believe it, mind you—that a fellow in Green Bay lost a $5 wager when Minnesota beat the Packers one year," a shipyard worker in Sturgeon Bay told me. "He refused to believe the outcome, so when they replayed the game on TV the next day, he backed the Packers again and lost another $30."

But home games with the Bears of Chicago, a city more than 40 times the size of Green Bay, bring out the ultimate in partisanship. Each Packer gain draws from the crowd a great roar, a collective rising to the feet, a shaking of fists in a gesture of belligerent bliss. When the Bears score, the moan is like a concerto for a thousand bassoons.

This lionhearted devotion spills over into the Door Peninsula, where in the town of Sister Bay, a man told me he will always remember December 7, 1941, because on that day the Packers beat the Bears, 16 to 14.

Football seasons end, but winters linger on in the area until one day, usually in mid-April, residents of the peninsula wake up to find a warming sun scraping the flour paste from the winter sky. Soon the cherry trees blossom, the wild flowers weave their carpets on the woodland floors, and hotel people start recruiting help for the coming season.

About this time too, the spray from the icefree surf of Lake Michigan hangs a necklace of small, pale rainbows over the shore as if to reaffirm the vows between this rocky land and the inland sea.

INEQUITIES IN FARM INCOME TAXATION

Mr. METCALF. Mr. President, on January 22 I reintroduced S. 500, a bill designed to remove the inequities between legitimate farm operators and taxpayers who are in the business of farming mainly because of the tax advantages that serve to put their nonfarm income in a lower tax bracket. A bipartisan group of 26 other Senators have joined with me in sponsoring this bill. These cosponsors are Senators BAYH, BIBLE, BROOKE, BURDICK, CANNON, CHURCH, EAGLETON, HARRIS, HART, HARTKE, HATFIELD, HUGHES, KENNEDY, MCCARTHY, MCGEE, MCGOVERN, MANSFIELD, MONDALE, MONTOYA, MOSS, MUSKIE, NELSON, PEARSON, SAXBE, YARBOROUGH, and YOUNG of Ohio. Since the introduction of S. 500, similar bipartisan support has been growing in the House in the form of companion legislation.

From time to time I have commented about interviews granted by the various officials of Oppenheimer Industries, a cattle management firm that handles at least 220,000 head of cattle on more than 100 ranches in 17 States. On January 14, the Senator from South Dakota (Mr. MCGOVERN) graciously placed in the RECORD a speech which I made in Des Moines, Iowa, on January 11, at a seminar on tax-loss farming sponsored by

the National Farmers Union. The seminar was attended by more than 500 farmers, small businessmen, and labor and church leaders, as well as Representatives and Senators from 30 States. During the course of my speech in Des Moines, I pointed out that a major attraction dangled in front of prospective Oppenheimer clients is that present tax laws permit a nonfarmer to actually deduct more than he spends farming and then subtract excess farm deductions from nonfarm income which would otherwise be taxed at ordinary income rates.

Just the other day Tony Dechant, president of the National Farmers Union, sent me a copy of a speech made by Brig. Gen. H. L. Oppenheimer at the National Farm Institute in Des Moines on February 14. General Oppenheimer is the president of Oppenheimer Industries, which one writer has termed "the Macy's of the cattle-buying business, only fancier and more intricate." Last year Time magazine described General Oppenheimer as the "Bonaparte of Beef" and from all I have read about his operation, that description is most appropriate.

In sending me the Oppenheimer speech Mr. Dechant commented in his cover letter that if this speech was made throughout the country, it would go a long way toward getting S. 500 enacted. I found the speech particularly interesting because it establishes that Oppenheimer Industries is particularly adept at making a different type of argument to farmers than it does to prospective clients who are interested in becoming tax farmers.

Mr. President, so that other Senators may have the benefit of General Oppenheimer's remarks in Des Moines, I ask unanimous consent that the complete text of his speech be printed at this point in the RECORD.

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

OUTSIDE RISK CAPITAL IN CATTLE INDUSTRY

(By Brig. Gen. H. L. Oppenheimer, president, Oppenheimer Industries, Inc.)

In the last six months the Farmers Union, about #4 among the agricultural trade associations, in conjunction with Senator Metcalf of Montana and under Secretary Surrey of the Treasury, has been sponsoring legislation to eliminate the tax subsidies introduced by Congress over the last thirty years to encourage the entrance of outside risk capital into farming and ranching.

In general the legislation attempts to parallel the unsuccessful attempt in 1962 to eliminate capital gains for anyone with over $15,000 in non-farm income. In this case the mission is accomplished by forcing any ranch or livestock owner with over $30,000 in nonfarm income from the cash to the accrual method of accounting. Despite the many and complex provisions of the proposals the ultimate objective is simple—to keep the urban type of investor from putting money into agriculture.

Contrary to 1962, this legislation is now being opposed by the American National Cattlemen's Association, National Livestock Tax Committee, the American Hereford Association, the American Angus Association and many others with the National Farmers Union being in a minority. What are the objectives of the supporters of this legislation?

The Treasury is aware that the total amount of additional revenue recovery would be almost microscopic but is principally motivated by a "soak the rich" philosophy and the socialistic desire to bring all take home incomes down to the same level. Whether this is good, bad, or indifferent is a matter of debate and is not the subject of this article.

The so-called tax advantages put into the law by Congress over a 30-year period to attract outside capital were not "loopholes". This implies something left out of the law by mistake through which someone can wriggle and get a special tax advantage. Items such as capital gain on breeding stock, and exemption from the depreciation recapture clause were *put into* the laws after substantial debate and scrutiny by knowledgeable Congressmen. They had concluded first, that these were necessary to attract outside risk capital and second, that outside risk capital was desirable for agriculture.

On what basis have Senator Metcalf and the Farmers Union determined that this is no longer true? Their rallying cry has been "Get the city guy out of agriculture and prosperity will return to the farm!" Insofar as the average "city guy" isn't going to compete with them on the seat of a tractor, what they really mean is get the city guy's investment dollar out of the business.

Presumably vents like the following will occur:

1. Production of grain and livestock will go down and prices will go up.

2. Large "corporate type" farmers and ranchers with "outside money" won't be coming in with new improved breeding stock and large fancy equipment and the 200 head feeder and 100 acre corn farmer will move back onto the scene.

3. With the big guy out, the government will go back to spending $4,000,000,000 per year supporting and storing $2.00 per bushel wheat.

4. When a rancher dies, some outsider isn't going to come in and buy his property at $100 per acre, but it will go to local neighbors at $20 per acre so they can expand to "modern economic units".

5. Without all of these "outsiders" banks won't make these ridiculous loans to allow "young squirts" to compete with the local "established ranchers".

Let's examine the above premises one by one:

1. There is a given amount of agricultural land in the U.S. suitable for cultivation and grazing. With the exception of certain government actions such as the Soil Bank on ASC crop restrictions, it is *all* going to be utilized. Eliminating outsiders is not going to change the numbers of cattle being put out on the Kansas blue stem. It might lower the summer grazing rents to the blue stem landowners on contract cattle but the grass is going to be utilized by somebody and there will be the same number of feeders coming into the Kansas City market in October.

Without government restrictions on grain production, land suitable for corn and wheat is going to be put into corn and wheat. One thousand acres of corn can be farmed more economically than 10 tracts of 100 acres. Ten farmers on 100 acre farms cannot compete with one farmer on 1,000 acres. Whether he is a corporation, an employee of a New York landowner, or a farmers' cooperative, it is unlikely that the clock will be turned backward to the 19th Century and the farm split back up to the ten components from which it was formed.

Tax subsidized risk capital has produced the Hereford steer which, on the same amount of grass and feed, produces three times the amount of top quality meat of a Texas Longhorn of 60 years ago. The development of improved blood stock is a high risk, small profit game. In most countries it is not conducted by private enterprise but by the government and state supported institutions.

There is little evidence that our government could have accomplished these spectacular advances for as little cost as they might have lost in these minor tax subsidies to the cattle breeders. Is Senator Metcalf advocating that we go back to the Texas Longhorn? Does he believe that further improvement is unnecessary? Is he naive enough to think that a small farmer will put $500,000 into blood stock with the best expectation being about a 2% economic profit? Does he think the whole project ought to be taken out of the hands of private enterprise? The efforts of the purebred breeders have benefitted all farmers and ranchers as well as the entire meat eating population of the cities.

2. If all usable land is going to be utilized by somebody, even on a rent free basis, a way of cutting back production would be to advocate less efficient techniques. We could reverse the modern trends, break up the larger land holdings (as Castro did in Cuba), stop the use of chemical fertilizers, order International Harvester to go back to horse plows. These procedures would eliminate the need of outside risk capital and the local country bank loans would provide all the cash needed.

There might be some grumbling from the cities on higher food prices, and the small farmers net position might not be greatly improved, but it would certainly be effective in eliminating any need of outsiders coming in with investment dollars.

3. Ten years ago the biggest news and most controversial issue of the day was the $15 billion the government was spending annually in agricultural subsidies. Today this has sunk to almost nothing. The elimination of outside risk capital is not going to make prices go back to the days when the government was buying half the grain. There is no connection.

Elimination of meat imports, removal of land from production (Soil Bank), forced export subsidies, cooperative marketing like the citrus growers—all of these can make prices go up. Cutting off your neighbor's source of risk capital isn't going to make 40¢/lb. steer calves.

4. On one point Senator Metcalf is correct. By eliminating all "outside interest" in farm and ranch land he will undoubtedly be successful in driving land prices down around 50% making it more feasible for the "established farmers and ranchers" to "round out their holdings". Even better than this, the elimination of the absentee "floating buyer" will make the only market for the small uneconomic size unit, the wealthy landed gentry on the perimeter. Recognizing this, the average bank and insurance company will be reluctant to make any loan on such a property, which will mean that the price will be driven down even further to where the powerful neighbor, particularly in times of distress, can now buy it at a price where he can make "a reasonable economic return".

As a matter of interest, 80% of the widows and estates do sell out to neighboring ranchers whether absentee or resident. The advantages of economic expansion with increased landholdings are so great that they meet the exorbitant offers of the "tax motivated outsiders". However, it's the fact that this outside group of purchase capital exists, that keeps the neighbor honest and forces him to pay a market price.

5. As a banker considering the marketability after foreclosure (or a rancher thinking about his estate), what would be your thinking if the Farmers Union were successful in driving out all potential buyers but the "neighbors"?

Banks loan 90% on listed securities; 80% on slaughter steers, 60% on registered cows; 50% on land and 10% on oil paintings. Why the difference? The answer lies in flexibility and marketability of the collateral. Banks don't want their money tied up for 10 years in foreclosed farm land. The percentage they

will loan depends on the speed they can get their money back if there's trouble.

The term "absentee speculator" has a bad ring in rural communities, but the bankers and widows like to know he's around with a ready checkbook, even if he never buys anything. Without this source of *potential* sale, the entire private farm loan credit system could collapse. When there is only one or two potential buyers around for the collateral, a banker will view a loan differently than if there were a broad general market.

What is "outside risk capital"? By what channels does it enter agriculture? Is it needed in industry? Is it needed in modern agriculture?

The small village cobbler in the 19th Century, if he were reasonably frugal, could accumulate enough capital to buy his tools, buy his shop, and keep enough leather inventory to handle the needs of his limited customers. Very few individuals could do this with a $10,000,000 modern shoe factory.

How do you expand a cobbler shop into a shoe factory?

1. Borrow money from banks and insurance companies.
2. Borrow money from institutions or individuals on bonds or debentures.
3. Take in partners for part of the equity.
4. Incorporate and issue stock taking in hundreds of "partners."
5. Get other investors to build you a factory or buy equipment. You then lease it from them and save a capital outlay.

What are some of the tax reasons that bring these "outsiders" into the shoe business?

1. They can get capital gains on the common stock you give them.
2. They can depreciate the buildings and equipment you rent from them.
3. They can deduct losses if your operation is slow getting started or if you default on your loans or debentures.
4. They get a 7% investment credit on the gross value of all the equipment they rent to you.

There is a parallel between the 19th Century cobbler shop becoming a modern shoe factory and what has happened to U.S. agriculture in the last 25 years. Whether moral or immoral, good or bad, these are the facts:

The minimum unit on which a U.S. family unit with two adult hired hands can make a $10,000 annual income plus a 4% return on land value plus a 6% return on invested capital in equipment, livestock, feed and supplies, is as follows:

1. Midwest: 1,000 acres of good crop land.
2. Great Plains: 1,000 cow breeding herd.
3. Grain—feeder operation: 2,000 head feedlot.

Each of the above operations requires a minimum $600,000 gross investment. Four percent on land, 6% on livestock feed and equipment, and a $10,000 salary is no bonanza for a high risk game in 1968 when you can get 5½% on government bonds.

If you don't get up into this volume, you may get no return on your land, no return on your livestock, and a less than subsistence level for your family. If you are paying 7½% interest on a mortgage, you are in trouble. If you've got 100 acres of corn, 100 head of cows, or 200 head of feeder steers, you are in the same boat as the 19th Century cobbler. You're in trouble. You've got to get an outside job if you want to make your mortgage payments and feed your family.

If you want to stay in full-time farming you've got to expand like the cobbler. Assuming the government isn't going to subsidize you, you have the same alternatives the rest of U.S. industry has had—take in partners.

Here are the alternatives:

1. You can take in the government as a partner with ASC, Soil Bank, Grazing Districts, CCC contracts, loans, handouts, and subsidies. Historically these have been great boondoggles but there is no permanency and any moment they can change the ground rules.

2. You can borrow up to 50% from the banks if you have other net worth, but they want 7½% interest and a compensating balance.

3. You can incorporate and sell stock but this is hard to do on the narrow profit margin of present day farming.

4. You can take in straight partners who may be in high tax brackets, who can get some benefits you can't. On the other hand, they might irritate you with arguments on management decisions.

However, as long as the Farmers Union doesn't cut off your water with their tax changes, you have two other alternatives to expand with people who are willing to accept a 2% economic return because of certain tax subsidies:

1. You can take in "tenant cattle" on maintenance or "share the gain" contracts with all the decision-making elements reserved to you.

The share you pay out will be less than the 7½% you have to pay your banker if you own them.

2. You can expand your landholdings by leasing at 4% net before depreciation from tax subsidized investors who are willing to break even operationally because of eventual capital gain on resale.

The point here is that if you need to put a $600,000 operation together to make a modern economic unit, the Congress has provided tax incentives to encourage high-bracket city people to provide you the cattle and the land to do it. They'll make up the difference between the 50% the banks will loan and what you have to come up with and they'll do it for less than 7½% interest.

For a hundred years, the aggressive young rancher starting out has made it by running some cattle on shares and leasing part of his grazing land. Only in this manner has he been able to compete with the millionaire land baron subsidized by his oil revenue. In the Kansas blue stem 70% of the stocking has been with "tenant cattle" since Civil War days. These have been owned by New Yorkers, Bostonians, and Englishmen. This has been a form of traditional outside capital that has always been welcome.

Looking at the whole controversy from another angle, has Senator Metcalf and the Farmers Union considered where these vast "deductible funds" are being poured. They are known to the economist as "high velocity dollars". They are going into feed purchases, local labor, local supplies, local school taxes, farm improvements put in by local labor, calves produced by local farmers, rents to widows and farmers' estates, bank deposits in rural areas, local equipment and gasoline dealers, fertilizer stores, and young local managerial talent that couldn't put operative capital together without outside help. People like Winthrop Rockefeller and Robert Lehman have singlehandedly salvaged entire destitute areas with outside capital.

It is questionable whether this would have occurred without the tax subsidies that Congress purposefully put into the law to encourage these types of activities.

In summary:

1. It is believed that existing crop and cattle production will fully utilize available land regardless of proposed tax changes. Consequently, volume of production and prices should in no way be affected by this legislation.

2. Elimination of outside risk capital might cause a decrease in land rents and land prices, but resident farmers' estates, widows, and land borrowing power might sustain catastrophic results.

3. Obtaining "tenant cattle" at reasonable maintenance or "share the gain" contracts or land at reasonable rents from outside owners is the only way a young, small rancher can expand to compete with the established millionaire oil ranchers of great inherited wealth.

Mr. METCALF. Mr. President, now that the opposition to the bill has been aired, I think it only fair that some of those who favor the passage of this legislation be granted an opportunity to express their views. First I call attention to the February 1969 issue of the magazine, Successful Farming, which contains a special report entitled "Let's Stop Tax-Dodge Farming," written by Richard Krumme, economics editor.

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:

LET'S STOP TAX-DODGE FARMING

(By Richard Krumme)

The scene was a recent meeting in Montana.

The speaker was talking to a group of economists and a few ranchers.

He was in the midst of making a presentation showing how a city businessman in the 70% tax bracket could invest in a 100-cow beef herd and lose in 6 years, about $20,000—on paper.

He went on to show that after 6 years of deducting depreciation and losses from his off-farm income and treating most of his income as capital gains, the "hypothetical" city-investor winds up with an after-tax net gain of over $19,000!

AN ANGRY RANCHER

At the end of presentation, an understandably irritated rancher sitting next to me rose and acidly commented, "And why in the blankety-blank can't we ranchers make that much?" Good question.

Regretfully, the "hypothetical" investor described above is very real. He resides in Chicago, Dallas, Los Angeles, Kansas City. His anonymity remains. But his numbers come into focus when you read IRS figures showing that of 1,435 individuals grossing more than $200,000 from farming in 1966, only 251 reported a profit. In other words, 82.5% of these high-income citizens engaged in tax loss farming.

WE DON'T LIKE TAX-DODGE FARMING

Here's why: If tax-dodge farmers are ducking $20 million in income taxes as is reported, the rest of the tax-payers must make up the difference.

We figure if the city-investors are out to lose money farming it makes unfair competition for those interested in farming as a sole source of income. The off-farm investors are not so concerned about paying an extra $100 an acre for land. Or a few cents more for cattle. That just means a bigger loss.

Also, a tax-loss farmer contributes to downward price pressure as he adds his bit to farm output, which we certainly don't need.

IT'S EASY TO LOSE MONEY

The procedure outlined by the speaker in Montana is not particularly complicated for an angle-sharp businessman. Basically it involves, for example:

1. Investing in a 100-cow herd.
2. Breeding the cows.
3. Once a year, cull and sell steer calves.
4. Keep heifers for breeding purposes, so they'll qualify for capital gains later.
5. Deduct expenses and depreciation each year.
6. At the end of 6 years, sell all animals and take capital gains (taxed at maximum of 25%) on all animals held for breeding purposes the necessary length of time (12 months).

The real kicker is that Mr. Not-So-Hypothetical doesn't even have to leave his office to take advantage of this tax break.

Reason: Harold L. Oppenheimer, as just one example. will handle all the details .

Mr. Oppenheimer is head of Oppenheimer Industries, Kansas City, Mo. For a fee, Oppenheimer Industries will set up in business a would-be cattleman.

THE TAX PLAY IS IN BEEF CATTLE

Time magazine writes of Oppenheimer: "Safer and more strategically appealing are 'breeding' contracts. This, he says, is where the tax play is. Taking advantage of laws that encourage the building of bigger and better herds, an Oppenheimer client can buy a 100-herd breeding herd for at little as $12,000.

"Of that, $9,750 covers the first year's feed, financing and breedings costs, plus Oppenheimer's maximum 8½% commission—all of which is tax deductible. The remaining $2,250 represents the down payment on the herd, which, like factory machinery, is depreciable.

"Unlike machines, of course, cows reproduce. After perhaps 5 years of tax deductions and depreciation and breeding at an Oppenheimer-managed ranch, a herd can easily triple in size. When it is sold, most of the profit is taxed at the 25% maximum capital gains rate. Investing in cows, says Oppenheimer, beats investing in oil wells."

Tax-loss farming is closely tied to cash-basis accounting.

Under cash accounting, you deduct expenses the year they're paid, but don't have to report income until the year it's made. Makes tax-loss farming easier.

For instance, as you build up a breeding herd you have heavy expenses and little income—thus a deductible loss. Then when you sell out and have heavy income—most of it is taxed at the lower capital gains rate.

IMPORTANT TOOL

But, and note this cash-basis accounting is a vital tool for full-time farmers who are in the process of expanding their operations to remain competitive. So, ending cash-basis accounting would undoubtedly cause great harm to many bona fide farmers.

The other tax-accounting method is the *accrual.* Under this system, assets held at year's end take on an inventory value. This is counted as ordinary income, to the extent closing inventory exceeds opening inventory.

Ending cash-basis accounting would force farmers to the accrual method and to carry expenses of crop and livestock production without deduction until products are sold.

It might well force some good farmers (most likely younger ones in the process of expanding) to shut down their operations.

BILLS IN CONGRESS

At least two bills have been introduced into the Senate which would restrict tax-loss farming but would allow farmers to continue using cash-basis accounting. One by Senator Lee Metcalf (D-Montana); the other by Senator Jack Miller (R-Iowa).

Metcalf's revised bill would let you offset up to $15,000 off-farm income with farm losses. So an off-farm job could pay you up to $15,000 and you would be unaffected. But for every dollar above $15,000 made off the farm, the base drops by that amount.

Thus, a person making $25,000 off farm could deduct only $5,000 of farm losses from his off-farm income. And a person making over $30,000 would not be allowed any farm loss deductions from off-farm income unless he used accrual method of tax reporting.

We don't need to give you any sob stories about how the farmer is caught in the vicious cost-price squeeze.

The farmer can compete with any body if the rules are fair.

We do not think it is fair for tax laws to encourage city-farmers to compete with bona fide farmers.

We hope our readers and Congress will give serious consideration to the Metcalf and Miller bills. And decide once and for all to halt the questionable practice of tax-dodge farming.

Mr. METCALF. Mr. President, next is an editorial published in the February 1 issue of Labor, a weekly paper owned by 18 unions having membership in the railroads, airlines, and related transport fields. In its detailed editorial, this paper fully supports the efforts of those of us in Congress who are striving to close this particular tax loophole.

Mr. President, I ask unanimous consent that the Labor editorial be printed in the RECORD.

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

CHECK CORPORATE INVASION OF AMERICAN AGRICULTURE

A campaign is gathering steam to curb the "invasion" of agriculture by rich individuals and corporations, many of whom seek loopholes to dodge taxes. The campaign received major momentum at a recent "seminar on tax loss and corporate farming" held in Des Moines, Ia., under sponsorship of the National Farmers Union.

That seminar brought together over 500 farmers, small businessmen, labor leaders, church representatives and members of Congress from 30 states. Unanimously those present adopted a declaration and program calling for action to deal with the problem.

The declaration pointed out that family farms have for years been a mainstay of agricultural production and of thousands of rural communities. They're menaced, however, by an "alarming trend"—namely, "the massive invasion of agriculture by corporate and nonfarm interests."

These interests set up conglomerate corporations for control of food production at all levels; they purchase "huge blocks of land for hedging and speculative purposes"; they "undermine farm markets by price manipulation" and they engage in other tactics which "bode ill for the consumer as well as the farmer."

"These devices are made possible and abetted," the declaration continued, "by the availability of virtually unlimited capital and credit in the hands of these corporate giants, and by the provisions of tax laws which make it possible for corporations or investors who are not primarily engaged as farm operators to take advantage of tax-loss deductions on their farm operations against income produced from non-farm enterprises."

Such activities have "resulted in commodity market price manipulation, unrealistically high prices for farm land, and the driving of farm families off the land." In turn, these families are often "forced to migrate to urban centers" and add to the "explosive problems" already existing there.

Finally, the declaration warned that if corporations and rich individual operators become predominant in agriculture, the consequences would be tragic for small town America, destroying "jobs and opportunities for merchants, bankers and professional men" and wreaking havoc on existing schools, churches and other institutions.

To meet this situation, the conference adopted a series of recommendations, among them these:

Enactment of a bill sponsored by a group of senators led by Lee Metcalf (Mont.) and George McGovern (S.D.) which would "limit the write-off of taxable non-farm income against farm losses."

Passage of legislation to bar corporations having main sources of income elsewhere from engaging in farm production.

Adoption of legislation to give farmers bargaining power on prices "as a countervailing force to the economic power of corporations."

Adption by state legislatures of laws which "would prohibit or sharply curtail the activity" of corporations in farming.

Senator McGovern called attention of the Senate to the significance of the action taken at the Des Moines conference. Also he cited the need for legislation to curb "wealthy urbanites" who move into agriculture as a device to cut taxes. He declared that they "acquire farms and livestock for the purpose of creating paper losses which can be used to offset large amounts of their non-farm income."

Sen. Metcalf pledged that he and at least a score of other senators will renew the fight they conducted in the last session for legislation to curb the gimmick of "tax loss" farming by the wealthy. This measure, he said, would "eliminate the possibility" of corporations and rich urbanites "getting federal tax rewards for engaging in loss operations in farming."

Metcalf introduced that bill the other day, with 23 other senators of both parties as cosponsors. He said the legislation now has the support in principle of nearly all major farm groups. Citing the need for the bill, Metcalf pointed out that "tax-loss farmers," in high income brackets, are "squeezing small farmers and other bona fide farmers out of farming operations by bidding up prices of land and other farm assets through their excessive financial resources." This must be stopped, he said.

Labor believes that the senators engaging in this battle, along with the Farmers Union, deserve all-out support from Congress. The legislation they're backing is urgently needed to prevent tax evasion; to preserve family farms; to halt the distintegration of small-town America, and to block corporate monopoly from obtaining in agriculture the kind of grip it now has over much of industry.

Mr. METCALF. Mr. President, I now turn to the February 17 issue of New York magazine which had on its cover a photograph of a business executive sitting in a swivel chair. In his hand is a leash and at the end of the leash is a Hereford steer. On the wall in back of this gentleman is an oil painting and covering the floor is an oriental rug. The caption on the cover reads:

It's murder on the rug but it saves me $6,000 a year in taxes.

In this particular issue of New York magazine, Jeanne Webber has written both a delightful and in-depth account of this problem. Her information was gathered from interviews with accountants, lawyers, and, lo and behold, Oppenheimer Industries.

Mr. President, I ask unanimous consent that both the articles entitled "This Way to the Tax Shelter," which appears on pages 25 through 27, and Mrs. Webber's account of how she gathered her information, which appears on page 4, be printed at this point in the RECORD.

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

BETWEEN THE LINES

To write our cover story Jeanne Webber entered that twilight world inhabited by tax lawyers and accountants and pried information from a number of smart young men who were at first understandably reluctant to discuss how they arranged for rich clients to pay less in taxes than their doormen. "Two or three big law firms are cooking up *really* fancy things, but they wouldn't talk," she says.

Nonetheless, Mrs. Webber came away from

her research with a fetching list of the exotic legal tax shelters being used these days . . . among which shelters are cattle feeding and breeding, buying jasmine groves, leasing airplanes, assorted oil deals and "commodity straddles."

"It's kind of fun for these guys to match their brains against the government," Mrs. Webber says. "The structure is fair game until they tighten up the laws. It's not as though they're off to Bermuda with sacks of gold. The more sophisticated men go in for cattle raising. Oppenheimer Industries is the Macy's of the cattle buying business, only fancier and more intricate. As far as commodities go, they are now talking commodities with two straddles, such as selling orange juice long against sugar short."

If words like "straddles" seem to slip from Mrs. Webber's tongue with the ease of a press agent dropping his roster of clients, this is because Mrs. Webber is very comfortable in the business world. The mother of three girls and caretaker of two cats, she spent eight years as a securities analyst on the Street and loved working there, where she could look out her window at Number Two Wall and contemplate the pastoral calm of Trinity Church She has also written financial articles for *Fortune* and the Business section of *Time*. Her piece on the Nixon stocks recently appeared in *New York*.

Mrs. Webber believes that President Nixon, with all the business types in his cabinet and the interests of the oilmen in view, will not do much to threaten the privileged structure of "tax preferences," so it appears that people will be hovering under shelters for some time to come.

THIS WAY TO THE TAX SHELTER

(By Jeanne Webber)

There was a very glum-looking man on the elevator the other night.

"I've just heard there's a terrible storm at sea," he moaned, "and my Devon cows are on their way over from England. My God, what'll I do if anything happens to them?"

"I hope they're all right," I said sympathetically. "I love animals myself."

"You don't understand," he snapped. "It's not love. They're my income-tax shelter. Breeding stock. A wonderful new deal, $75,000 deduction, I've been counting on it—I got in the 70 per cent bracket last year. Christ, I hope those cows come through all right."

"But if they're lost you can deduct them, can't you?" I asked as I got off.

"I don't want to deduct them," he howled after me. "I want to depreciate them! And they've got to eat all the feed I paid for to get my 1968 expense deduction!"

The next day I went up to see a tax man.

"I think I'm going to pay maybe a couple of hundred dollars more this year," I told him. "But I hear that if I can find some cows to depreciate, I might not have to pay. So where can I find some cows?"

The man handed my papers back with a Form 1040A on top and told me not to be silly.

"Oh, but I'm really going to make a lot more money this year," I assured him. "I need a tax shelter."

"You think you'll make two, three hundred thousand?"

"It's entirely possible. M-G-M is very interested in a term paper I did at the New School."

"There are lots of tax shelters besides cows," the tax man told me. "Airplane leasing, railroad cars, citrus groves, oil, gas, commodity straddles. It's a funny thing, the appeal cows have. Must be the city dweller's escape to playing cowboy. Wall Street brokers, bankers, big names in radio and TV like Jack Benny, Hugh Downs, Woody Allen, Chet Huntley, they're all in the cattle business. By the way, don't call these arrangements tax dodges. Or tax gimmicks. They're tax preferences."

"People prefer not to pay taxes, of course."

"I mean that certain people and certain activities have a preferred position in the tax laws. They're taxed at a lower rate, or exempt. Presumably Congress framed the law that way for a reason. To help farmers, for example. You get cow deals because the minute you buy cattle you become a farmer."

"I like to visit the wide open spaces. But I wouldn't want to live there."

"Naturally not." He shuddered. "But when you find yourself in the 60 per cent or 70 per cent tax bracket, where you're going to give the government 60 or 70 cents out of every dollar of income, and then a surtax on top of that, you look for some special part of the tax law that might help you. If you can find a way to lose money and deduct it from your high income this year, and then get your money back in the future in some way that's taxed at a lower rate, or exempt, you do it. A very natural reaction."

"Just as I thought. You not only have to have money to make money, you have to have money to lose money."

"Look at it as part of the same game everyone plays with the Internal Revenue Service at tax time," he said. "Only the chips are bigger."

"The Secretary of the Treasury says twenty-one millionaires didn't pay any tax at all in 1967 and the government is losing fifty billion a year from tax preferences, as you call them."

"Well, it's all legal," the tax man said firmly. "If the government wants to get taxes from those millionaires, they got to change the law. And dont think it's easy to beat Internal Revenue Service at this game. You got to be smart, or rather you got to hire smart people, to work out these fancy deals."

"But they can't find anything if the man hasn't put down all his big income, can they?" I asked.

The man was horrified. "You don't get the idea at all. There's one rule about getting into this game. You have to report taxable income. Otherwise you're not playing fair. You're yellow. The point is to report your income and then find the legal loopholes that IRS can't disallow."

"Well, send me to some of these smart boys you were talking about. I do want to be legal."

He handed me a list. "For cattle go around and see Oppenheimer Industries. They're the biggest. Airplane leasing, see Barry. Oil deals, there's Larry. Commodity straddles you'll never understand, but see Norman. Citrus, try Harry. And don't tell any of these guys I sent you."

I still had my heart set on cows, so I rushed over to Oppenheimer Industries' office, which is kind of plush for a cowboy business but it does have a picture of a cow on the wall.

"You should understand there's feeding and there's breeding," Richard Bright, the executive vice president, told me. "Feeding is raising steers for the market. You buy cattle in the fall, deduct feed cost and various expenses in advance. On 500 steers you could deduct nearly $50,000. The cattle get fattened up in a feedlot and you sell them next spring, maybe at a profit. Of course, the market might go down, but you're not likely to lose everything. This postpones the tax. You get income from the sale, but maybe you do the same thing again that year. In breeding, you're building up a superior herd of some particular breed, like Angus or Hereford."

He waved under my nose a picture of a motherly-looking cow nursing a calf. "Adorable," I murmured.

"Well, suppose I buy you 400 cows at $225 each, that's $90,000. You only have to put up 10 per cent and give a note for the rest, so you'll pay $9,000 plus interest for the first year, $6,000-something. Deductible a year in advance, although the IRS is a little touchy about it. Then you buy a year's supply of feed, that's $20,000. And you need somebody to manage the herd for you; I assume you don't want to ride the range yourself. We act as agents in buying the cows and making sure they're placed on a ranch and taken care of, so we charge a fee, about $8,900 the first year. Then the cows have to be bred, and you pay a year's breeding fees in advance, $8 a cow."

"The bull charges $8? I'm against the commercialization of sex."

"You have to build up your herd," Bright explained. "Every year you sell off some calves and keep some. That's the good thing about cows as assets. They reproduce. So that's a total of $47,100 you've put out. Now the tax situation. All expenses are deductible; that comes to $38,100. Besides that you get depreciation. The government allows depreciation on a breeding herd just like on machinery.

Let's say you depreciate $5,300 the first year. You get total deductions of $43,400 to offset this year's income. These are just average figures, of course. The way it works out, at the end of six years you have a herd about three times as large, and if you sell it, you only pay capital gains on the cows held over twelve months, though ordinary income tax on the calves. For the six years you have a recovery of about $2 for every $1 you put in."

I said I'd certainly be thinking about it.

A few blocks away I found Barry, the airplane-leasing expert, purring over a leasing scheme he'd just launched.

"If you buy a piece of equipment like an airplane and lease it to somebody you get an investment tax credit of 7 per cent," he explained. "That's a credit against your final tax, not a deduction against your income. The difference is important. As a rule of thumb, an investment tax credit of a certain dollar amount shelters three times that much in pre-tax income. Now, airplanes are expensive. New commercial jets you lease to airlines range from $3.8 million up. The smallest investment I take is $100,000, and most are higher. I like ten to fifteen people per deal."

"Do all the people in on one deal ever meet each other?" I asked wistfully.

"Most of them know each other already. Now say we buy a Falcon Jet, an executive plane, and lease it for eight years. It will cost around $1.4 million. We can borrow 80 per cent of the cost. Say you put in $100,000. The investment tax credit will reduce your investment by $30,000 right off the bat. Then you get depreciation and expense deductions offsetting the rental we charge for the plane. Over the first three years you can get a tax loss of $115,000. After four years or so you'll have to begin to pay some taxes, but you've had the use of your money in the meantime. Over the life of the lease you may get back tax-free cash of another $115,000. And you have an airplane worth 25 to 30 per cent of its original cost."

"What would I do with my airplane at the end of the lease?"

"You could sell it, but you'd have to pay ordinary income tax on what you got for it. Better to give your interest in it to your favorite charity and you deduct the gift."

"My, the New York Public Library will be surprised. Maybe they'd rather have a railroad car."

"Oh yes, you can buy railway cars and lease them. And big pieces of industrial equipment. I know of one deal that involves renovating an old plant—you buy modern machinery, put it in and lease it.

"But you'll have to excuse me. There's a little 89-year-old lady waiting to see me. There are estate advantages to airplane leasing, you know."

I hoped the oil man would be one of those happy Texans who carry a big wad of bills and take you to the Playboy Club. Apparently

that model is going out of style. Larry was from Brooklyn, wore horn-rimmed glasses and ordered up sandwiches from the deli.

"I wouldn't say oil drilling is a tax shelter," he said stuffily. "The tax benefits simply encourage the search for oil, protect the security of the United States and assure the American way of life."

"Oh, is *that* why so many rich men go into oil?"

"Well, suppose you're in the 90 per cent tax bracket. You put $100,000 into exploratory drilling, or wildcatting, you're only risking $10,000 of your own; the rest, that would go into taxes, goes directly into the search for important natural resources, oil and gas. Nothing wrong with that, is there? Now in return for your risk you can deduct all of what are called intangible drilling expenses, like labor, fuel, machine rentals—about three-fourths of your initial outlay—immediately. You can use that $75,000 to offset other income, or even carry it forward to offset future income."

"What're the chances I'll strike oil?"

"The ratio is one producing well to nine dry holes, in wildcatting. It is risky, you see. But suppose you do strike oil. Of all gross income from the well's production, 27½ per cent is exempt from taxes—that's the depletion allowance, given you because your asset, oil, is getting used up. Matter of fact, you can get a depletion allowance for iron, coal, timber, sulphur, zinc, clay, sand and many other things."

"Funny, I never heard of so many zinc or clay millionaires, and only a couple in sand, who got rich on city contracts or something."

"Well, their depletion allowance isn't as much as for oil, of course. Besides, it's the write-off of intangible drilling expenses against ordinary income that makes oil so attractive."

"I'm not quite in the 90 per cent bracket yet. Maybe it's not for me."

"There are all kinds of oil groups, sort of like funds, that people can go into if they're as low as the 50 per cent bracket," Larry answered. You can even buy into some of them on the installment plan."

"That's people's capitalism, all right. Suppose I put in $5 this month, maybe $10?"

"You're talking about a Christmas Club, not an oil deal," Larry said coldly.

Down at Bear, Stearns I found vice-president Norman Turkish looking cool and contemplative amid the clamor of phones and machines.

"Commodity straddles for tax purposes are just coming into fashion," he told me. "Lots of accountants aren't aware of the possibilities yet. But there are great advantages—liquidity, for one. You can get out of the commodity market in a hurry if you need cash. Airplanes, cattle, you can be locked in for months or years."

"You can lose money fast in commodities," I said. "I'm kind of afraid of them."

"There's risk in anything that depends on nature, changing quotas, international disagreements and shipping strikes," he agreed. "But with a straddle you have a lot of flexibility. You know how the futures market works? I was afraid not. Read these little booklets. Let me just say that there are two prices for commodities like sugar, wheat, cotton, eggs and so on, the spot or cash price you'd pay today, and the futures price, which is what people think the price will be some time in the future. For example, you can make a contract now to accept or deliver sugar at a set price in July. You buy a future if you think the price is going up and you sell a future if you think the price is going down so you can fulfill your contract at a cheaper price. As the price changes month to month between now and July, your contract is worth more or less. These contracts are traded all the time. You can buy them on margin just like stocks."

"Where does the straddle come in?"

"A straddle is when you buy a futures contract for a commodity, say sugar, for one month and at the same time sell a sugar contract for a different month. Say in November you find you're going to make a lot of current income in 1969. You put on a straddle, as we say. By the end of December the price has moved, so you have a loss on one leg of the straddle and a gain on the other. You sell the one with the loss to get a short-term loss to offset against current income. You hold the other leg of the straddle. If you just want to postpone your tax until 1970 you could sell that leg at the same price, or close to it, right after January 1 and take your profit then. You'd have to figure out something else to do taxwise in that year or pay ordinary income tax. But if you want to convert to capital gains, you hold on for six months. There are ways of locking your profit in by other contracts—I won't go into all that. But it works."

"Can you do this with any commodity?"

"Well, you need one that trades more than six months in advance, of course. Also one that has a consistently high volume of trading all the time, so you can get in and out easily. You want a fairly volatile price; commodities that move only a few cents a year aren't good because you have to put so much money in to establish a sizable loss. I only take clients who want to lose $50,000. There are dozens of commodities traded in the futures market—grains, metals, rubber, hides, potatoes, cotton, citrus. For tax straddles sugar was good last year, and cocoa, and silver."

"I've read some wild, exaggerated stories of guys sent to Africa to look over the cocoa crop. You do anything like that?"

"Matter of fact, I'm just leaving for Florida to look at orange trees," Norman replied. "There's a difference of opinion between the growers and the U.S. Department of Agriculture about how much damage was done by a freeze they had in December."

"If I buy orange-juice futures, could I go to Florida and look at the trees as a business expense?"

"Don't think so. You'd have to own an orange grove, and that's real estate, not commodity trading. You want to know about citrus, go see Harry. He knows about Jasmin Groves. Only it's in California, not Florida."

"It's not just citrus," Harry told me. "Jasmin Groves intends to buy land in the San Joaquin Valley and grow other fruit too, and almonds and walnuts. Some of the trees are already producing, but the rest won't come into production for a few years. The tax angle is to deduct interest on the loan to buy the land, and the prepaid management fee for crews to tend the trees. Besides expenses you make certain improvements to the groves that may be eligible for investment tax credit, and you get depreciation. For every $10,000 unit you could deduct $8,700 the first year. You'd put up some $15,000 more later on, but get deductible losses for several years."

Harry had a whole set of young geniuses he wanted to send me on to, to hear about even more sophisticated tax shelters, but I happened to notice an ad in the *Wall Street Journal* that offered a perfect chance to combine the tax game with my favorite outdoor sport. The ad was headed "Buy a Race Horse" and went on: "If you operate your racing investment with an intent to make a profit, your expenses are deductible and depreciation is allowable." That's for me. See you at the big A.

Mr. METCALF. Mr. President, continuing with just some of the thoughtful and provocative discussion calling for legislation in this area, I turn next to a commentary published in the Washington Evening Star on February 21. The article was written by Carl T. Rowan, who needs no introduction. Mr. Rowan singles out tax farming as perhaps the most glaring loophole currently scheduled for hearings before the Ways and Means Committee.

Mr. President, I ask unanimous consent that Mr. Rowan's comments on the proposed legislation be printed in the RECORD.

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

REFORMERS BATTLE FARMING AS A TAX GIMMICK

(By Carl T. Rowan)

The curtain has risen on the first act of what is likely to be a long-running show that will culminate in some major income tax reforms in this country.

The House Ways and Means Committee has started an investigation of tax-exempt foundations, a variety of which have had a pretty free run for two decades.

Look for the hearings to reveal some pretty shabby abuses of the special privileges our tax laws have made possible for foundations. But don't expect drastic over-all restrictions, because the hearings are also going to show that some of the foundations have fostered and financed vital social developments that would not have occurred without foundation support.

But the part of this tax reform drama that will leave 'em weeping in the aisles (including a lot of actors) will be the move to close the door on Treasury raids by what are known as "hobby farmers," or "income tax farmers."

In the last few years a rash of high income Americans—movie stars, stockbrokers, lawyers, doctors—has turned to "citrus growing," "cattle raising," and other "farming" operations to avoid paying taxes on money earned in their real professions.

There has been a growing clamor in Congress and the Treasury Department that the laws must be changed to stop a practice that is not only unfair to other taxpayers but has caused dislocations and problems within the genuine farming community that are of great social significance.

Sen. Lee Metcalf tells of seeing an advertisement in the magazine, Air Pilot, that was entitled "Tax Shelter for 1968." It said: "Own a Citrus Grove Using Tax Dollars as Your Total Investment."

Metcalf told an Iowa audience that "I'm going to do all I can in the 91st Congress to prevent that ad from being run" in 1969.

Metcalf and at least 25 other senators are now pushing a bill that would halt the practice of wealthy people working up "paper losses" on contributed "farming" operations in order to avoid taxes on huge incomes earned in other professions.

These wealthy "city slickers" actually are exploiting liberal cash-basis accounting procedures that the Treasury lets farmers use so as to simplify bookkeeping.

There is a variety of exploitations, but a simple procedure runs like this: a movie star earns so much that he falls into a 70 percent income tax bracket. He invests $200,000 of "current expense" money in the building of a breeding herd. He deducts the $200,000 as a pure loss, thus reducing the taxes on his non-farm income by a cool $140,000.

Later on, the movie star sells the herd for just what he put into it: $200,000. He pays taxes on this, but only at the 25 percent capital gains rate. So he pays $50,000.

Our movie star thus has a net saving of $90,000 in what appears on paper to be a "break even" farming transaction. The shrewd operators save even more by not really putting their own money into the transaction. They borrow that and deduct the interest on it.

Thousands of wealthy people who wouldn't know a bull from a buffalo have latched onto these "tax farming" schemes in recent years.

Metcalf reports that "the Internal Revenue Service figures that 680,000 non-farmers (industrial firms as well as individuals) took over a million dollars in tax losses in a recent year."

The losses to the Treasury are exceedingly heavy simply because the more money our movie star makes on the flicker the more money he contrives to "lose" on his cattle farm.

Metcalf's bill is designed to protect the legitimate farmer, including one who earns several thousand dollars a year by working parttime in a nearby town. Under the new law, a taxpayer could use farming losses to offset a maximum of $15,000 in non-farm income. The allowable deduction would be cut, dollar for dollar, as non-farm income rises above $15,000.

Thus a stockbroker with $30,000 in nonfarm income would not be able to deduct any "farming losses" except for deductions that are allowable to any taxpayer, such as interest, local taxes, casualty losses.

Rural Americans are likely to give especially strong support to this tax reform. For the "hobby farmers" and the corporations have driven up the price of land. They represent destructive competition for the family farmer who has to make a profit, because the "tax farmer" who is interested only in a "loss" will do many things that undercut the normal farmer and his markets.

Metcalf argues that if we save independent and family farmers we also save better communities, with more churches, better schools, more business opportunities. Whether tax reforms can root out the "hobby farmers" remains to be seen.

Mr. METCALF. Mr. President, on February 5 a 2-year study by the Treasury Department into areas which urgently need tax reform legislation was published as a joint print by the House Ways and Means and the Senate Finance Committees. In discussing the problem of tax-loss farming, the study pointed out that these "tax losses" arise from deductions taken because of capital costs or inventory costs, and thus represent an investment in farm assets rather than funds actually lost. When these so-called tax losses which are not true economic losses, are deducted from high-bracket nonfarm income, the result is a large tax savings on income that would otherwise be taxed at ordinary income tax rates. Treasury then goes on to propose legislation that is almost identical to S. 500. Such a proposal is not surprising, however, since the bill is based upon prior favorable reports from both the Treasury and Agriculture Departments on similar legislation which I first introduced in November of 1967.

I have been receiving mail from all over the country in support of this bill. Nor is this surprising since the principle of the bill has the full support of the National Farmers Union, the American Farm Bureau Federation, the National Grange, the National Farmers Organization, the Farmland Industries Cooperative, the National Association of Farmer Elected Committeemen, and the Mid-Continent Farmers Association—formerly known as the Missouri Farmers Association. This list is not all-inclusive, it is merely intended to evidence the support of all those who are sincerely interested in the working farmers of our Nation.

From the State of Montana numerous petitions have been sent to me, endorsing the bill. Just yesterday I received from Frank Murray, secretary of state, a copy of a resolution adopted on February 7 by the Montana Senate specifically endorsing S. 500. I cite this as an example of the type of support that has been pouring in from all over the country.

Mr. President, so that other Senators may have the benefit of the detailed resolution adopted by the Senate of the State of Montana, I ask unanimous consent that both Secretary Murray's cover letter and the complete text of the resolution be printed at this point in the RECORD.

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

STATE OF MONTANA,
Helena, Mont., February 20, 1969.

Hon. LEE METCALF,
U.S. Senator,
Senate Office Building,
Washington, D.C.

DEAR SENATOR METCALF: I enclose herewith copy of Senate Resolution No. 1 adopted by the Senate of the Forty-first Legislative Assembly of the State of Montana on the 7th day of February, 1969 in accordance with the mandate contained therein.

Sincerely yours,

FRANK MURRAY,
Secretary of State.

SENATE RESOLUTION 1

Resolution of the Senate of the State of Montana to the Montana congressional delegation endorsing S. 500 to amend the Internal Revenue Code to prohibit persons who are not bona fide farmers from using losses incurred in their farming operation as an offset to income from other sources and urging support of that bill by the Montana delegation

Whereas, Senate Bill No. 500 presently under consideration by the United States Senate has the objective of eliminating the provisions of the Internal Revenue Code which grant high bracket taxpayers substantial tax benefits from the operation of certain types of farms on a part-time basis; and

Whereas, these taxpayers, whose primary economic activity is other than farming, carry on limited farming activities such as citrus farming or cattle raising, and by electing the special farm accounting rules which were developed to ease the bookkeeping chores for ordinary farmers, show farm "tax losses" which are not true economic losses; and,

Whereas, these "tax losses" are then deducted from their other income resulting in large tax savings, and the "tax losses" frequently represent the cost of creating a farm asset which will ultimately be sold and the proceeds taxed only at lower capital gains rates; and,

Whereas, the purchase and operation of farms for tax purposes leads to a distortion of the farm economy in that it causes higher prices for farm lands compared to the prices which prevail in the normal farm economy, and with the ordinary farmer must compete in the market place with these wealthy farmers who may consider a farm profit, in the economic sense, unnecessary for their purposes; and,

Whereas, statistics show a clear predominance of farm losses over farm gains among high-bracket taxpayers with income from other sources: Now, therefore, be it

Resolved by the Senate of the State of Montana, That the Senate of the state of Montana realizes the importance of ordinary farming in the economy of the state of Montana and the desirability of protecting the farming industry from unfair competition and eventual elimination of family-type farms; and, be it further

Resolved, That the Senate of the state of Montana endorses Senate Bill No. 500 and urges support of said bill by the Montana congressional delegation; and, be it further

Resolved, That the secretary of state be instructed to send copies of this memorial to the Honorable Mike Mansfield and Lee Metcalf, Senators from the state of Montana, and the Honorable Arnold Olsen and James Battin, Congressmen from the state of Montana, and to Mr. Sheldon Cohen, Director of Internal Revenue Service, Washington, D.C.

Mr. METCALF. Mr. President, as a final example of the widespread support the bill has already generated, I invite attention to a letter which I recently received from a certified public accountant in Santa Monica, Calif. In his letter the gentleman reveals that he has serviced several "tax-shelter farmers" in his professional capacity and that as a result of what he has observed, he is in full support of legislation which would close the door on these people.

Mr. President, so that other Senators may have the benefit of this man's remarks, I ask unanimous consent that his letter be printed in the RECORD. For obvious reasons, I have deleted from the letter the writer's name.

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

FARM TAX REVISION BILL

SANTA MONICA, CALIF.,
February 15, 1969.

Senator LEE METCALF,
Washington, D.C.

DEAR SENATOR METCALF: I strongly endorse your proposal to limit the losses of "non-farmers" inasmuch as I believe that the present tax law only enlarges the farmers present economic plight by encouraging people to engage in the farming business who cannot possibly economically justify their role in agriculture except for the tax gimmicks.

I am a Certified Public Accountant by profession and I have had the opportunity to become personally involved with several of the "tax-shelter farmers" in connection with my employment with a national public accounting firm where I am a member of the tax department. It has been my experience that the individuals who enter the farm business on an absentee owner basis (other than mere ownership of land) cannot justify their involvement from an economic standpoint. Normally the multiple layers of management that are required make it a rather costly venture. For example, I personally analyzed the operations (cattle) of an individual who enjoyed a very high level of ordinary income. He lost approximately 50¢ for every dollar that he invested, before considering the tax benefit from converting ordinary tax dollars to long-term capital gain dollars. On an after-tax basis he enjoyed an annual return of approximately 25% because his net investment was very low when considered on an after-tax basis.

It is my intent to emphasize that I am not opposed to some of the special tax benefits allowed to farmers who are legitimately operating an agricultural operation. However I believed they should be limited to operating farmers.

As a final comment, I wish to take issue with the theory advanced by some of the professional farm managers whose livelihood depends upon the continuance of the farm tax loopholes—that the vitality of the agricultural economy depends upon the infusion of capital from nonfarm interests based upon the tax considerations. If American agriculture must depend upon this method to raise capital it is in sad shape. Maybe if agricultural operations had to maintain themselves on an economic basis the oversupply of farm products would be reduced and agriculture would develop more vitality. As a consumer of farm products, I would be happy to pay a

few dollars more in my monthly food bill if it would result in a more stable farm economy which rests on its own economics.

Yours very truly,

——— ———.

Mr. METCALF. Mr. President, I hope that once hearings on this subject are completed next month, early action can be obtained to remedy this problem, since specific legislation is not only pending in both the House and the Senate, but has already received such widespread support as I have detailed, in part, today.

Mr. HARRIS. Mr. President, the Oklahoma Department of Agriculture Daily Market Report recently contained an article reproduced from the Daily Market Report of the State Department of Agriculture of Missouri concerning S. 500, a bill introduced by my distinguished colleague, Senator METCALF. I ask unanimous consent that this article, along with an editorial written by Mr. Harold Rector be included as a part of the RECORD.

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

FARM TAX LEGISLATION

Legislation amending the internal revenue service code to prevent corporate farmers from offsetting farm losses at substantial benefits is again being introduced in the Congress. Senator Lee Metcalf (D-Montana) and Representative John C. Culver (D-Iowa) introduced identical bills which would allow farm losses to be offset in full against nonfarm income up to $15,000. For those persons with nonfarm incomes in excess of $15,000 the amount against which farm losses may be offset is reduced dollar-for-dollar for income above $15,000. Those with non-farm income of $30,000 or more could not generally offset farm losses against their non-farm income under the bill. The Senator introduced two similar bills in 1967 and in 1968 which died in committee. However, the bill received the support of the Treasury and the USDA and it has picked up endorsement of major farm organizations. Additionally three of this year's 23 co-sponsors are members of the Senate Finance Committee to which the bill is referred and they may push for hearings according to sources close to Senator Metcalf. Two areas in which corporate farming is widespread are citrus farming and cattle raising. Many of the major firms engaged in massive farm speculation and growth have publicly opposed such legislation. Sen. Metcalf says the bill is aimed at removing inequities between legitimate farm operators and taxpayers who are more interested in farming the internal revenue service code than the land. He also charges that the tax accounting rules designed for actual farmers are being abused by urbanites who want to convert high-note tax incomes into capital gains. He says large firms acquire farms and livestock for the purpose of creating paper losses which can be used to offset large amounts of their non-farm income.

The bill does not prevent deduction of farm losses to the extent they relate to taxes, interest, casualty losses, drought losses, or losses from the sale of farm property. The limitation on the deductions of farm losses does not apply either to the taxpayer who follows the general rules with respect to farm income, the Senator pointed out.

Supporters of the legislation hope finance committee hearings will be held to focus public attention on the bill and then gain passage into law.

The committee has not indicated what bills it will hold hearings on, however. Recent statistics show that corporation farming currently accounts for about 5%, or $2 billion, of the $40 billion worth of food and livestock raised on U.S. land. Opponents of the legislation claim it would increase the price level of farm commodities, cause a greater concentration of farming in corporations, and prohibit some farmer from entering into areas where it would take more than the five-year limit to develop a commercial crop income.

EDITORIAL

Corporate farming is not new: History has recorded vivid accounts of such enterprises. At the time when Joseph was sold into Egypt by his brothers, food production was the business of the Pharoahs. . . . The divine wisdom of Joseph divided the duties of such tasks among the populace and increased production to secure the Nation against famine.

The Turks and the Greeks, too, in their rise to world power fell, because among other things they placed the responsibility of producing food for their peoples in the hands of a few who sought to control such segments of the needs of the citizens. As a result, efficiency dropped.

Again, the Roman Empire, before its end, allowed concentrations of influence to determine the food needs of its people and suffered pestilence and famine which assisted greatly in bringing this mightiest of all Nations before it to its knees.

Let us skip a few centuries . . . right here in this part of the Great Plains that provides space for our Great State of Oklahoma, before the days of the Indian Territories, this great sea of grass was grazed by huge herds of cattle owned mostly by British financial interests. These great enterprises took from the land without giving in return. Then too, these operations vanished because of financial reverses which were the result of adverse conditions that could not be contended with from so far away as the British Isles. Successful farming is the reflection of love of the land. No nation has stood the test of time without this ingredient.

America grew to be the mightiest of all before it and this was accomplished by thousands of family operations which singly were integral parts of a system of producing more food than the world had ever known. Shall this system be weakened by concentration of a task force that history teaches has in every previous instance failed to produce enough foodstuff for an expanding population?

The great philosopher Santayana once said, "He who does not know and understand history shall be forced to relive it."

VIETCONG PROPAGANDA ABROAD

Mr. DODD. Mr. President, I believe that anyone who has followed the massive propaganda campaign directed against our Vietnam commitment, both in this country and abroad, recognizes the fact that the world Communist apparatus is anything but an innocent bystander. Indeed, while no bookkeeping figures are available, I believe that it would be a fair surmise that a very substantial proportion, perhaps as much as one half, of the hundreds of millions of dollars which the Communists are known to spend on propaganda annually, has been devoted to encouraging the anti-Vietnam protest movement throughout the free world.

The great majority of those involved in the protest movement are certainly not Communists. Many of them regard themselves as pacifists; many more as liberal humanitarians; and a certain percentage, while frankly radical or revolutionary, regard themselves as anti-Communists.

The various antiwar organizations produce their own statements and their own literature; and they would resent the suggestion that their literature is in any way influenced by the Communists. But the Communist propaganda apparatus is so subtle and pervasive that it would be nothing short of a miracle if it failed to influence any of those who had been demonstrating under the banner of pacificism or liberal humanitarianism.

Recently there came to my attention an article on "Vietcong Propaganda Abroad," written by Dr. Chester A. Bain, author of "Roots of Conflict," and one of this country's foremost Vietnam scholars.

In this article, Dr. Bain makes a detailed analysis of Hanoi's propaganda operations and of the major themes of its propaganda abroad. He makes the point that:

The communists' world-wide propaganda effort on the Vietnam war is probably greater and better coordinated than any other propaganda campaign in history.

Specifically on the subject of Vietcong and Hanoi propaganda, Dr. Bain says:

Viet Cong and Hanoi propaganda directives point to groups upon whom to concentrate—pacifists, families of servicemen with the allies in Vietnam, student groups, church organizations. And they suggest means of encouraging dissent with American policy—anti-war demonstrations, military desertions, and alienation of European countries from the United States. The echoes reverberate worldwide, produced and directed by an elaborate and sophisticated propaganda mechanism.

Dr. Bain quotes at length from a captured document entitled "Report on Propaganda and Foreign Affairs" prepared in June of 1966 by the propaganda and foreign affairs section of the Central Office for South Vietnam of the Vietcong movement. This report asserted that up until 1961 both the propaganda and foreign affairs of the National Liberation Front were under the guidance of the central committee of the Hanoi Communist Party.

The report explained, in a very candid manner, how the Vietnamese Communists, north and south, conduct propaganda designed to "motivate youths, intellectuals, religious sects, and families of the U.S. troops dispatched to Vietnam," to protest the war.

A careful reading of Vietcong and North Vietnamese propaganda not merely reveals the existence of a massive, planned, international propaganda campaign, but it also reveals the fraudulence of some of the claims and pretensions broadcast by their propaganda apparatus.

For example, Hanoi and the Vietcong have succeeded in persuading much of the free world that the Vietcong is not really Communist but nationalist, and that the Vietcong insurgency is essentially a nationalist uprising. However, in a Hanoi broadcast of November 4, 1967, Le Duan, first secretary of the Hanoi Communist Party, placed this remarkably frank interpretation on what the Communists mean when they talk about a "liberated" South Vietnam being "national" and "democratic." Said Le Duan:

Though national and democratic in content, the national liberation revolution no longer remains in the framework of the bourgeois revolution; instead it has become an

integral part of the proletarian revolution and the dictatorship of the proletariat, on a worldwide scale.

Mr. President, in the hope that Senators will take the time to read this carefully researched article which appeared in the Foreign Service Journal for October 1968, I ask unanimous consent to have printed in the RECORD the complete text of Dr. Bain's article.

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

VIETCONG PROPAGANDA ABROAD

(By Chester A. Bain)

On March 8–9, 1968, according to a Hanoi broadcast, 50 delegations (including one from the Liberation Front for South Vietnam) met in Budapest for an extraordinary session of the World Federation of Democratic Youth (WFDY). The purpose was to organize world strategy for supporting the Viet Cong. The session's "program of action" called for organizing "1000 demonstrations of force" and for supporting a "protest campaign" of American youth and students against the draft and the Vietnam war. A few days later, London saw thousands march in a bloody "demonstration of force" against the American Embassy. In subsequent weeks, similar demonstrations spread around the world and throughout the United States.

The WFDY organized by Moscow in 1945 is only one link in the network of national and international communist front groups cooperating in a massive anti-American campaign. While a "polycentric communism" has replaced the "monolithic" version, communist parties and nations worldwide are competing in their aid to the international propaganda efforts of Hanoi and the Viet Cong. Supporting and guiding this propaganda throughout the world is a virtual army of communist bloc diplomats, newsman, and secret agents and hundreds of thousands of local communists with their front groups, mass organizations, and sympathizers.

The Soviet Union and Communist China clash on numerous points, including Vietnam war strategy, but they still provide massive propaganda aid and most of the war materials used by the Vietnamese communists. Tito and Castro disagree with Moscow and Peking on many matters, yet both consistently assist Hanoi's propaganda war. Mechanisms for coordinating this global psychological warfare were created at Havana in 1966 by the Tri-Continental Congress. The 80 participating communist parties now cooperate with Hanoi through the "Tri-Continental Committee to Aid Vietnam" as well as the 12 nation directorate established in Havana to coordinate liberation movements world-wide.

To supply this vast market for pro-Viet Cong materials requires large-scale production by Hanoi and its southern creation, the National Liberation Front. Published and captured documents and the radio broadcasts of Hanoi and the Front describe this effort. These communist sources prescribe the major themes for overseas stress—the "immorality" of the American intervention in a "civil" war; the "democratic," "nationalist," and "neutralist" aims of the Viet Cong; the inevitability of a communist victory; the corruption and unresponsiveness of the Saigon government. Viet Cong and Hanoi propaganda directives point to groups upon whom to concentrate—pacifists, families of servicemen with the allies in Vietnam, student groups, church organizations. And they suggest means of encouraging dissent with American policy—anti-war demonstrations, military desertion, and alienation of European countries from the United States. The echoes reverberate world-wide, produced and directed by an elaborate and sophisticated propaganda mechanism.

HANOI'S PROPAGANDA MACHINE

Before the launching of the Liberation Front in 1960, North Vietnam's propaganda structure carried the burden of overseas propaganda, and still it plays a predominant role. The main vehicle was, and is, the Vietnam News Agency (VNA), established in 1945. In addition to providing material for domestic newspapers and broadcasts, VNA is the official voice of the North Vietnamese government (the Democratic Republic of Vietnam or DRV) and of the communist Lao Dong (Workers) Party, headed by Ho Chi Minh. Over radio-teletype services to Europe, Peking, and Southeast Asia, VNA distributes news in Vietnamese, French, and English and provides Morse code services to DRV diplomatic missions. These facilities still transmit most of the overseas propaganda for the Viet Cong and Liberation Front.

Another major DRV propaganda medium is the Voice of Vietnam, known as Radio Hanoi. About half of its 140 hours of weekly broadcasts are in foreign languages, including English, French, Japanese, Korean, Lao, Cambodian, Thai, Mandarin, and Cantonese. Many are beamed at the U.S., Korea, and other foreign soldiers in South Vietnam. Long before the Liberation Front's creation, Radio Hanoi helped direct the insurgency in the South. It still fulfills this responsibility by broadcasting directives and news at dictation speed for the southern Party cadre.

North Vietnam's small motion picture industry provides newsreel and documentaries for overseas propaganda. These are placed with increasing frequency in commercial and college theaters and on television in Western and neutral countries.

Large quantities of pamphlets, posters, and magazines are exported by Hanoi, or are printed abroad for distribution through friendly channels or North Vietnamese embassies and agencies. The widest audiences are reached with the French and English editions of four periodicals: a quarterly, VIETNAMESE STUDIES (formerly VIETNAM ADVANCES); a pictorial monthly, VIETNAM; a youth-oriented monthly, VIETNAM YOUTH; and the semi-monthly official bulletin, VIETNAM COURIER.

For international meetings in Hanoi or abroad, exhibits support the Front and project anti-American themes. Supplementing her regular diplomatic representation, Hanoi sends a stream of delegations to international conferences. Many represent elements of the DRV Fatherland Front such as the trade unions, and professional, youth, or religious groups.

In 1963 alone, the North printed more than 400,000 books in foreign languages. Prominent among the frankly political publications of recent years were Ho Chi Minh's five-volume "Works," and DRV Defense Minister Vo Nguyen Giap's "People's War, Peoples' Army." But many ostensibly nonpolitical texts such as "The Catholics in the Democratic Republic of Vietnam" serve propaganda purposes. As the war in the South intensified, Hanoi increased production of literature supporting the front. Pro-Communist foreigners like Wilfred Burchett provide some of the foreign language materials.

Since October 1965, the DRV propaganda apparatus has been under a General Department of Information. Policy guidance, however, emanates from the Party Central Committee's Propaganda and Training Department.

THE VIETCONG ORGANIZE FOR PROPAGANDA

For some time after founding their propaganda facade, the Liberation Front, southern leaders were too busy fleshing out their paper organization to develop publishing capabilities. In 1961, a Liberation Press Agency (LPA) issued its first releases in the South, but its output reached world audiences mainly through the facilities of VNA and Radio Hanoi. When the Front began to send press and other representatives abroad, they traveled on DRV passports, as they still do. In February 1962, a station calling itself Liberation Radio initiated broadcasts from a location near or inside the Cambodian border. By 1965, this station was broadcasting about 60 hours weekly in Vietnamese, Khmer, English, Cantonese, and Mandarin.

The Front's propaganda organization gradually expanded until by 1965 it was publishing some 40 newspapers and 17 periodicals within South Vietnam. These ranged from irregular mimeographed handouts of a few hundred copies to publications with reported circulations to 10,000. There are also foreign publications, probably the most widely distributed being a French and English monthly, South Vietnam at War.

Viet Cong film production developed slowly. Short documentaries of the early 1960s were probably produced by DRV crews and processed in the North or in Cambodia. By 1965, however, the Viet Cong were producing newsreels and documentaries with fair regularity. In addition, the communists have made excellent propaganda use of Western newsreel and TV films containing incidents susceptible to such exploitation.

COORDINATED PROPAGANDA GOALS

The development of the Viet Cong's propaganda potential and their continued dependence upon the North is documented by the captured "Report on Propaganda and Foreign Affairs Section of the Central Office for South Vietnam (COSVN) for the equivalent DRV office. This report asserted that "up to 1961, the propaganda and foreign affairs of the Front . . . [were] under the guidance of the Central Committee [of the Lao Dong Party in Hanoi]." In 1962, the Central Committee ordered COSVN to form a foreign propaganda element "co-located with the Liberation Radio Broadcasting Station." Among its duties, this element maintained "contact with organizations and individuals in Cuba, the USA, France, Indonesia, Greece, etc. . ." and prepared anti-US propaganda and "documents used in reeducating US prisoners." As late as 1966, the report conceded, the immensity of the propaganda task required that Hanoi's Central Committee continue to fulfill important directive and supportive functions.

To exploit "the propaganda 'capabilities' of the world's organizations, newsmen, writers, and officials in foreign countries," the Viet Cong propagandists "arranged activity schedules and high level interviews for several visiting foreign newsmen and cameramen," who, the report added, "helped us a great deal in propaganda after they returned from their visits. . . ." The element also sent abroad (with DRV passports) delegations of trained propagandists representing front organizations for "good will visits and international conferences." By 1965, some 25 such southern delegations together with comparable DRV groups were annually projecting a favorable image of the Front.

Supplementing this effort was an unending flow of messages between the Viet Cong front associations, sympathetic foreign groups, and others protesting the war. These included the well-publicized messages to the head of the US National Coordinating Committee to End the War in Vietnam and a condolence letter to the widow of the Quaker who burned himself to death on the Pentagon steps.

In the United States and other capitalist countries, the report candidly explained, we "motivate youths, intellectuals . . . religious sects, . . . and families of the US troops dispatched to Vietnam" to protest the war. Though international conferences, organizations, and committees, "the world people's anti-US Front has taken shape, aimed at mobilizing mass movements for support to Vietnam . . . and at isolating the US imperialists. . . ." Future "heavy emphasis" should be placed on the role of the Front as "the only and genuine representative of the people of the South . . ." and its "strategic

slogan for a neutralist peace in South Vietnam." Efforts were to be made, moreover, to "wisely arouse internal dissension among the imperialist countries—chiefly between France and the USA—to win the support of France and her supporters."

FIGHTING WHILE NEGOTIATING

Even before the 1966 COSVN report, Vietnamese communist broadcasts were stressing diplomatic struggle." This euphemism encompassed an omnibus propaganda offensive including intensive campaigns to arouse international opposition against bombing, defoliation, napalm, and tear gas. It also embraced the intermittent dangling of ambiguously worded suggestions of negotiation. In a letter to the Fourth Congress of COSVN in March-April, 1966, Lao Dong Party First Secretary Le Duan spelled out the official propaganda strategy. Central Committee policy, Le Duan wrote, called for "joint political and armed struggle" with "heavy emphasis . . . on political struggle which includes diplomatic struggle which is of prime importance. As a consequence, the strategy of war and negotiation must be used to efficiently serve the political and military aim of our strategy. . . ." Le Duan explained that the "problem of war and negotiation is not new" in Vietnam's history, for it was used in Ming Dynasty times. Moreover, the Chinese Communists "adopted the 'fight and negotiation policy'" in their war against Chiang Kai-shek, and "the same strategy . . . [was] used in the Korean War."

Further clues to the Party's intentions come from a speech at this COSVN Congress by General Nguyen Van Vinh, DRV Politburo member, head of the Lao Dong Party's Reunification Department, and Army Deputy Chief of Staff. According to captured notes on the speech, General Vinh stated the war might proceed through several stages: "The fighting—the stage of fighting while negotiating—negotiations and signing of agreement." However, he added, "Whether or not the war will resume after the conclusion of agreements depends upon the comparative balance of forces. If we are capable of dominating the adversary, the war will not break out again, and conversely." Many nations, "nationalist and communist," had urged the Vietnamese communists "to enter into negotiations, any form of negotiations—so that a big war does not break out and that the war can be ended." However, Vinh said, "China holds the view that conditions for negotiations are not yet ripe, not until a few years from now, and, even worse, seven years from now." Meanwhile, China had told the Vietnamese communists to continue fighting until "a number of socialist countries acquire adequate conditions to launch an all-out offensive, using all types of weapons and heeding no boundaries." Faced with these conflicting demands, Vinh concluded, the Lao Dong Party decided to open negotiations if necessary, but, "while negotiating" to "continue fighting the enemy more vigorously."

On April 28, 1968, after the U.S. limited the bombing of the DRV and again offered peace talks, COSVN issued a directive advising the cadre that the objectives of overthrowing the southern government and forcing a U.S. withdrawal were not being abandoned. The purpose of "diplomatic struggles," the directive explained, was "to confirm the enemy defeat. . . ." They were "primarily intended to obtain favorable world opinion . . ." and not 'to defeat the enemy by arguments."

THE NATURE OF THE PROPAGANDA OFFENSIVE

The international propaganda issued by and for the Vietnamese communists reveals some definable characteristics. As with most communist propaganda, issues and concepts tend to be presented in absolute terms. The US "imperialists and their puppets" are cruel, weak, cowardly, vicious, immoral, and corrupt, while the Front and its adherents are kindly, strong, brave, heroic, moral, and scrupulously honest. The victory of the Front and its "people" is inevitable, even if they must fight protracted war for "5, 10 or even 20 years." Conversely, the "schemes of the US imperialists" must always fail, for Marxist history foretells world communist victory. To build the impression the United States is isolated by world public opinion, protests and demonstrations are skillfully orchestrated in cities around the world. Contrariwise, to convey an image of overwhelming support for the communist cause and the solidarity of all "progressive peoples and movements," floods of letters and cables are sent to the Viet Cong and Hanoi on numerous special commemorative occasions from communist leaders, parties, and front groups world-wide.

Because of the close control over the Viet Cong and the Front by Ho Chi Minh's Lao Dong Party, the Front's publicized goals are understandable only in the light of party doctrine which repeatedly cites Lenin as the ultimate authority. Janus-like, the Viet Cong presents two opposing faces: the propaganda mask for the outer world and the real one for the Party.

The frequently used terms—*negotiations, "just" war, neutrality, peace, coalition governments, nationalism,* and *democracy*—have considerable propaganda impact in the democratically-oriented West. Yet, examined in accordance with Leninist ideology, these terms possess quite different meanings from those commonly accepted in the United States. Hanoi's tactic of negotiating while fighting and General Vinh's comments that even a negotiated agreement would not necessarily end the conflict conform to Leninist strategy. When Russia concluded a peace treaty with Germany in 1917, Lenin advised his Party colleagues: "In war, never tie your hands with considerations of formality. It is ridiculous not to know the history of war, not to know that a treaty is the means of gaining strength."[1]

Lenin would certainly have approved the communist manipulation of Western guilt complexes by the propaganda line distinguishing between just and unjust wars. The claim that the communists' war to conquer South Vietnam is "just" while the US efforts to help South Vietnam maintain independence are "unjust and immoral" fits well with Lenin's words of 1918: "If war is waged by the proletariat [Party] . . . with the objective of strengthening and extending socialism, such a war is legitimate and 'holy'"[2]

As for the propaganda claim that the Front's goal is a neutral South Vietnam, DRV spokesmen, including Foreign Minister Nguyen Van Trinh, have indicated the Party subscribes to Lenin's rejection of any neutral ground between the hostile camps of communism and "imperialism." A recently captured Viet Cong document elaborates, "We do not appreciate a neutral regime which is usually regarded as the third political solution by capitalists. Such neutral regimes will usually oppose imperialists less than cooperate with them. . . ."

The Hanoi and Viet Cong interpretation is also not that generally understood by the West. Writing in the April 1967 issue of *Hoc Tap,* DRV Foreign Minister Trinh cited Lenin's distinction between "imperialist peace" or "peace in general" as the sense of absence of war, and "true" or communist peace which requires predominance of the communist party. "We have not struggled for peace in general," wrote Trinh, "because, as Lenin said, peace in general has 'no content' and is 'meaningless.'" Trinh left no doubt that the only peace the Vietnamese communist party would accept as final was complete victory over all Vietnam.

While the Viet Cong concur with Lenin's statement that communists "are not pacifists," they also take seriously his advice to establish "contacts within those circles of the bourgeois which gravitate toward pacifism, even if it should be of the poorest quality." To this end, the Viet Cong in October 1967 launched a drive to organize American pacifists and war dissenters with a new organization called "the South Vietnam People's Committee for Solidarity with the American People." Through offices established in Prague, Algiers, Hanoi, and other links, this committee cooperated with front groups to appeal for increased American protests against the war.

The Viet Cong concept of coalition government is detailed in the notes of a party cadre captured in October 1967. These notes, taken at a party meeting, explain that any "coalition government may include a non-revolutionary element as President. But he basically must follow the line of the Front's political program. The Front will be the core element . . . to all appearances, it will be a coalition government, but the real power will be in our hands . . . In regard to the coalition, our Party will exercise all control over it. . . ."

To *nationalism* and *democracy,* the Vietnamese communists also attach an esoteric significance. Lao Dong publications refer to Western nationalism and democracy as contemptible bourgeois vices. In a Hanoi broadcast of November 4, 1967, Party First Secretary Le Duan interpreted the communist claim that a "liberated" South Vietnamese government would be national and democratic: "Though national and democratic in content, national liberation revolution no longer remains in the framework of the bourgeois revolution; instead it has become an integral part of the proletarian revolution and the dictatorship of the proletariat, on a world-wide scale . . ."A resolution of the 1966 COSVN Congress cited earlier emphasized the Viet Cong view that their "revolution is part of the world revolution . . . related to the movements of national liberation on the continents of Asia, Africa, and Latin America."

While international Viet Cong propaganda urges that South Vietnam be allowed to settle her own affairs without foreign interference, Le Duan in his speech for internal consumption and the COSVN resolution emphasized the relationship of the war in the South to the world communist movement. Also, while Hanoi publicly denied that North Vietnamese troops were aiding the Viet Cong, internal documents discussed that aid and Le Duan assured party members that "the revolutionary movements in both areas [North and South] have been closely coordinated." How close was that coordination was indicated in captured Viet Cong briefing notes citing orders from Ho Chi Minh to launch the general Tet offensive in the South:

"The Central Headquarters of the [Lao Dong] Party and Uncle [Ho Chi Minh] have ordered the Party Committee in SVN and the entire Army and people of SVN to implement a general offensive in order to achieve a decisive victory for the revolution within the winter and 1968 spring and summer."

The notes specified that the propaganda cadre "should not say that this order comes from the Party and Uncle [Ho] but to say that it comes from the Front."

One especially striking example of the two faces of the Viet Cong occurred on two consecutive days. A Liberation Front Radio broadcast in English on December 20, 1966 described the Front's foreign policy as "independent and neutral." On the previous day, however, NFLSV delegate to Peking, Tran Van Thanh, enunciated Front policy in far from neutral terms in a speech broadcast by Radio Peking:

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[1] Lenin, "Reply to Debates on War and Peace," *Selected Works,* Vol. VIII (New York: 1943), p. 309.

[2] Lenin, "Left-Wing Childishness and Petty Bourgeois Mentality," *Selected Works,* Vol. VIII, p. 357.

"The liberation of our fatherland is a contribution to the national liberation movement of the whole world . . . The SVN people take the task of defeating U.S. imperialism in SVN as support for the people of Laos, Venezuela, the Dominican Republic, and Congo. . . . If the U.S. . . . can be defeated in SVN, it will be possible to defeat it anywhere in the world."

The communists' world-wide propaganda effort on the Vietnam war is probably greater and better coordinated than any other propaganda campaign in history. The propaganda din is well calculated to confuse. Contributing to public confusion is the dearth of news reporting from communist areas where few reporters are admitted, while some 500 foreign newsmen of at least 20 nations freely observe and report virtually all that transpires in South Vietnam. It becomes increasingly difficult to distinguish between the propaganda-induced arguments and the normal differences of opinion about national policy, strategy, and tactics. The individual citizen is saddled with an awesome task of differentiating between fact and propaganda fiction, a distinction necessary to the safeguarding of American democratic processes.

NUCLEAR NONPROLIFERATION TREATY

Mr. TOWER. Mr. President, I have offered for the Senate's consideration a reservation to the Nuclear Nonproliferation Treaty which will soon be before us. It is a reservation to preserve what is popularly known as the NATO option.

As a member of the Committee on Armed Services, I have devoted many months of study to this treaty. I feel that I must now speak very candidly about it. I frankly do not think it amounts to much. Its substantive provisions change virtually nothing about international nuclear control. Our European allies tell me it causes them serious problems. And, I find that the only possible value this Nonproliferation Treaty could have would be as a bilateral, political maneuver between the United States and the Soviet Union—a maneuver which both our old and new administrations think might be a small stepping stone toward further talks and negotiations between the two superpowers.

But, I still have grave doubts that the political value of this treaty outweighs its admitted shortcomings. I cannot give my approval to it unless a number of its provisions are clarified.

At the very least, I hope all Americans will realize that this Nonproliferation Treaty is most unlikely to change anything about the way nuclear weapons are handled. It provides no disarmament. I do not want any of us to expect miracles from this treaty even if it is eventually ratified by the Senate.

Let me explain briefly some of my concerns. The treaty's central provisions seek to forbid the five countries with nuclear weapons from giving them to nonnuclear nations. Domestic U.S. law already prevents us from doing that. Great Britain gives no nuclear weapons away. Neither does the Soviet Union—but treaties never have prevented the Soviets from doing whatever they wanted anyhow.

The other two nuclear powers—France and Red China—have said they would not sign the treaty at all; so it does not affect them.

Furthermore, the most important nations which have the technological capability to build nuclear weapons for themselves in the near future have not signed the treaty either. These include West Germany, Israel, Italy, and Japan—all of them our strong allies in international affairs.

Clearly the Nonproliferation Treaty does not affect the more than 100 nuclear "have not" nations which have no resources to become nuclear powers. They give up absolutely nothing by signing the treaty.

Finally, the treaty says that any nation can completely withdraw from it on 3-months notice if it feels a supreme need to do so.

Another important shortcoming of the treaty is inspection. You recall how important inspection was in the Limited Test Ban Treaty. Yet, the Nonproliferation Treaty provides for inspection by an agency of the United Nations that today has about 15 inspectors and virtually no funds. And, nothing in the treaty says where more inspectors will come from, what their standards will be, or who will pay for them. Russia already has refused to allow any inspectors on its territory.

Another difficulty with the treaty which troubles some Senators is the implied idea that free world nuclear powers will defend any nonnuclear nation against nuclear attack from the Communist world. Taken literally that would mean we were committed to start nuclear war on behalf of every tiny nation on earth. Clearly, we cannot agree to that, but this treaty raises and does not answer the question.

The major conflict of interest between the Soviet Union and the United States in examining the proposed nuclear nonproliferation treaty is this: Is it possible to reconcile U.S. interest in strengthening NATO and Moscow's objective in weakening it? Specifically applied to Germany the question is: Can the United States keep Germany from following the example of France—and China—in developing national nuclear weapons and at the same time keep her a satisfied member of the Western Alliance? In its present form the Nonproliferation Treaty will destroy the NATO option and encourage Germany and other states of western Europe to acquire nuclear weapons. A secondary aspect of this is the fact that the proposed treaty is the vehicle upon which recent German frustration has been centered. Although these frustrations result from other things they nevertheless have attached themselves to the treaty.

In the military area the proposed treaty does two things which genuinely alarm many west Europeans. First, it prevents a purely defensive ABM system under either NATO or national control. Second, it precludes other NATO nuclear defenses.

For these two reasons, I have offered a reservation which should be attached to the treaty preserving the option to establish Atlantic nuclear defenses. This retention of the NATO option in the NNPT was included in all proposals made by Presidents Eisenhower and Kennedy and, initially at least, by President Johnson.

Without such a reservation we will see a continuation of two trends which are now clearly evident in Europe. These two trends result from U.S. policy of unilaterally changing its posture regarding western defenses without consultation or taking into consideration the wishes and national interests of our allies. Both heighten the dangers of the United States becoming isolated in western Europe.

The first trend, that is to develop national nuclear defenses, is most clearly evident in France although there is a growing element in West Germany and Italy that advocates this position. The French believe the U.S. commitment to defend Europe cannot be taken seriously. They further believe the United States and the Soviet Union will try to reach an agreement, a sort of international condominium in which the final European settlement will be made over the heads of Europeans, East and West. Consequently, French strategy is to develop its own defenses and be independent of any integrated command structure. It obviously follows that once a nation is convinced that its alliance partner will not defend it, it will prepare its own defenses. The French have done this by becoming the fourth nuclear power. They pulled out of the integrated command of NATO because, first, they fear the United States will involve Europe in a war without consulting its allies as in the Cuban alert of 1962, and second, the integrated command under American control will make the defense of France dependent upon Washington.

It is a curious fact but nevertheless true that American arms negotiations with the Soviet Union and other secret negotiations have had the effect of proliferating nuclear weapons by encouraging the French to develop their own program and to pull out of NATO's command structure.

The second trend in Europe is the opposite of the first and is most noticeable among the smaller European countries although there is some support for it in Germany because of Germany's exposed position. This trend is one toward accommodation with the Soviet Union. Here it is entirely possible to envision a series of treaties which will effectively destroy NATO and render Western Europe a continent of Finlands. The ultimate effect of this will be to shift the balance of power to the Soviet state because all of Europe will be under its political suzerainty. Both of these trends should be alarming for the United States. I believe that if one or more NATO nations acquire nuclear weapons, most of the others will be forced to follow because an atmosphere of mutual fear and distrust will have been generated.

In less than 100 years, three major wars have started in Europe because of the jealousies, hates, and fears of the individual European states. Whatever the faults of NATO and the Warsaw Pact, they have at least had the effect of restraining the old European jealousies which ignited the sparks of war.

A group of European states each having individual nuclear weapons could be a dangerous development for the United States. Curiously however, this

treaty will not prevent a nation from acting in its own national self-interest. Peace is not assured by treaties. A treaty and the political pressure which accompanies it to force a nation to renounce a capability of self-defense is inviting disaster. The basic irritant in German-American relations in the last 8 years has been the feeling on the part of many Germans that the United States forces them to do something against their best wishes but that Germany has no alternative but to do what the United States wants. There may come a time however when a resurgent Germany will decide that it is capable of defending itself if it had nuclear weapons and will move to acquire them. This can be prevented as long as Germany is convinced that her security is guaranteed, and what can be said about Germany can be said about each of the other NATO countries. A reservation should be attached to the treaty which reads as follows:

Subject to the reservation that such treaty shall not be construed as precluding the provision of weapons or other materials for the establishment of nuclear defense to regional organizations established under Article 52 of the Charter of the United Nations.

This reservation which would retain the NATO option reflects the position of the United States on the Nonproliferation Treaty up until October 1966.

The curious thing to me about this draft treaty, the arguments for it, is that the proponents of the treaty in many cases are the very people who advocate troop withdrawal from western Europe. They favor the treaty because of a fear of nuclear war, and anything that can be sold to them, whether it be the doctrine of flexible response or the nuclear test ban treaty, is desirable. They feel that the United States should have every option open to defend itself or defend its allies without resorting to nuclear weapons. And yet the only thing that even in a remote way enables us to have some degree of flexible response in Europe is the presence of U.S. troops, which conceivably, though I doubt it, prevents a Soviet or east European military probe into western Europe. If we force our NATO allies to renounce ownership of nuclear weapons in an alliance system at the same time that we are seriously considering withdrawing troops, then we have left ourselves with no flexible response. In the event of a probe across the Elbe River we are left with either an ultimatum to the Soviet Union and the threat of nuclear war or we must acquiesce in Soviet occupation of western European territory. Temporarily at least those who favor troop withdrawal from Europe are not in a majority. But the pressures will surely grow to bring the boys home and that day may come when the U.S. troops in Europe may be even less than Belgium has in Germany. At that time the Soviets will no longer consider our guarantees credible. Since there is no automatic nuclear response by the United States to an attack on Europe and since at that time the French and British deterrents will probably still not be creditable, then the invitation for Soviet probes will be very inviting. But if the ownership of nuclear weapons by the alliance can be implemented, it will give each of our partners the feeling of security and the ability to influence their own destinies and defense, and at the same time prevent them from acquiring national control of nuclear weapons. It will also pave the way for the withdrawal of some U.S. troops because a credible nuclear deterrent will in my judgment negate the need for American troops of any sizable number.

Our European allies have special problems with this treaty. They all hope for the day when Europe can become more united. As a step toward eventual political unity they hope for unified defense agreements. Yet, this treaty would forbid a unified European defense command from having nuclear weapons with which to confront the existing Soviet threat.

The treaty provides for an agreement between the International Atomic Energy Agency in Vienna—IAEA—and the Common Market nuclear agency—Euratom—within 2 years. But it bans the delivery of nuclear material even for peaceful purposes, to any signatory of the treaty after those 2 years are up, whether or not a satisfactory agreement between Euratom and the Vienna Agency has been reached. Therefore, even if the West Germans sign the treaty they would be forced to delay ratification until such an agreement has been reached. The Italian Government has stated this same intention in signing the treaty.

Keeping Euratom as the controlling organ of inspection for Europe, if the treaty is signed is a vital issue for Germany, not only because they have confidence in the fairness of its methods of inspection, but because the preservation of Euratom's authority and influence is vital to European integration, of which it is one of the pillars.

The fervent German desire for further European integration also leads to bitter disappointment because the treaty closes the door to any collective European multilateral nuclear force as well as to any Atlantic or NATO nuclear force—such as General Norstad once proposed as NATO commander, or such as the United States later officially proposed in the MLF plan for an Atlantic nuclear naval force.

The U.S. Government has assured the Germans that a truly federated or United States of Europe, which included France and/or Britain, would be permitted under the treaty to have its own nuclear force on the grounds that such a European federation would be a "successor state" to one of the present nuclear powers. However, not only have the Russians refused to accept this American interpretation, but European critics believe that even the American interpretation to be broadened so as to recognize the right of European confederation to have its own nuclear force, is a step toward the ultimately hoped-for European federation.

The treaty, as it stands, would prevent any and all nonnuclear signatories of the treaty from ever developing even a purely defensive anti-ballistic-missile system, if such a system should be developed within the next 25 years, as some distinguished scientists predict. This objection is especially pertinent because of the concentration of Soviet missiles—IRBM's—on European targets.

The treaty pledges that the nuclear powers will urgently pursue nuclear disarmament in order to end the discrimination which it will establish between nuclear and nonnuclear powers. However, in the light of Soviet preponderance in conventional armaments and their immediate threat to West Germany, many Germans believe it essential that the disarmament pledge should be extended to conventional weapons also.

For all these reasons, Mr. President, I hope that my reservation will be adopted. I ask unanimous consent that there be printed at the conclusion of my remarks a summary of developments in the U.S. negotiating position on this treaty as it affects the NATO option question.

I also ask that there be printed in the RECORD an article by the former Italian Ambassador to the United States, the Honorable Sergio Fenoaltea. The article elaborates on the problems which the treaty causes our European allies.

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

SUMMARY OF DEVELOPMENTS RELATING TO RETREAT OF U.S. NEGOTIATING POSITION REGARDING NATO OPTION IN NUCLEAR NONPROLIFERATION TREATY

On August 29, 1957, the U.S. in co-operation with three other powers (France, Canada, and the United Kingdom) proposed a scheme that would restrict nuclear proliferation but at the same time require nuclear nations to cease their production of fissionable material for weapon purposes. A caveat to the nonproliferation proposal was that nuclear weapons could be transferred for individual or collective self-defense.

Initially U.S. position envisioned some nuclear sharing arrangement within the framework of multi-national alliances like NATO but it sought to reduce nuclear weapon production as well as proliferation. The Soviet Union on September 20, 1957, rejected these proposals, especially the collective sharing of nuclear weapons. In 1959, the United Nations adopted a general resolution urging efforts to be undertaken to prevent nuclear proliferation.

In 1961, the United States undertook its first significant change in its position. It abandoned the transfer of nuclear weapons for defense purposes to individual nations. But it still retained collective sharing under an alliance as a part of its policy.

From 1962 to August 17, 1965, the main issue at the Geneva Conference on nuclear proliferation was whether such an agreement would prevent nuclear sharing arrangements within a collective defense organization like NATO. The Soviet Union was anxious to make sure it did, whereas the U.S. did not want to close the door on possible arrangements within NATO.

On August 17, 1965, the U.S. made the second major change in its position. It retained the concept of nuclear sharing, but only if the total number of nuclear states did not increase. Ambassador Foster stated that this U.S. position would not preclude the establishment of nuclear arrangements within NATO so long as the arrangement did not constitute an additional entity having the power to use nuclear weapons independent of existing nuclear nations. In other words, if the U.S. independently surrendered its control over all its own nuclear weapons to a NATO arrangement then a sharing arrangement would be possible. This proposal, in light of the 1964 presidential campaign in which the President re-iterated that U.S. would never surrender control of nuclear weapons was a farce. Since the S.U. realized that the U.S. was not about to turn over voluntarily its entire stockpile of nuclear

weapons to a new organization and renounce its right of veto over them, Moscow could see light at the end of the tunnel in their efforts to prohibit any sharing arrangement. On September 24, 1965, the Soviet Union insisted again that any sharing arrangement within a military alliance was out of the question.

Objective evidence indicates that the Soviet Union's patience was rewarded on October 10, 1966, when President Johnson and Secretary Rusk met Soviet Foreign Minister Gromyko at the White House. The New York Times reported on August 25, 1967:

It has since become clear that in their talks that day President Johnson and Mr. Rusk gave Mr. Gromyko strong indication that the previous United States reservations, aimed at accommodating some nuclear sharing device in the North Atlantic Treaty Organization had been withdrawn.

After that time the Geneva Conference marked time waiting for the U.S. to finish "consultation" with its allies. Within less than a year, on August 24, 1967, the U.S. and the S.U. came to an agreement on all particulars except the inspection provision which was soon remedied by absurdly "agreeing to agree" at some later date.

In the ten year period from 1957 through 1967, the United States changed its position on three major points. It no longer suggested that the nuclear powers reduce their own stockpiles at the same time non-proliferation measures were taken. It no longer insisted upon some arrangement for individual self-defense. Most important, it dropped the requirement that nuclear sharing within NATO be protected.

NON-PROLIFERATION AND EUROPE

(By Sergio Fenoaltea)

Today in Europe there is anxiety among America's allies. The Russian invasion of Czechoslovakia has once again raised the specter of aggressive military power to the east, while American involvement in an Asian war gives little hope of an immediate resumption of American interest in European affairs, however much Europeans may desire such a revival. In part, too, European anxiety is due to American policy—the policy which has been enshrined in the non-proliferation treaty (NPT). What those committed to the establishment of European unity fear is that the aim they have pursued for years will no longer be practicable once the present treaty is in force.

It is my opinion that the present draft which, unlike previous American drafts, prevents the existing nuclear powers from surrendering their nuclear role to an international or multilateral body, would deal a hard, perhaps fatal, blow to European unification.

First, because by sanctioning a special position for Britain and France it would discourage them from merging into a united Europe lest, by so doing, they forfeit their privileged positions.

Second, because the treaty would introduce an element of perpetual inequality of status among European states.

Third (and this is the crucial point), because in forbidding any government to transfer control over nuclear weapons not only to other governments but "to any recipient whatsoever," the treaty would make it impossible for the existing European nuclear powers to surrender their nuclear role to an international or supranational European community. This means—and the gravity of it can hardly be overrated—that if Great Britain, or perhaps France one day, becomes so mature in her European conscience as to be willing to join in a European defense community and to surrender to it her nuclear role, she would be prevented from doing so by her NPT obligations. This also means giving the USSR a say in the process of European unification.

Fourth, the effects of the provisions of the NPT would, in Europe, go well beyond the nuclear field. Owing to the impossibility of merging the defense structures of nuclear and non-nuclear states, the formation of any kind of European defense community would, in fact, become impossible.

NPT, in its present form, condemns Europeans to nationalism, even against their will. This is, of course, a complete reversal of US policy which, beginning with the Marshall Plan, was aimed at prodding the Europeans to forego nationalism in favor of unification. In other words, the problem that NPT in its present form creates for Europe is not whether a unified Europe can or cannot "have the bomb," but whether Europe can or cannot unite.

One might ask why NPT presents a special problem for Europe. The answer is simple—all too simple.

The impulse to go beyond nationalism and create multinational or supranational organizations absorbing the functions of the existing national states is not confined to Europe: it can be seen in Latin America and Africa as well. It stems from the realization that everywhere—except in North America, Russia and China—the dimensions of the nation-state are too small to cope with the problems of our century. To hinder this movement would be folly; it would mean going against the tide of history and perpetuating conditions of anarchy, national rivalries and instability in the world. But in Africa and Latin America there is no national nuclear state, whereas there are two in Western Europe. Therefore, the NPT in its present form does not hinder the movement toward supranational or multinational unification in Africa or Latin America, because it creates no permanent disparity between national states within those areas; whereas it does create such a disparity between national states in Europe.

The requirements of European unification could be met in a non-proliferation treaty by a formula, couched in general terms, permitting any nuclear member of an international or regional association to surrender its nuclear role to the association. The former American draft of the treaty left open the possibility of such a transfer, as long as it would not have caused an increase in the total number of states and other organizations having independent power to use nuclear weapons. It is worth noting that such a formulation was perfectly adequate to prevent proliferation (*i.e.*, any increase in the number of nuclear subjects), to prevent the emergence of new national nuclear states (including the emergence of a German national nuclear armament), and to make sure that world areas where there is no nuclear power—Africa, Latin America, the Middle East—would remain that way.

It has been said by Secretary of State Dean Rusk (in his statement before the Foreign Relations Committee of the US Senate) that the NPT, in its present form, "would not bar succession by a new federated European state to the nuclear status of one of its former components"; in other words that it would not prevent a European Federation from having nuclear weapons. The underlying argument is that the treaty forbids any *transfer* of nuclear power, but if the existing European national states join in a federation this would not be a case of transfer but of *succession*, and the treaty is silent about succession. The argument is a remarkable piece of legalistic virtuosity. Unfortunately, it lacks any political substance, and to make use of it in order to prove that the NPT does not hinder European unification would be an equally remarkable piece, I am sorry to say, of self-deception. Let us analyze it at some length.

a) In the first place, a "federated European state" is a very remote and far-off eventuality, so that the argument is largely academic.

b) There is no provision in the treaty permitting any federation of states or federated state to acquire the nuclear power of its members. The argument is entirely based on interpretation, and negative interpretation at that, based not on what the treaty says but on what it does not say. There is as yet no certainty that all the signatories of the treaty, and particularly the USSR, will accept that interpretation and commit themselves to it.

c) The Secretary of State also said: "A new federated European state would have to control all of its external security functions, including defense and all foreign policy matters relating to external security, but would not have to be so centralized as to assume all governmental functions." As the treaty has no provision concerning the nuclear role of federated states, to define what the powers of a federated state should be seems beside the point. Actually, the key word in the interpretation under analysis is not the word "federation" but the word "succession." For the interpretation to become applicable, what is essential is not that the federated state shall be more or less centralized, but that the legal hypothesis of succession (as something distinct from transfer) shall be fulfilled. This, in turn, requires nothing less than the disappearance of France or England as international entities.

d) Even admitting, for the sake of discussion, that the NPT does not prevent a federated Europe from acquiring on a "succession" basis the nuclear role of France or Britain, the NPT in its present form would still hamper unification. In fact, unification is possible only if rigidity and dogmatism about European institutions are avoided, only if we remain elastic and pragmatic about institutions.

e) For Europe, the "federated state" will be the final and crowning stage of the process of unification; the integration of particular sectors—coal and steel, external tariff, perhaps, one day, money and credit, defense, etc.—is the way that leads to that ultimate stage. The process cannot be reversed; to reverse it would be to stop it. Integration of European defense is a stage, and a very important stage, in the road toward federation, not vice versa. To say that Europe as a "federation state" could have a nuclear role, at the same time making it impossible for Europeans to establish an integrated defense community, is like offering a man a prize if he reaches the tenth step of a ladder while putting barbed wire around the sixth step.

f) All past schemes for European federation failed, and proved to be only generous utopias, precisely because they assumed the disappearance of the existing national states. Europe started making progress toward unification only when a new method was adopted, through the establishment of the European Communities: not waiting for the national states to disappear as international entities but transferring more and more functions from the national states to multilateral, supranational institutions. But, as Secretary Rusk also said in his statement: "While not dealing with succession by . . . a federated state, the treaty would bar transfer of nuclear weapons (including ownership) or control over them to any recipient, including *a multilateral entity* (italics ours)." This candid and unambiguous statement confirms that the treaty, in its present form, forecloses the only road to unification of European defense that can be realistically foreseen.

The US may very well decide to jettison European unification for the sake of non-proliferation. But let nobody pretend that a legal quibble (the "succession" theory) eliminates the problem.

No one should underrate the global responsibilities of the US and the desirability, indeed necessity, for it to favor détente and keep dialogue with the USSR open.

However, détente should not be pursued at the price of European unification. The weakening of Europe, and the loss of sense of direction which would result from the shattering of hopes of unification, would not contribute to a lasting détente; indeed, they would introduce in the world situation an additional element of instability.

It is a feature of the world in which we live that the US and the USSR face each other both in Europe and in Southeast Asia; that all the historical and sociological factors (nationhood, to begin with) which communism is able to mobilize to its advantage in Southeast Asia militate against the USSR in Europe; that the USSR—to the extent to which Asian Communist movements are answerable to Moscow and not to Peking—can at any time curb Communist expansion in Asia if by doing so she can reap advantages in the areas more vital to it; that, conversely, the position of any Western power in Southeast Asia is so fraught with difficulties that the temptation of taking advantage of any service that the USSR might wish to offer to extricate it from those difficulties cannot fail to be strong.

Should anyone some day consider yielding to the temptation of buying some amount of Soviet goodwill in Asia with concessions in Europe, he should be reminded that any such policy would lead to disaster both in Europe and Asia, because concessions to the Soviets in Europe are final and irretrievable once made, while Soviet "concessions" in Asia are written on water. Recent history teaches a telling lesson, which is very much to the point. In 1954 the French Prime Minister-designate, M. Mendès-France, told the French National Assembly: "I ask you only a conditional vote of confidence. If within one month I am not able to come back to you with an acceptable truce in Indochina, I will resign." He went to Geneva, where the Soviets helped him to obtain a truce in Indochina, perhaps on better terms than those warranted by the then existing military situation. In doing this, the Soviets knew that they were saving the political life of M. Mendès-France. They also knew—whether there was, as many suspect, an explicit deal is irrelevant—that by saving the political life of M. Mendès-France as Prime Minister they were killing EDC. EDC remained dead. As for Indochina, we all know how long the truce lasted.

The impact on European morale of the NPT, if adopted in its present form, would be very severe.

The realization that the road to unification is blocked—even worse, the realization that the unification of Europe has ceased to be one of the goals of American policy—is bound to have lasting effects.

Nobody in France or Britain believes European unity to be around the corner. But unity is a goal, it provides a beacon, it gives a sense of purpose. In Germany and Italy, European unification is one of the two cornerstones on which the foreign policy of both countries has been based for the last 20 years; Atlantic partnership, which is contingent on European unification, is the other.

It would be difficult to exaggerate the importance that those two goals have had in Italy as a rallying point of her democratic forces, and the risk attached to their disappearance.

In Germany, there is the possibility that the NPT might bring the Federal Republic to the same fate as the Weimar Republic. It is essential for the political stability, indeed for the spiritual stability, of the Federal Republic to keep open, as an alternative to German reunification, the road toward an effective integration of Western Europe.

HOW TO RUN A RAILROAD

Mr. WILLIAMS of New Jersey. Mr. President, on February 14, the Evening News of Newark, N.J., published an editorial, "How to Run a Railroad." The editorial salutes the Erie-Lackawanna Railroad for maintaining service during a severe snowstorm that crippled the New Jersey metropolitan area.

Getting any place that day was extremely difficult, and for the men of the Erie-Lackawanna to get to their jobs, is indicative of a tremendous devotion to duty. As also is pointed out, maintaining service was equally a tribute to the management of the line.

I know from personal contacts that commuters on the line were not only deeply appreciative, but also almost amazed that the trains were running that day.

The editorial also emphasizes a point I long have stressed—that mass transportation is the lifeline of modern urban-suburban society. The urban mass transit legislation which I have introduced, not only would insure that the railroads always will be running, but would provide integrated networks of transportation.

I believe the Evening News editorial is an appropriate tribute to the employees and management of the Erie-Lackawanna Railroad.

I ask unanimous consent that it be reprinted in the RECORD.

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

HOW TO RUN A RAILROAD

A sampling of letters from grateful riders printed in adjoining columns reflects the metropolitan community's appreciation for the superb performance of the Erie-Lackawanna Railroad during the weekend snowstorm that crippled other forms of transportation and most other commuter lines.

The Long Island Rail Road collapsed under a blanket of white. For all its new equipment, PATH was knocked out from Jersey City to Newark for 24 hours. The Penn Central managed to run about half of its trains, and these from three to four hours late.

Though jammed with riders who normally drive, the E-L burrowed through with 50-year-old rolling stock, canceling relatively few trains and holding fairly close to schedule.

How does this line consistently cope with adversity when others falter or fail completely? The main factor appears to be a remarkable devotion to service shared by supervisory personnel, engineers, trainmen and yard crews. Last Sunday, well before the storm reached its peak, E-L train crews reported hours before they were due to keep the tracks open and idle cars from getting snowbound.

Management clearly deserves credit for maintaining this spirit in the face of discrimination in the allotment of funds under the state subsidy and transportation bond issue.

While other railroads could emulate the Erie-Lackawanna to advantage, there is a larger lesson to be learned from civilization's latest losing bout with the elements. That is the absolute need for improved rapid transit in urbanized areas.

Before many more millions are spent on roads and highways that are choked with traffic as rapidly as they're built, New Jersey's transportation officials should concentrate on producing an integrated transit network using existing facilities and modernizing them as quickly as possible.

A TRIBUTE TO MICHAEL MUNKÁCSY

Mr. GOODELL. Mr. President, today is an occasion of great import to the world of the arts and to the heroic Hungarian people, known throughout the world for their democratic spirit. For this week is the 125th anniversary of the birth of Michael Munkácsy, the celebrated Hungarian artist and patriot.

Michael Munkácsy was one of the most popular painters of the 19th century. He had a brilliant career and at the age of 26 was awarded the Gold Medal of the Paris Salon. For a dozen years or so, his name was a byword in European art circles and it was generally assumed that he would be remembered among the greatest of all time. Among the talented Hungarians in Europe during his lifetime, he was one of the best known, second only to the brilliant composer and musician, Ferenc Liszt.

Munkácsy was a clear-cut traditionalist, and a brilliant one. His tonal treatment, his striving for plasticity and reality, and his search for textures conveying exactness of reproduction to the fullest possible extent, rendered him the idol of all who worshipped the styles of the past. His triumph was interrupted by the development of the impressionist school, to which both he and his public were opposed. When the impressionists became the major force in the art world, Munkácsy was for a time obscured. A reevaluation of his work took place in the 1920's, however, and he once again was hailed as a master. From that day forward, he has been known as the greatest of Hungarian painters.

Before Munkácsy, there had been attempts, founded on romanticism, to create a living Hungarian art, national in spirit. Munkácsy carried these attempts much further, by means of his dramatically powerful romantic realism, which became the dominant form of Hungarian painting in the 19th century. His style featured strong character portrayal and sought to emphasize dramatic moments in the life of those concerned. The best works of Munkácsy would seem to emanate from a deep, responsive feeling for humanity. Here was no innovator, perhaps. But here was certainly an artist imbued with intense sympathy, critical judgment, social consciousness, and, not least, the ability to express the characteristics of a people. He was one of those who, in the words of the Hungarian patriot, István Szechenyi, "gave a nation to the world."

In his own country and in the eyes of Hungarians in every land, Munkácsy stands today as something in the nature of a legendary hero. He was the first truly great artist to tell the story of Hungarian life to a world which theretofore was virtually oblivious to it. He was a true Hungarian nationalist, and the force of his work helped strengthen the determination of his people to strive for freedom, against all odds and under any condition whatsoever.

THE FUTURE OF THE POVERTY PROGRAM

Mr. NELSON. Mr. President, the new administration sent a message to Congress on the future of the poverty program on Wednesday of last week. The message had been eagerly awaited by Congress and by the many thousands of people involved in the administration of

the poverty program at the Federal, State, and local level.

Personally, I consider the President's message a very constructive statement, indicating a sincere desire to work with the Congress to refine and perfect the poverty program in this session of Congress.

The New York Times commented on the President's message in an editorial on Thursday, February 20. The Times cites the President's strong commitment to the war against poverty and says that the President's message provides "solid ground for hope for the future of this essential national program."

In a related news story on Thursday, February 20, Tom Wicker, Washington correspondent for the New York Times, quotes Mr. Pat Moynihan, Urban Affairs Assistant to the President, as stating that the poverty program's goals are valid and this administration wishes to embrace them as its own goals.

As chairman of the Senate Subcommittee on Employment, Manpower, and Poverty, I am greatly impressed by the message from the President and these commentaries on it from the New York Times. I ask unanimous consent that the statement I issued here Wednesday in response to the President's message and the editorials and the news article from the New York Times be printed in the RECORD.

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

STATEMENT BY SENATOR GAYLORD NELSON, FEBRUARY 19, 1969

The President's decision to embrace the present Office of Economic Opportunity and its goals will make it possible to keep the war on poverty moving forward while long range improvements are studied.

I was particularly pleased at the decision to maintain the Job Corps program substantially as it has operated in the past, in sharp contrast to statements during the campaign to the effect that it would be abolished. The fact is, these residential training centers are needed for poorly trained young men who are unable to obtain schooling and job training elsewhere because of lack of facilities or racial discrimination. The Job Corps program certainly can be improved, but to abolish it with no substitute plan for these youths with special problems would be irresponsible.

Differences of opinion will always exist as to specific proposed changes, of course. I do not want to pre-judge the proposals relating to Head Start, the Job Corps, the community health center program, and the foster grandparent program. Certainly any supporter of the Head Start program would be reassured, however, by the President's expressed determination to protect the program from domination by any one group, and to make it an even better and more effective program for child development.

Congress must completely review the Poverty program this year, and it is inevitable that substantial changes will be made. We need much better coordination of all programs dealing in poverty, of which the OEO programs represent only about 10% of the total. We need better management all along the line. We want renewed emphasis on local community responsibility, and self help. We need to fill in some of the present gaps in the program. For one example, we need some kind of new job creation program, fitted into a comprehensive manpower policy. We need new devices to trigger economic development in poor neighborhoods. And we need new attention to *rural* poverty, where 40% of the poor live, largely unreached by present programs.

By requesting an extension of the present poverty program, and by avoiding any proposals to wreck or abolish the program, the Nixon Administration seems to have set the stage for a working partnership with the Congress to attain these common goals.

[From the New York Times, Feb. 20, 1969]

IN THE NATION: A LITTLE RIGHT OF LEFT

(By Tom Wicker)

WASHINGTON, February 19.—From the public actions and the private talk of President Nixon and his associates it is now possible to get a reasonably good impression of this Administration's direction in several important domestic areas. That direction might be described as "a little to the right of the left of center."

Mr. Nixon's anti-crime program for the District of Columbia, which the Administration regards as a possible national model, includes the dangerous and disturbing possibility of a limited system of preventive detention; otherwise, it is less punitive than his campaign rhetoric suggested and places a healthy emphasis on improving police and court procedures and the administration of justice.

POVERTY PROGRAM EXTENDED

The President also has moved to extend the life of the Johnson-created Office of Economic Opportunity for another year, an even further departure from the Nixon campaign line. This appears to reflect a judgment—as Pat Moynihan put it—that the poverty program's "goals are valid and this Administration wishes to embrace them as its own goals."

On the tough and immediate question of enforcing school desegregation, Secretary Finch of H.E.W. has moved on from an uncertain start in which he delayed final decision to withhold Federal funds from five Southern school districts. He has since cracked down on three other Southern districts and has spoken out bravely about attacking the widespread *de facto* school segregation outside the South—some of which he believes is plain old discrimination.

ROCKEFELLER'S PRESSURE

There also is some barely discernible motion toward relief for the financially hard-pressed states—although nothing like the sweeping proposals of Governor Rockefeller of New York. On this issue, the Governor has poured on the kind of pressure seldom applied to a President by a defeated rival, or even by a party member in excellent standing with his leader. Having drastically cut back proposed New York social expenditures, while making it known that one of his purposes was to force Federal action to aid the states, Rockefeller then preached his gospel directly to the President last week in a highly publicized Cabinet-room session.

Later, he hired the respected former Democratic H.E.W. Secretary, Wilbur Cohen, to help put his state-aid plans into legislative form. Then he returned to Washington on what he called "a selling trip"—the theme of which was that unless some help for the states was forthcoming, the Federal system might collapse.

It might, too, at least in terms of the states' ability to provide even low levels of social services. Even so, few high Nixon Administration officials are ready to go along with the Rockefeller plan to retain indefinitely the 10 per cent surcharge on Federal income taxes and turn the revenues over to the states for educational purposes. One official with great influence on domestic legislation points out, for instance, that the surcharge was passed for a specific anti-inflationary purpose and was coupled at the time with a Congressional direction for reduced Federal spending.

STATE NEEDS DRAMATIZED

It therefore would be a "breach of faith," in this influential view, to put the surcharge on a permanent basis or to use its handsome proceeds to finance new Federal spending programs.

Rockefeller has nevertheless succeeded in dramatizing the fiscal needs of the states. The result might be quicker motion toward limited forms of assistance. Secretary Finch, for instance, has under sympathetic consideration a plan to establish a Federally supported "mean" between Mississippi's $7.90 monthly payment to dependent children and New York's $50.83 (1966 figures).

FEDERAL AID "MEAN" PLAN

The difference between the payment level of a state like Mississippi and the "mean" would be paid by Washington, which would also take over a small percentage of payments above the mean by states like New York. The higher-paying states would further profit, it is believed, from a slowdown of the migration of welfare recipients out of the low-paying states.

That is less state aid than Rockefeller is advocating, although, for the poor, it is more—again—than might have been expected from the campaign discussion of welfare issues. As for helping the states with health and education expenditures, high Administration officials are talking mostly about an eventual system of block grants, providing the states more flexibility in the use of Federal funds.

[From the New York Times, Feb. 20, 1969]

THE POVERTY MESSAGE

President Nixon's message to Congress on the reshaping of the antipoverty program is modest in its ideas and in its language. Its chief significance is that the President has decided, at least temporarily, against dismantling the Office of Economic Opportunity, which directs the war on poverty. His long-term plans remain obscure.

In a deliberate shift of rhetorical emphasis away from President Johnson's grandiose and overoptimistic approach, Mr. Nixon stresses not the urgency of what needs to be done but how little even the experts know about what to do and how to do it. "Precedents are weak and knowledge uncertain," the President declares. "How vast is the range of what we do not yet know and how fragile are projections based on social understanding."

For all his caution on these points, Mr. Nixon does spell out some clear precepts. The blight of poverty is to have priority attention. The Office of Economic Opportunity, though stripped of its control over Head Start and the Job Corps, is to stay in business as a hatcher of innovative programs to combat want. If these precepts are observed in the formulation of future policy, the Administration will be moving in the right direction.

The President sets forth a national commitment to provide all children a "healthful and stimulating development during the first five years of life." How significant that commitment proves depends upon the quality of the programs which the Administration develops. The earlier in life the problems of poverty can be attacked, the better the chance that an individual will avoid educational failure and a lifetime of dependency.

But, desirable as it is to concentrate effort and research on radically improving the first five years of a poor child's life, society cannot afford to downgrade the problem presented by several million older children and youths who are failing in school and getting nowhere even in today's booming job market. The President's message largely ignores them, but these lost youths are potential social

dynamite. Society has to keep seeking solutions and helping them as much as it can. Preventing poverty in the next generation cannot be the whole answer.

In its specific recommendations, this message is essentially an interim report. Mr. Nixon promises a more comprehensive statement in May or June of his long-range plans for combating poverty. The timetable will give Congress a year to consider revisions in the Economic Opportunity Act which is scheduled to expire June 30, 1970. Meanwhile, the President asks Congress to appropriate money to carry the programs until that date.

His decision to persevere is a welcome rebuff to those reactionaries who had hoped the new Administration would abandon the antipoverty effort. If Mr. Nixon follows up this decision effectively in his choice of a new head of O.E.O., there will be solid ground for hope for the future of this essential national program.

THE OVERCOMMERCIALIZATION OF TELEVISION

Mr. SAXBE. Mr. President, I am disturbed by the current commercial practices prevailing on television, and I find that my constituents share this concern. The problem entails the number of commercial announcements broadcast by some stations, the frequency and manner of program interruptions for the broadcast of commercials, the length of some commercials, and the total amount of broadcast time devoted to commercials.

I am aware that this subject is not new. The history of the problem predates the inception of television, being an outgrowth of commercial radio. The question was recognized as early as 1922 by Herbert Hoover, then Secretary of Commerce. He said:

> It is inconceivable that we should allow so great a possibility for service to be drowned in advertising chatter.

Congress addressed itself to the regulation of the airwaves in 1934 by passing the Communications Act, establishing the Federal Communications Commission. In 1963 the FCC unsuccessfully attempted to limit the length of television time devoted to commercials, by adopting the existing National Association of Broadcasters' Code of Good Practices in its rules and regulations. In response to heavy pressure the FCC unanimously terminated the rulemaking proceedings on January 15, 1964. Nevertheless, in February the House of Representatives, by a vote of 317 to 43 passed the Rogers bill designed to prohibit the FCC from making rules relating to the length or frequency of broadcast advertisements.

The FCC now acts on a case-by-case basis. It can revoke a broadcasting license or refuse to grant an application for a renewal. In fact, the FCC routinely approves applications for renewal. If a station has flagrantly exceeded the proposed commercial time as stated in its previous application, the FCC may grant a short-term renewal for 1 year instead of the customary 3-year renewal. This penalty may be meaningless if invoked only when a station exceeds the proposed limit. The station may then qualify its application for renewal to such an extent that its proposed commercial time is indefinite. For example, the FCC recently approved an applicant that indictated its standard will not normally be expected to exceed 33 minutes of commercials per hour.

Presently sponsors have been cramming more but shorter messages into the same time space. With the establishment of the 30-second commercial as the basic advertising unit, there has been a 100-percent increase in commercialization over the former 60-second commercial. This practice has been approved by the TV Code which also recently authorized four commercials in a row instead of three during programs, and three instead of two during station breaks.

The increase in number is further compounded by the repetition of loud, irritating, and annoying commercials. I recognize the right of an advertiser to use reasonable means to present a product in an attractive and intelligible manner. Unfortunately, a recent poll indicates that annoying TV commercials do not hurt sales, but may actually stimulate them. This result appears to have evoked a rash of commercials, insulting the intellect of the average American TV viewer. Daily he is confronted with incorrect grammar, bad manners, and psychological misrepresentation such as the equation of products with sex appeal. No one should have a right to inundate the public airwaves with obnoxious and offensive material designed to stimulate sales. This continuing annoyance constitutes a nuisance which must be abated.

The default on the part of the NAB in effectively addressing these problems and others caused the Westinghouse Broadcasting Co. to withdraw from membership in the TV Code last month. The increase in the number of commercials, compounded by the annoying manner in which they are presented, apparently demonstrates that the networks and stations have failed to meet the challenge of self-regulation.

This challenge must be met. It cannot be met by the public. The argument that the public controls the network policy by holding the power of acceptance or rejection is sheer nonsense. Because of the limited number of stations in the market and their similar commercial practices, the public does not have a viable choice.

Therefore, the broadcast industry is left with two alternatives. It may allow its indifference to lead to such a public outcry that Federal regulation of commercials ensues or it may rise to meet the challenge of self-regulation, a challenge that has not been met.

At this time a public warning to the television industry to take corrective measures would seem most appropriate. A stricter code and voluntary policing on the part of the National Association of Broadcasters is essential. The subscribers to the code should include all but those few stations that are too small and financially unable to meet its requirements. Finally, the FCC should pay closer scrutiny to renewal applications. The ownership of a television license is a public trust—not a property right. The airwaves in fact belong to the public. This public trust must not be violated by an overdose of television commercials, which annoys the public in the privacy of their own homes.

METHODS OF MILITARY CONSCRIPTION

Mr. SCHWEIKER. Mr. President, we face a growing awareness by the citizens of this country, particularly our young people, who are most directly affected, that the present inequitable and outdated methods of military conscription must be changed. The ultimate solution to this problem is the abolition of the draft and the institution of an all-volunteer army.

The distinguished Senator from Oregon (Mr. HATFIELD) has been one of the leaders in the effort to establish a volunteer military. Recently I joined with him and eight other Senators in proposing legislation to end the draft as it is now constituted and to substitute a volunteer army. In addition, I believe that efforts should also go forward to improve selective service procedures, so long as we are faced with the system's continued existence.

Senator HATFIELD expressed his views on a volunteer army to students at the University of Montana, in Missoula, on February 7, 1969. I ask unanimous consent that the text of his outstanding and challenging remarks be printed in the RECORD.

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

ADDRESS BY SENATOR MARK O. HATFIELD

Many thoughtful and concerned people have correctly identified the major challenge this country faces today as our apparent inability to rationally establish national priorities. One example. There are between 10 and 20 million hungry and malnourished people in the United States—the most abundant nation in the world—but somehow we just cannot seem to muster the needed resources or commitment to end this shameful situation. Instead, we spend billions upon billions upon billions of dollars stockpiling weapons to kill every person on this planet a dozen times over. The irony is that no one consciously sat down and decided that the children in Mississippi should go hungry. This insane distortion in our national and moral commitments is the result of ritual, not reason: the generals in the Pentagon whisper that they want bigger and better bombs; the public hysterically demands that we close the "megaton gap;" and the politicians frantically pledge billions of dollars to feed that most sacred, if mythical, cow—"national security."

And the children whimper in their sleep because they are hungry.

It has become fashionable to blame this imbalance in our national priorities on a sinister conspiracy of the "military-industrial complex." Critics cite the fact that the national defense budget was 40 million dollars annually when President Eisenhower made his farewell address in which he issued a warning about the growing alliance between military and industrial interests. Today, less than a decade later, this defense budget has doubled to 80 billion dollars. Critics also point to the implications of the fact that one out of every 10 workers in this country is employed in defense activities. Ten percent of our breadwinners and, therefore—counting their dependents—at least 20 percent of our population finds its livelihood dependent on the continued good health and fortune of the defense establishment.

But these horrifying statistics don't tell the entire story and it is much too simplistic to describe the nature of the threat as the ambitions and momentum of the military-industrial complex. Our universities,

from where much of the opposition to this alliance has grown, have hypocritically nourished the monster they seek to destroy. Last year alone, our universities accepted $300 million in research and development funds from the Defense Department. This money financed projects ranging from research into the inhuman weapons of chemical warfare to the installment of computers in Thailand for the purpose of analyzing, projecting, and hopefully programming the behavior of the Thai peasants. Our universities are slowly being corrupted by the very forces they fear. They, too, have a great deal at stake in the continued good health of the defense establishment.

There is yet another arm to this octopus which is strangling our national conscience and consuming the resources that are needed to nourish our people and improve the quality of life in our country. Like private enterprise and academia, the world of politics also has a vested interest in assuring the vitality of the defense establishment. Congressmen and Senators often find their hope of re-election partially based on the amount of defense contracts they bring into, or keep, in their districts. In many cases it would be political suicide for them to vote to cut back defense spending if it in some way affected the economic health of their constituencies. So politicians, who are in the best position to understand the dangers of the military-industrial-academic-political complex, are also in a difficult position to do anything about it.

Thus, we are on the verge of creating a frankenstein we are unable to control. But the situation is not hopeless. Although there is no one solution, no single brake that can be applied, there are some steps that can be taken to create a counterforce to the momentum of our movement toward a militaristic society. We can place checks on our government's ability to involve the United States in war.

Let's look at it realistically. The ability to put young men in uniform is absolutely vital to any major commitment to war. One man—the President—now has this ability and there exists no effective check on it. The Executive Branch of government has declared that the President, as Commander-in-Chief, has the power to send American men, in any number he chooses, to any spot in the world, without the approval or even consent of Congress. I have again proposed a bill that would, in its effect, place restraints on the President's unilateral capacity to involve the United States in conflict. This legislation would also enhance rather than inhibit our ability to respond to genuine threats to our national safety.

Several weeks ago I introduced in the Senate the Voluntary Military Manpower Procurement Act of 1969 which would abolish the draft and return our nation to a voluntary military. If our armed forces were based on volunteer enlistment it would curtail the Executive Branch's unilateral capability to involve us in war in two ways. First, since the armed services would fill their ranks with volunteers rather than draftees, it would be difficult for the President to commit us to an unpopular war such as Vietnam and still induce the necessary number of young men to volunteer. Before intervening in a conflict, then, the President would be forced to consider very carefully whether our involvement could be convincingly justified to the public.

A further check will be the President's awareness that if he can't sell the war to the American public, he must be able to sell it to Congress. If insufficient numbers of young men believed in the commitment enough to volunteer, the President would have to ask Congress to re-institute the draft. Before he decides to intervene in conflict then, he will take pains to see that he can justify his action to Congress and this fact should reduce the possibility of a ill-considered commitment of troops.

A volunteer military will force the President and his Joint Chiefs of Staff to think through even a limited commitment of American military forces and consider every possible outcome—a requirement which might have produced more rational policies with regard to Vietnam.

I believe a voluntary military would also help slow down military spending by making the true costs of our defense system more apparent.

A voluntary military would not cost any more than an army of conscripts. In principle, the price would be just the same but the bill would be sent to a different party. Under a voluntary military, as I propose, all taxpayers would share the true costs of supporting our armed forces. This is not the case under our current draft system where those young men we force into the military are the ones that subsidize their own service. Let me explain. When a young man is capable of earning $350 in civilian employment and is drafted into the army where he only earns $210—including room, board, and family allowances—he is forced to sacrifice the difference between what he could be earning as a civilian and what he actually earns as an army private. So, in addition to donating two years of his life, the young man is also forced to sacrifice $140 a month in terms of what he could be earning. I am determined that we remedy this injustice by placing the financial burden of our national defense where it belongs—on the general taxpayers rather than on the hapless shoulders of the young men we force into uniform.

The $140 of earning power that is denied draftees is called a *hidden* tax. It does not appear in the national budget and it is not paid by the general taxpayer. But it is a very definite tax against the young men drafted into the armed forces. Professor John K. Galbriath very eloquently described this inequity: "The draft survives principally as a device," he said, "by which we use compulsion to get young men to serve at less than the market rate of pay. We shift the cost of military service from the well-to-do taxpayer who benefits by lower taxes to the young draftee. This is a highly regressive arrangement that we would not tolerate in any other area. Presumably, freedom of choice here as elsewhere would be worth paying for."

An outstanding economist and scholar, Professor Walter Oi, has produced figures that point out the magnitude of this inequity. On the basis of 1964 statistics, he has estimated that the hidden tax—or the difference between what a young man could earn as a civilian and as a draftee—was $1,680 per year. But during that year taxpayers over 21 paid an average federal tax of only $633. In Professor Oi's words: "The typical draftee [was] thus saddled with a hidden tax that [was] over twice as high as the federal income tax burden of an individual taxpayer."

As a footnote to this discussion of the inequity of the hidden tax—or tax on patriotism as some have called it—I would like to make this point. Maintaining the armed services and providing for the national defense takes both human and material resources. We get the necessary human resources through conscription and without paying what it is worth. No one has ever suggested that we also conscript the necessary material resources. There is no need to describe the reaction of the business world if we began to conscript needed guns, blankets, food, and jeeps and paid less than two-thirds of what these goods were worth. Is it any fairer to do this to young men: to requisition two years out of their lives; send them off to wars from which they might not return; pay them less than two-thirds of what they could earn on the open market; and, as the final insult, refuse to allow many of them a voice or vote in these basic decisions that affect their lives.

If we paid young men salaries high enough to induce them to volunteer, we would merely be paying for the true value of their service and the added budgetary cost would only be a reflection of the actual cost of our armed services. Under the draft, the American voter never sees the true cost of our armed forces because he doesn't have to pay it: the young man in uniform does. Under a voluntary military where we paid realistic salaries, the public would see for the first time what the maintenance of our armed forces was costing the country. The taxpayers concern with the pursestrings could be counted on, then, to cause them to look more carefully at our military commitments to see if they are truly worth paying for.

But I did not introduce my bill to move our nation to a voluntary military for the single purpose of providing checks on the ability of our government to involve us in war. The draft should be abolished because it cannot meet the three criteria of any military manpower procurement system: First, to preserve the maximum amount of individual liberty and freedom from unjustified intrusion by the government; second, to be fair in its application so that every young man receives equal treatment and no young man is required to make sacrifices that are not demanded of his peers; and third, to provide the maximum national security with the greatest efficiency and economy.

It can very definitely be shown, I believe, that the current selective service program does not meet these criteria. First, the draft denies individual liberty. As the Wall Street Journal pointed out editorially: "We should recognize that [the draft] is about the most odious form of Government control we have yet accepted. We should not forget that it is a basic violation of our traditions of freedom and individualism. . . ." I feel strongly that each man has a moral obligation to serve his country, but he must be granted the freedom to accept his responsibility and the right to determine what form his service shall take. Individual liberty is not a concession granted by government that can be withdrawn or that must be paid for by military service. It is the ultimate and guaranteed right of democracy and it must not be compromised.

The draft also fails to meet the second criterion because it is not equally applied to all men. There has been a great deal of resentment generated because the Selective Service System is not administered uniformly throughout the country; because of the uncertainty young men must live with; and because of the many inequities of the deferment system. But the most basic inequity—which is often camouflaged by listing of specific injustices—is the fact that a smaller and smaller minority of our young men is carrying the burden of national defense. Even under today's crisis conditions, the military services draft only about 350,000 men out of a draft eligible pool that totals 12 million.

Addressing the third criterion, that of efficiently and economically providing the necessary quantity and quality of men, it is found that the current system of conscription again fails to meet the mark. Why? Because the Selective Service System is designed *only* to provide large numbers of men and is inherently incapable of supplying well-qualified personnel to the armed services. The sad fact is that draftees, who have been taken from civilian life against their wishes, spend their two years of military service counting the days until they get out. As soon as the required period is over, they inevitably return to civilian life. Their empty bunks are filled with other unwilling draftees and the cycle continues. Any personnel manager would be quick to agree that low morale among employees reduces the efficiency of any operation and in a situation where men are forced into duty against their will, low

morale is to be expected. Consequently, inefficiency results.

The eagerness of draftees to return to civilian life also prevents specialized training and in-depth knowledge of the complex weapons systems of our country. With its emphasis on quantity rather than quality, the draft automatically produces a high turnover rate in personnel. Among draftees, this turnover rate is 92 to 95 percent. In other words, only 5 to 8 percent of the young men drafted stay in the armed forces beyond their two-year obligation. Consider the implication of these statistics on our national security during a period when, as NAVY magazine points out "the new demands imposed by warfare suggest that what we need is not only superweapons but supermen in uniform."

There are a number of people who propose the establishment of a national lottery system where draftees would be selected on a random basis from a pool of draft-eligible 18 or 19 year olds. Again, this proposal does not meet the established criteria of an acceptable military manpower procurement system. First, this method does not alter the fact that young men are forced into duty and are denied their individual liberty. Second, this method of randomly selecting who shall serve does not alleviate the basic injustice of the draft but only treats some of its symptoms. The lottery could reduce some of the inequities currently found in the deferment system and the lack of uniform administration by the 4000 draft boards, but it does not remedy the basic inequity of forcing one man to serve while allowing another his freedom. In his book, "The Wrong Man in Uniform," Bruce Chapman questions: is injustice handed out by a machine any more tolerable than injustice handed out by men? The lottery he contends, "would be a supremely callous, a dehumanizing, a frivolous, Government-sponsored game of Russian roulette."

And, finally, neither is the quality of servicemen improved nor the efficiency or economy of the system enhanced under the lottery proposal. Men will still be serving against their will and the turnover rate will be no different than today. The lottery approach is a patchwork proposal designed to cover some of the gaping holes in the fabric of military conscription, but it does little to re-tailor the flaws in the basic design of the draft.

I am convinced that the current frustration with military conscription can lead to more than ineffective reform of the draft laws: it can lead to the abolition of the draft and a return to a system that first, provides absolute personal liberty and freedom from government interference. No one would be forced to serve in the armed forces against his will. Second, a volunteer system would eliminate the inequities of conscription and would end the injustice of forcing some to serve while allowing the majority their liberty. Third, a voluntary military system would provide a more efficient and effective armed service.

While logic and principle may both support the concept of a voluntary military, the question still must be asked: "Is it practicable?"

The voluntary military is unusually first challenged on the grounds that it would never provide the armed services with the number of men needed. The evidence, however, points to the contrary.

In reality, we are talking about rather small numbers of men. In peace time, a volunteer military, with its reduced turnover, should only need to recruit about 330 thousand young men a year in the enlisted ranks. Statistically, this comes down to less than two men out of every 100 in what is called the "draft-eligible pool"—those young men between ages 18 and 26. Even if this "pool" is limited to the ages 18 through 20—when most young men are making career decisions—the military would still need to recruit only about six out over every 100 men into the enlisted ranks each year.

The task is to make a military career attractive and rewarding enough to induce this relatively small number to volunteer. Two economists who worked on the 1964 defense manpower project sponsored by the Pentagon—Professor Walter Oi and Dr. Harry Gillman—have concluded that salary increases totaling somewhere around $4 billion or less would provide *all the incentive needed* to supply a peace-time armed forces. The price tag would raise to about $8 billion during wartime. I would be happy to go into the facts and figures supporting these estimates later on if anyone wishes.

But I personally believe we should go beyond just making a military career competitive with civilian employment in terms of salary. My bill contemplates not only raising pay scales considerably but seeks to improve the fringe benefits and status of a military career. Among the improved benefits are greater educational opportunities and the expansion of social, cultural and recreational facilities for military personnel and their families. Other provisions of the bill ease the currently rigid promotion schedules and increase re-enlistment bonuses. Also, the bill provides for the improvement of the Ready Reserve and the National Guard.

I am confident that by increasing the pay scales and making a military career more attractive in the fore-mentioned ways, we will be able to attract the necessary numbers of men and return our country to a voluntary military.

A second common criticism of the proposal for a voluntary military is that it would produce an all-black army. This is very improbable.

First, it is not too likely that higher pay scales would make the military a corresponding greater attraction for black Americans. Robert Tollison argues convincingly in his article "Racial Balance and the Volunteer Army" that increased pay would not cause a significant increase in black enlistments because most blacks who are interested in a military career join now. Even with its current low pay scales the military offers many black Americans better employment opportunities than they can find in the civilian job market.

Even if *every* black young man decided on a military career, currently only about 100 to 120 thousand of them are *eligible* to enlist because of the military's physical and academic standards. Professor Thomas Schelling of Harvard University has estimated that at present acceptance rates, about 10 blacks would be accepted for every 50 whites, with an ultimate ratio of about 20 percent of the armed forces. Even if enlistment standards were made more flexible and more black Americans were eligible to enlist, it is difficult to argue convincingly that even a larger ratio would be undesirable. As is pointed out by five members of Congress in their book "How to End the Draft": "There is nothing wrong with the fact that military service in an all-volunteer Army might offer some Negroes better living conditions, better education, more secure employment, a better chance of assuming responsibility, and a more dignified life than the civilian economy can offer. It is not our military system which should be condemned for offering a chance to the Negro, it is the civilian sector of our society which should be condemned for failing to allow the Negro to share fully the fruits of America's prosperity."

But our nation is committed to improving the economic opportunities for our black citizens. As we expand the possibilities in the civilian job sector, fewer black men will find the military to be the most attractive road to higher economic and social status and this will tend to place an effective ceiling on the number of blacks who enlist.

It is unlikely that a voluntary military will result in an all-black army for a final reason. Blacks compose only one-third of what the Office of Economic Opportunity has categorized as "poor" Americans. For every black young man who found the military attractive because of pay and other benefits, two white young men would be drawn into a military career for the same reasons.

A voluntary military is also criticized on the assumption that a professional military would be an automatic political threat: alarmists have gone so far as to predict military coups. There are several factors that render this argument slightly ridiculous. First, except for the last thirty years and a brief period during World War I, our nation has relied almost exclusively on a volunteer or professional army. Civilian control of government has never been threatened.

Second, we by and large already have a professional army. During the years 1960–1965, before Vietman, draftees comprised only 3 percent of the total armed forces. Today, at Vietnam force levels, they represent only 15 percent. These draftees, who are only in the service for two years and who are at the very bottom of the military power structure, have very little ability to inject a "civilian" influence on the military. The danger of military elitism comes primarily from the officers who are, and always have been, professionals. The civilian influence must be injected at the top—in the office of the Secretary of Defense and the Secretaries of the Army, Navy and Air Force, if we are to establish safeguards against the dangers of a military clique or class. The possible military threat to political stability is largely unrelated to the system used in recruiting enlisted men.

Critics have also emotionally condemned the concept of an all-volunteer military because they fear it would result in an army of "mercenaries." This, too, is not a very credible argument. Number one, it presupposes that young men will choose a military career solely because they are paid well. Young men who pick careers as teachers or carpenters certainly don't reach their decision purely on the basis of economics and there is no reason to think that those who enlist in the military would be motivated entirely by pay scales. In the second place, our military officers have traditionally been well-paid and they have not been characterized contemptuously as mercenaries. Indeed, as the prestigious magazine, Science, has asked editorially, "Why is a volunteer officer [called] a 'dedicated career man' but an enlisted man [called] a 'mercenary'?"

One final criticism made of an all-volunteer military is that it would not be as flexible as an army produced by the draft. There is little logic to this argument. An estimated 43 percent of the army at any given time has less than one year's experience. In an emergency situation are we willing to risk the possible consequences of committing these inexperienced troops? In all probability, future conflicts in which U.S. troops become involved will be guerrilla actions—such as Vietnam. Our experience in this war has shown that what is needed is a force of highly trained men not green recruits who see action for only a few months before their tour is over.

In a time of crisis such as the beginning of the Korean War or the Berlin Crisis, the draft is irrelevant to our ability to respond rapidly. Logistically, it takes at least two and a half months to conscript civilians and turn them into soldiers. In crisis, we must be able to rely on the Ready Reserve, not the draft, to provide for our defense. And improved Reserve, as proposed in my bill, coupled with an experienced army, would provide the most flexible armed forces possible. And of course in the event of an all-out land war requiring the addition of millions of men to the armed forces, Congress could always reinstitute the draft.

My opposition to conscription can be basically summed up in one brief sentence. The draft is immoral in principle, inequitable in practice and injurious to our national security. The fact that we have docilely accepted it for so long is sad testimony to our lack of vigilance in protecting our democratic tradition and belief in individual liberty.

GREAT MORTGAGE HOLDUP

Mr. WILLIAMS of New Jersey. Mr. President, the boost in interest rates is a problem of growing concern as pointed out in a recent article by Sidney Margolius, a highly respected commentator on economic problems. His article illustrates just what the real cost of interest is today; particularly, that connected with Federal Housing Administration mortgages. The statistics are frightening and shocking. Such a situation could lead to that of many years ago where the purchase of a home was economically impossible for a substantial number of our citizens. It is a problem that must be dealt with, and I commend this fine article which illustrates the dimensions of the problem to my colleagues.

I ask unanimous consent that it be printed in the RECORD.

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

GREAT MORTGAGE HOLDUP

(By Sidney Margolius)

How would you like to put out $60,000 to repay a $20,000 mortgage?

That's exactly what can happen to you as the result of the Nixon Administration's action in raising the interest rate on government-guaranteed FHA mortgages to 7½ per cent plus one-half of 1 per cent for the FHA premium. This makes a total of 8 per cent.

At the same time the Administration raised the rate on VA mortgages to 7½ per cent.

This was the first action of the new Administration directly affecting consumers. It took place less than a week after the Administration took office.

The increase follows by nine months the jump from 6 per cent to 6¾ made by the previous Administration last May. In the last weeks of his Administration, however, former President Johnson had refused the request of VA Administrator William Driver to increase the rate again.

ACTUAL INTEREST PAID

People were shocked enough when they learned that 6 per cent rates on mortgages usually doubled the amount they would pay back on a 30 or 35-year mortgage. The new rates for the first time actually can triple the amount a homeowner pays.

For example, on a 35-year mortgage the payment for interest and principal at 7½ per cent comes to $6.75 a month for each $1,000 of mortgage, plus 42 cents for the FHA premium insuring the lender against loss (not charged on VA mortgages). On a $20,000 FHA mortgage, the payment would be $143.31 a month, or a total of $60,190 for 35 years. (These monthly figures do not, of course, include taxes or insurance often paid each month with the mortgage.)

That means a home buyer undertaking a mortgage on these terms would pay an incredible $40,000 just in interest. This is more than the average industrial worker earns in six years at current wages.

Even on a 30-year mortgage for $20,000, the home buyer would repay a total of $53,387.

At last year's 6 per cent rate (plus one-half of 1 per cent) the family that took on a $20,000, 30-year mortgage would pay back $46,184, and for a 35-year term, $51,450.

One of the most revealing aspects of the new increase is that for the first time, government-backed mortgages cost more than the ordinary "conventional" mortgages. These are made by the lenders without any government guarantee against loss. The Federal Home Loan Bank reported that the effective rate on conventional mortgages on new houses averaged 7¼ per cent in December throughout the country.

Rates on government-backed mortgages have risen gradually from the 5¼ per cent of 1965 when the Vietnam war became intensified. Usually increases were about one-fourth of 1 per cent at a time. But the two increases of three-fourths of 1 per cent each in less than nine months are double the total increase of the previous three years.

The leaping mortgage rates have been a main reason why home ownership has become the second fastest-rising item in the cost of living (next to medical costs). Homeowner costs have jumped 31 per cent in the past decade compared to an overall rise in living costs of 23 per cent.

WHAT CAN YOU DO?

What can you do about this, outside of just buying a tent? Obviously you have to shop interest rates more widely among different lenders, try to put down more, try to pay off sooner, and make sure you get a right to prepay without a severe penalty written into your contract (in case rates come down later).

Note that conventional mortgages are a little cheaper now than FHA or VA. You do have to make a larger down payment for a "conventional," and won't get as long to pay off. The more you can put down, the better your chances of getting a lower rate.

Avoid very long terms. A 35-year mortgage instead of 30 will reduce your payments only about $5 a month. But you'll pay $7,000 more in total interest.

A house with a lower-rate mortgage which you can take over now takes on additional value if the seller will let you take over the old mortgage.

On the other hand, if you are selling, you should know that you are still liable if the buyer takes over your mortgage. So be sure he signs a bond which makes him fully liable to the lender, and check his credit to make sure he is a good risk.

One thing Congress could do to help some young families and restrain rates in general, would be to give the VA more authority to make direct loans to vets at a lower rate than the present impossible 7½ per cent.

POSITION ON SALARY INCREASES

Mr. PEARSON. Mr. President, on January 30 I flew to London to attend the annual Anglo-American Legislators Conference. And on February 4 I flew from London to Tokyo to attend the United States-Japanese Parliamentary Exchange Conference. My participation in these two official conferences made it impossible for me to vote on the motion to reject the President's recommended increases in salaries to Members of Congress, judges, and certain executive department officials.

Mr. President, had it been possible for me to have been present I would have voted in support of the motion to reject the President's recommendation.

While I agree certain salary adjustments are necessary I believe it would have been far better to have made such adjustments in smaller increments over an extended period. An increase of this magnitude particularly at this time is unwise. At a time when we are trying to control inflation, at a time when we are asking for wage and price restraint, at a time when we are trying to keep Federal spending down, I simply do not believe the recommendations of President Johnson were justified or desirable.

SERMON BY RABBI JEROME W. GROLLMAN, OF ST. LOUIS

Mr. EAGLETON. Mr. President, Rabbi Jerome W. Grollman, of the United Hebrew Temple, is not only one of the most highly respected spiritual leaders of the St. Louis metropolitan area, but is one of the most distinguished public orators in that area as well.

He is a man of considerable conviction, considerable conscience, and considerable candor.

Mr. President, I ask unanimous consent that excerpts from a sermon delivered to his congregation by Rabbi Grollman shortly after President Nixon's inauguration be printed in the RECORD.

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

AN OPEN LETTER TO PRESIDENT NIXON FROM ONE WHO VOTED FOR HUMPHREY

(Sermon deliverd by Rabbi Grollman on Jan. 24, 1969)

DEAR PRESIDENT NIXON: How strange it sounds, how strange it seems, to address you by this exalted title. You see, for years, I have labored arduously campaigning against you. Indeed, in 1960, I stayed up most of the night, just to make sure that in the morning it would be John F. Kennedy—not you—who would be our President-Elect. Complete candor also compels me to admit that I was overjoyed when Pat Brown subsequently defeated you for the office of Governor in California. Nor was I dismayed when your state of pique at that precise moment seemingly signaled the end of your political career. Certainly, at that juncture, no one in his wildest imagination could have possibly dreamed that one day you would yet become the President of the United States. But you have! And not even those who have opposed you so strongly—not even your worst detractors—can deny the magnitude of your personal triumph. Speaking for myself, I can only look up to you with complete respect because of your fortitude, your endurance, your perseverance, and your refusal to abdicate to frustration and despair in your quest for the Presidency. For those faltering in the face of apparent impossible challenges—and who isn't—you have already become a symbol of inspiration of what can be accomplished when man is strong enough never to surrender to failure. . . .

PEACEFUL TRANSITION

There are not too many countries in this world where there could have been such an orderly change in government. Elsewhere, a change in government is inevitably accompanied by violent upheaval, revolution, riot, turmoil, bloodshed. Althought I personally have participated in many demonstrations and marches, I regret the detrimental actions on the part of a few extremists last Monday during the parade. But even these few incidents point up the almost completely orderly and totally calm transition of governmental authority which is the hallmark of our American democracy. The voice of the people has been heard . . . peacefully and . . . peacefully . . . their will has been done.

An Inauguration, after all, is like a wedding ceremony. The relationship between the President and the citizens of the United States is akin to a marriage. A husband cannot be truly happy unless his wife is happy. A wife cannot be genuinely happy unless her

husband is happy. So, too, a President cannot find his fulfillment unless his nation and citizenry also find their fulfillment. And a country's progress is so intimately related to the progress and accomplishments of the President who leads and serves it. Your success, Mr. Nixon—your success—will be our success. And our success will be your success. Indeed, you, you are our only hope. With the very survival of the world at stake, with our own land split asunder with strife which can possibly be fatal, if you should fail—if you should fail, what future is there for any one of us. Did I watch the Inauguration? Did I listen to your words? You bet your life I did! Because that's exactly what I was doing. I was, I am betting my life on you—my life and the life of my children and their children and their children's children.

ONE WORLD

And frankly, it's a wager that I think we're going to win. I pray we shall. We must. After all, you are an intelligent man. That we have never denied. You're ambitious—ambitious for a second term in office, ambitious to be remembered as a great President. And this is nothing to be ashamed of. To the contrary, you could not become a great President otherwise. You, much better than I, you know that you will rise or fall first of all on what you do about the war in Vietnam, your ability to bring that conflict honorably to an end. The Declaration of Independence guarantees us the right of life, liberty and the pursuit of happiness. Each day, however, I speak with so many young men, bitter, sullen, their faces gloomed with woe because soon or possibly already, they have been placed in a situation where they may be denied the right to life, much less the right to enjoy—liberty and the pursuit of happiness. Young people have the inalienable divine prerogative to plan their own future, to develop their talents and abilities and potentialities to attain the utmost meaning in their lives.

It is nothing less than criminal when we sentence these innocent youngsters possibly to die in the full bloom of their vigor, to die in distant jungles for a war that not one of us, not one of us truly understands. You have promised us that you will not heed the lunatic fringe of the extreme left. We pray also that you will not heed the lunatic fringe of the extreme right that would plunge and embroil us in further wars and hostilities which would toll the death knell of civilization. As a Jew, our liturgy is constantly punctuated with the aspiration Sim Shalom—"Grant us Peace, Thy most precious gift, O'Lord, Thou eternal source of peace." And no less do we beseech in this meditation—"Bless our country—bless our country that it may ever be a stronghold of peace and its advocate in the council of nations." Let this be the overriding ceaseless goal of your administration. As a devotee, a disciple of Franklin Delano Roosevelt and Adlai Stevenson, I shall continue to dream—and I hope you will—to dream fervently of one world—one world and for the United States a nation that is one, united, each of us devoted to the other.

ONE NATION

It is in Isaiah that we encounter the verse: And a little child shall lead them. Yet, out of the mouths of babes oftimes there issues forth the most sublime and noblest of truths. Never did you more impress, hearten and encourage me about your future as President than when your eye caught the placard of that young girl, the placard that plaintively exhorted: Mr. Nixon, unite us—unite us. I must confess that I'm somewhat of an alarmist. I'm a Jew. We Jews have no choice but to be alarmists. We know that a faint wisp of smoke can so easily become a devastating conflagration. We have stood aghast, terrified, as we watched a faint breeze named Hitler become murderous tornado Adolph, destroying everything in its path. . . . I'm somewhat of an alarmist and I frankly admit that I am afraid of what may happen in the United States in the next four years. I see incipient signs of revolt, revolution, bloodshed on the streets. I am apprehensive that the riots we have already experienced will be mere child's play in contrast to what is yet in the offing unless somehow our nation can be—must be—united—united in the near future—and time is running out.

LAW AND ORDER

In your campaign, you elicited maximum enthusiasm when you forthrightly promised to establish law and order. Fine! But let it be law that serves all, not just the elected few. Let it be law that extends justice rather than one that permanently perpetuates injustice. . . . By all means, let's have law and order. But let's enforce the law designed to correct conditions which help breed rats, just as much as we enforce the law that denies a group to parade without a permit. Let us indeed strive for law and order, but not the law and order that serves the special unique interests of the "haves" and rejects the special unique interests of the "have nots."

America is divided. In the words of the young girl, Mr. President, you must unite us before we tear at each others throats. Although I have long been involved in the Civil Rights Movement—at least emotionally—I would have every right to turn my back upon the struggle for equal rights to the Negro community—now that many extremist militant blacks are marching to the drum-beat of anti-semitism. I am sorry that in their bitterness and frustration, too many so-called black leaders need a scapegoat and spew their venom upon that group which has traditionally played the classic role of scapegoat—my people—the Jews. Let it be understood, however, that we Jews will no longer, never again will we play patsy and scapegoat for anyone—not even the Stokely Carmichaels or the H. Rap Browns. But neither will we turn our backs upon the remainder of the Negro community and their legitimate rights and needs. And Mr. President, neither can you. You must unite us in the spirit of justice and brotherhood and divine love.

YOUTH

In this respect, you will undoubtedly find your greatest challenge amongst the young—those of college age and their ilk and the like. They don't trust you. But don't be insulted. They don't trust me either. They don't trust anyone over thirty. But then again, why should they. What kind of world have we brought to them. Verbally, we have taught them to be honest, to build their lives upon principle and ethics and integrity. But when they do take all these teachings seriously, we condemn them and insist: Be realistic. Plastics—go into plastics—the Graduate is advised. We live in a plastic world, a phoney world. Why should they trust us when we have betrayed them—when we are more concerned about how clean is a man's body than how clean is his conscience, when we harp upon how neat are your clothes, but not how neat is your heart. When we become more exercised over long hair than long lynch ropes. Wire-tapping is not going to be the answer or larger police forces, or soldiers with fixed bayonets, or watering down Supreme Court decisions. America is dedicated to the principle: Law is created to serve the people. People are not created to serve the law. The young will trust us when once again America is America in spirit as well as in name.

FOREBODINGS

Alarmist and worrier than I am, Mr. President, I cannot deny that I harbor some forebodings about your administration. As a Jew, I feel somewhat uneasy about Governor Scranton's remarks concerning Israel and Arabs. Anyone with the briefest knowledge of politics knows that a Presidential Emissary does not make a public policy statement without having cleared it with the President first. After everything that Israel has experienced and endured, you cannot, Mr. President, you cannot allow Israel to be sacrificed upon the pagan altar of global politics.

Mr. President, I cannot deceive you. I voted for Hubert Humphrey! I have never been one of your great champions. With me, you would never win any popularity contests. But you have my support. Especially in light of your moderate and conciliatory inaugural address. I pledge to you my wholehearted loyalty so that together all of us—all citizens in this blessed country—may re-create an America which in every sense and in every dimension will be a "sweet land of liberty."

Sincerely and humbly,

Rabbi JEROME W. GROLLMAN,
United Hebrew Temple.

P.S.—Which, I hasten to add is the oldest Jewish Congregation west of the Mississippi River.

URBAN PROBLEMS IN NEW JERSEY

Mr. CASE. Mr. President, a recent speech by W. Paul Stillman, chairman of the board of First National State Bank of New Jersey and chairman of the board of the Mutual Benefit Life Insurance Co., to the Americanism award dinner of the Antidefamation League of B'nai B'rith, New Jersey region, at the Robert Treat Hotel, Newark, N.J., has been called to my attention.

In it, Mr. Stillman discussed urbar problems as they are present in New Jersey. Not everyone will agree with all of Mr. Stillman's proposals, but taken together they constitute a provocative response to social conditions by one who has long been active in the effort to rebuild Newark and make it a better place in which to live and to work. I ask unanimous consent that the full text of Mr. Stillman's speech be printed in the RECORD.

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

THE CITY AND STATE: REMARKS ON URBAN PROBLEMS IN NEW JERSEY

(By W. Paul Stillman)

I have no doubt that in giving me this award you are interested not primarily in flattering me—and certainly this is a flattering honor—but in furthering the cause for which the Anti-Defamation League stands.

As I understand it, your cause has changed somewhat from the time the ADL was originally organized. You first were concerned with manifestations of anti-Semitism. You soon realized that your real interest was in combating everything in our society of a defamatory nature.

The phenomenon of defamation certainly has not completely disappeared in America. nor is it likely to ever be 100 percent eradicated. But it is obvious to me that your organization, over the years, has been able to accomplish a great deal in this connection.

It should be evident to the Anti-Defamation League, for example, that the struggle for civil rights, where it has taken on an extreme character also has brought about anti-Semitic feeling from new quarters. There certainly is irony in that, in light of the efforts of the Jewish community to promote understanding.

What you are doing to combat defamation may be even more important in the years ahead than it has been in years past because the social problems which nourish discord

appear to be with us for awhile. By the same token, the ultimate answers to defamation and to all of the unsavory activities connected with it, lies in the solution of these problems. Defamation goes hand in hand with excessive social ferment, with oppression of minorities, with poverty, with unemployment, with poor schools, with bad housing and with crime and vice. The answer to defamation, then, must lie not only in a direct attack on its manifestations, but also in an assault on these conditions.

Unhealthy social conditions breed ill feelings, hatreds, jealousies, and misunderstandings. These in turn translate into the personal attacks and prejudicial feelings which you identify as defamation. I believe that a healthy society is the real answer to defamation. If we can find work for the unemployed, so as to reduce poverty, upgrade housing conditions and improve our schools, much of your job will be done for you.

If social conditions hold the real answers to defamation, then certainly the answers are to be found in our cities, because this is where most of our social problems today are rooted.

Presumably, you are bestowing this award upon me because you feel that those things in which I have had an interest will contribute in some way to the attack on urban problems, and in turn, to our best defenses against defamation. My main interests, of course, have been in the problems of Newark, because this is where both my business and civic activities have been centered. Besides that, I was born and raised here. With that as a premise, then, I would like to respond to this generous tribute by offering a few observations about Newark and our state. If what I say has any application beyond this city, or beyond New Jersey, then so much the better.

As you know, we have been committed for some years to the ideal of rebuilding Newark through a sound redevelopment program. We have many investments around the country, but here in our home city we have chosen to make our deepest commitment to rebuild, and we have done so because as buisnessmen we thought it would be good business, as well as good for Newark. I don't think you can argue with the proposition that sound redevelopment is good business for the city. We have caused to be built six new structures in the Washington Park area—with more to come. These locations once paid the city a total of $64,000 a year in annual taxes. Today those same properties are returning about $1,575,000 to Newark each year, or about 25 times as much. Despite the problems in Newark, we are pleased with our investment, and we would assume the city is, too.

Some corporations in the city have contributed in greater measure than others to the rebuilding of our area. It has not been without profit to them, I can tell you with both certainty and satisfaction. Other companies could profit by shedding timidity and entering into large-scale private enterprise rebuilding. It would prove worthwhile.

But there are a number of serious problems connected with redevelopment which must be checked if it is not to become a self-defeating activity. For one thing, it has long been our opinion that rather than bulldozing whole areas and placing people in inhospitable, vertical, institutional-type apartment buildings, we could save many taxpaying structures, and improve living environments at the same time, by reclaiming more of our rundown housing. I would like to see a development corporation formed jointly by business organizations for the purpose of reclaiming existing dwellings and then offering them to individuals. As we create more property owners, we create better, more interested and responsible citizens.

By involving the FHA in such a program, I would hope that monthly charges for this kind of housing would not be greater and in some cases less, than the unreasonably high rent some families now pay for inferior housing.

The problem of rebuilding a city must be approached from all sides. There is no single road. Each element of the community must do what it is best equipped to do. In keeping with this, perhaps business can accomplish much by working areas that are not beyond recovery.

Redevelopment simply for the sake of slum clearance, and without the prospect of something better for the city both financially and socially, is not going to solve our problems. It will just create new ones. We have an ever-decreasing tax base in the City of Newark, and a smaller tax base means less money for the city, which in turn means a diminished chance of conquering our social problems which cannot be conquered without money. If we clear land and don't build revenue-producing facilities to replace what we sweep away, we are simply compounding the financial squeeze which threatens to strangle our city, as well as many others. If we create new housing which increases population density where the population already strains the capacity of inadequate schools and inadequate supply of jobs, we are contributing to the increase of unhealthy social conditions. And that, as I observed a moment ago, in its roundabout way will add to the problems of the Anti-Defamation League in the years ahead.

Another reason that redevelopment can be unhealthy when not soundly conceived is that it takes jobs away from people. I cannot think of anything more basic to healthy social conditions than jobs. Today the industrial directory of this city shows a total of 1,169 industrial firms employing 10 or more people. In 1960 the directory listed 2,031 firms in that same category. This means that in that relatively short period of time we lost 862 employers of 10 or more each. That means we lost at least 8,000 jobs and possibly three or four times that number. You can't blame redevelopment for all of that, but the program of large-scale land clearance, without suitable replacement or relocation, has had its part in bringing this about.

The whole question of city finances, incidentally, is one that all of society is going to have to face with new attitudes and with new solutions if we are ever to escape from the urban dilemmas which now afflict our whole nation. Our city—and I am sure it is true of many other cities—is weighted by far too much tax exempt property, proportional to the land which produces property tax revenue. If you throw out the streets, the hospital sites, your churches, your schools and colleges and eliminate also airport and seaport, as well as the land on which city, county, state and federal government buildings are located, there isn't much left to tax in Newark in terms of land area. I think it runs something less than 30 percent of the total. Yet the city is required to provide expensive and extensive services to the institutions and organizations which occupy much of this land.

It may be controversial today, but I believe we are going to have to face the absolute necessity of asking every institution which receives city services to make some payment to the city in return, as a means of reimbursing the municipality for its out-of-pocket expenses, at least.

As to the need for new ratables, I think the answer at this time is obvious—tax relief incentives for new business or expanded business, locating in Newark. The American city with a high tax rate too often insists on a whole loaf from business, and gets no loaf instead. We don't even require new legislation to initiate such a program, though new tax incentive laws might be advisable. We now have the Fox-Lance bill, the benefits of which today are offered only to large organizations building in urban renewal areas. The tax incentives in that law could be offered to any business offering employment anywhere in our city. Let's face it. Nearly all of Newark is an urban renewal area, and should be treated as such.

Right now, we are making enormous financial demands on the principal corporations of the city. Taxes, as you know, are among the nation's highest and they are increasing. A comparatively small group of local business organizations are making massive capital and other subscriptions to educational facilities, hospitals and other most worthy institutions. They are now doing so to a point which, under some conditions, could become highly embarrassing to management. Also, the management of some organizations now dedicated to the salvation of Newark could change. There is no accounting for the views that future management might hold.

There seems to be a widespread misconception that the big corporations of this city really could not move if they wanted to. I would like to set the record straight on that. They very definitely can move from Newark, and given too much financial pressure, they will. It is not a question of being unwilling to carry their share of the load, and more. I think they have proved their willingness to do so. It is simply a question of the limit of their ability to do so.

We should not lose sight of the fact that there are very few organizations which must stay here. Most industrial concerns and most major financial institutions, are not bound to Newark, except to the extent that they are willing to remain tied.

We are going to have to see important steps taken to reduce the danger of losing some of our keystone business organizations. For one thing, we are going to have to find new sources of revenue so as not to add to the already unreasonable burden borne by property, and particularly by business property. This, of course, applies not only to Newark, but to the state in general. Anyone who thinks that there is any possibility that taxes will be reduced is just not being realistic.

New sources of revenue, particularly at the state level, unquestionably will be found in the near future. There should be no illusions about any possible alternatives.

Secondly, the state is going to have to sharply increase the financial aid it is providing our big cities. Here is where the problems are, problems which ultimately are the responsibility of every citizen of New Jersey. Here is where the help is needed. What I am saying to the legislature is simply this: Act before it is too late.

Over and above what might be done by the state, however, the city must also look for new strength. This means new ratables and sources of income other than the property tax. New revenues, however, will only defeat their own purpose if they add to the pressure on corporations to move from Newark.

One possible—and again controversial—new source that might answer Newark's need could be a head tax for persons making use of our airport. There is precedent for this. It is done at a number of major European airports. Such a tax could be low, with the return relatively high, for at present about 6.5 million passengers pass through our Newark Air terminal each year.

I realize that the institution of such a tax might raise an interesting constitutional question. In view of the stake that every citizen has in meeting the problems of the city, however, I think a full test of the issue is warranted.

One of the things which places our city, and others, in a financial bind is the staggering burden of its welfare obligations. Much of this load is the direct result of others, in other places, having failed in their obligation to make it possible for people to live there in a reasonably decent and dignified manner. Why, then, should our city, or any other

city like ours, which is forced to accept those people who can't make it elsewhere, be forced also to take on the financial obligation which really belongs to those other people in other places?

The answer, of course, is that the city should not be so unreasonably burdened. To lift this intolerable weight from the city's shoulders, however, we are going to have to institute a welfare equalization system in our nation. This system would spread the responsibility evenly, not only between city and suburb, but also between urban state and rural state. The urban state today carries much of the load created by a problem which has its roots in the rural state.

The city should be given a chance to breathe so that all of the diverse elements within it—minority groups, institutional organizations, business organizations, the poor and the well-to-do—can live and work together in harmony. That would be the most decisive long-run, anti-defamation step I could wish for Newark or any other city. But today the air that city must breathe consists of money. Instead of squeezing the city for more money, where there is none, we are going to have to make it available from other sources.

Money certainly is not the entire question to our problems in Newark, but it is an essential ingredient.

I hope that I have not sounded pessimistic in my view of Newark, or of our chances of solving her problems. If I appear pessimistic, I am not. I am, I believe, a realist. Realism should tell us that there is much to give us hope. Balance the city, with all its current problems and recent disorders against the situation in Newark 15 years ago. We had not done a thing to help ourselves then. We had both problems and stagnation. Today, at least we are moving, sometimes dramatically. Look around at the construction in magnificent new office buildings, in remarkable college campus areas, in major new hospital buildings, a new state medical school, and the rebuilding of our airport. Observe our seaport, which already leads the world in container shipping. We continue to be a key transportation hub for the entire eastern seaboard. In Newark's immediate future are other very large commercial structures, yet to be announced.

Let all of us—city government, businessmen and citizens—start to sell to the world our pluses. We are not dead, but we are going to have to take an honest look at ourselves each day if we are to reach our goals. It can be done, with a lot of pain, and if I have made any contribution to the effort to do so, then I am proud of it as I am proud of this award.

In closing, may I quote from Marcus Aurelius, a wise man of old: "If I knew more about the subject, I would write less."

My thanks, again, to you for conferring this award upon me.

NEW JERSEY TRANSPORTATION COMMISSIONER CALLS FOR EXPANDED TRANSIT AID

Mr. WILLIAMS of New Jersey. Mr. President, New Jersey's energetic commissioner of transportation, David J. Goldberg, recently told the New Jersey Citizens Transportation Council that the Federal Government must establish a clearly defined national program for transportation. In a speech February 18, Commissioner Goldberg emphasized the need for increased Federal funding for capital improvement and operating assistance projects. He called for a regional transit authority to service the "megalopolitan" corridor between Washington and Boston; and he urged the Congress to approve funding for auto-on-train experiments and other transportation innovations.

Commissioner Goldberg has correctly identified one of the major problems facing metropolitan America—our tangled transportation systems. Jobs, housing, recreation, and education must all be improved dramatically in the next few years; but unless we make parallel improvements in our mechanisms for moving people, nothing else will matter. We will simply choke ourselves in the unhappy snarl of slipshod transit planning.

Some of these transit problems will respond to vigorous financial assistance. Recently I introduced a bill to provide operating subsidies for failing commuter lines. Then some days ago, I offered a bill which would create a mass transit trust fund—similar to the longstanding highway trust fund—to make available the needed funds for transit growth.

These measures should receive a prompt examination, because as Commissioner Goldberg said in his timely speech:

> Our intercity rail service can be likened to a great natural resource which should not be wasted or destroyed . . . the loss could be irreparable.

Mr. President, I ask unanmious consent to have portions of Commissioner Goldberg's remarks printed in the RECORD.

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

EXCERPTS FROM ADDRESS BY COMMISSIONER DAVID J. GOLDBERG, DEPARTMENT OF TRANSPORTATION, STATE OF NEW JERSEY, BEFORE NEW JERSEY CITIZENS TRANSPORTATION COUNCIL, NEWARK, N.J., FEBRUARY 18, 1969

I recognize that there is an immediate shortage of funds on the Federal level because of defense commitments. At the very least, however, the Congress should establish the policy that the Federal government will fully participate in approved mass transportation improvements up to the two-thirds limit provided by law.

If funds are not immediately available to permit full participation, agencies like the New Jersey Department of Transportation and the Metropolitan Transportation Authority of New York should be authorized to finance their programs with local funds with a guarantee of reimbursement from Federal source as funds become available. This would permit local programs to move ahead without undue delay by assuring states that their advance expenditures would be fully reimbursable. Without such a guarantee, it is impossible for public agencies such as ours to fix the size of programs that can be carried out because of the uncertainty of Federal participation and the necessity to move ahead immediately on the program even if only state funds are available.

Based upon our experience in New Jersey, I believe that it is both unrealistic and unfair to expect a private railroad carrier, which is engaged in business for the pursuit of profit, to provide to this critically congested area the level of transportation service that the people of the corridor require.

I am convinced that a regional authority established under Federal law could assume operational responsibility for intercity service and carry out its operations on a revenue or near revenue basis if backed by long-term low interest Federal loans as well as full Federal participation in any needed capital improvement program. Such an agency could, in turn, contract with local areas to render such local services as each area wishes provided.

This would permit New Jersey, for example, to contract with a public agency with a public commitment to the preservation of rail service for the rendering of such commuter and local service as we desire. Similar arrangements could be provided in Pennsylvania, New York, Connecticut and other interested states to the extent that each desired.

As I envision it, the Federal government would assume responsibility for the intercity service while each state or local area would be responsible for the commuter or local service requested. The present Federal programs for participating in the cost of capital improvements would, of course, remain available to the states in carrying out improvement programs essential to the establishment or maintenance of an adequate transportation system.

The present high-speed program from Boston to Washington is only a demonstration. There is no existing commitment on the part of the Federal government or the rail carriers to continue this program beyond the relatively short demonstration period. The establishment of such a regional authority represents the next natural step to be taken to insure the continuation of rail service in the Boston to Washington corridor. Such a step should be taken now if we are to be certain of continued Federal interest and participation in this critical corridor after the completion of the demonstration program.

It is absolutely essential that the employees of bus and rail carriers be fully protected from any employment hardship caused as a result of changes in improvements of the mass transportation system in an area.

In order to bring about the most efficient form of service, changes in employment are essential but they should not be achieved at the expense of the employees. Since these changes are the result of the capital improvement program and temporary in nature, the expense of any essential labor protective agreements should be underwritten in the same manner that the expense of capital improvement is handled. With the Federal government participating in two-thirds of the cost of such agreements, it should be possible to bring about the operating efficiencies that are essential to the future success to any mass transit program.

It is obvious that major portions of this country are threatened with the total loss of intercity transportation.

Congress should consider a short-term subsidy program to preserve service on all intercity lines where total abandonment is now threatened to give appropriate Federal authorities an opportunity to determine whether service on such intercity lines should be preserved and by what method. It has been estimated that minimum service on those intercity lines which are threatened with loss of all service could be maintained for as little as ten to fifteen million dollars a year. This is a small investment to provide the time necessary to determine whether governmental action should be taken in these critical areas. Once service is totally abandoned, the cost of restoring rail lines which may have been stripped of equipment and the signaling and protective devices essential to safe passenger service would far exceed the Federal subsidy investment or the scrap value realized by the rail carrier. Our intercity rail service can be likened to a great natural resource which should not be wasted or destroyed at the very point in time when we are seeking a re-evaluation of our national policies. The loss could be irreparable.

Senator Williams is to be commended for his usual foresight in the area of urban mass transportation and we would hope that his proposal receives serious and early consideration by the Congress.

A TWO-WAY PROPOSITION

Mr. HANSEN. Mr. President, a recent Gallup poll evidences the concern of the American citizen over crime and lawlessness in his community.

The poll showed a substantial majority of our people favor new and tougher laws to deal with these problems.

It reveals that 75 percent of those contacted felt convicted criminals are not dealt with harshly enough. Only 2 percent felt convicted criminals are treated too harshly.

In the same poll, 71 percent felt denial of parole to a person convicted of a crime a second time is a good idea. On this question, 21 percent felt this is a poor idea.

In an earlier, but still recent survey, it was found that one person in three in the United States—known as the land of the free—admitted to being afraid of going out alone at night in their very own neighborhood.

This is not the case in my own State of Wyoming—the Equality State. The chief of police in our capital city, Cheyenne, has reported that the city's crime rate for 1968 was 21 percent below that of 1967. The Cheyenne chief of police is James W. Byrd. He is an outstanding law officer, citizen and family man. He also is a Negro, which is neither here nor there except to further point out that a man must be recognized for what he can do, rather than the color of his skin.

In Wyoming, we see all people as Americans. A man is neither accepted nor rejected in Wyoming for the fact he is a black American, a white American, a brown American—or any color of the rainbow. He is accepted or rejected by his own actions. Chief Byrd is a man who was not born in Wyoming. He came to our State as an adult. We are fortunate to have him and we are fortunate that he has chosen to work and live in Wyoming.

The people who do live in fear of criminals in this country are entitled to know the reasons for Chief Byrd's success. Unfortunately, Chief Byrd, as one man, has no magic formula for erasing fears from criminal attack. The Cheyenne community—in its entirety—is the formula for this reduction of the crime rate.

It is community cooperation with and respect for the police department, and for law and order, that is the secret to Chief Byrd's success. The people of Cheyenne recognize that respect for the law is essential to the protection of their person and property. This has created a good climate for that city. There are no irresponsible charges of police brutality in the city of Cheyenne. The people of Cheyenne are not afraid to walk the streets at night. Those in other areas of the Nation who are, should face this fact: It is not the police brutality that makes them afraid to walk the streets at night—it is the lack of respect for the law.

In the city of Cheyenne, there were only 14 armed robberies during all of 1968. Yet, you can find few homes in Cheyenne that do not contain at least one firearm.

Mr. President, an editorial from the Wyoming State Tribune discusses Chief Byrd's report and gives some analysis of successful crime control in Cheyenne.

I ask unanimous consent that it be printed in the RECORD as a possible help to other States in their battle against criminal elements.

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

A TWO-WAY PROPOSITION

"While the national crime rate continues to climb at a rate of nearly 20 per cent per year, I am proud to announce that Cheyenne's crime rate for 1968 is 21 per cent below that of 1967," Chief of Police James W. Byrd wrote in the preface to the police department's 20-page annual report of its activities released yesterday. "This fact is especially significant, because we arrested more persons and cleared more cases in 1968 than we did in the previous year.

"As policemen," wrote Byrd, "we are very aware of our vital role in the community; thus, our every effort has been, and shall continue to be, directed toward the improvement of our services, the preservation of law and order in Cheyenne and the assurance that our city will always have a police agency that is willing and able to protect the people and their interests."

In an era when police agencies and their personnel are under attack by dissidents of all kinds particularly in our massive urban areas, this report indicates many things. One primary fact that is immediately evident is that through the projection of a very good image because of efficiency and unobstructiveness, the police department in this community enjoys a much better than average relationship with the community as a whole than in most places.

One problem with police departments in many communities large and small, impinges on a tendency of many of them to be either patronizing or supplicatory or both, depending on the identity and status, social or economic, of those with whom they are dealing. Thus there is a suspicion on the part of the poor that it depends on the individual in question with whom the police may be dealing at a particular time rather than the merits of the incident connected with the individual. Much of this suspicion is unfounded, we believe, in both the large and small communities of this country, but the feeling persists in some places that there is discrimination. Much of this may be due to lack of communication between the police department and especially its leadership, with the community at large.

Communication is a most important factor in any community regardless of its size; in today's times, communication is a highly important factor in the relationship between those charged with the duty of enforcing the law, and the people as a whole, for a failure in communication can very well undo the best of works in this regard.

Police agencies must be careful to create the impression, founded on actuality, that they exercise total fairness based on the facts of a situation without regard to the identity of the persons concerned including their standing in the community or their economic status; that they are not harsh, but rather concerned only with the aspects of violation of the law, if any, that may be concerned with a particular incident; and that finally their actions are predicated on service to the community as a whole that stems from observance of the law.

At a time when factors that tend to escalate violation of the law—including mobility of people, a growing availability of narcotics, and a general deterioration of moral standards—the demands made upon the police and their concomitant responsibilities, are also intensifying.

In connection with this latter observation, it should be noted that in the statistics made public yesterday, Chief Byrd reported narcotics arrests during 1968 totaled 41, a rise of 110 per cent over the preceding year; which suggests that while general crime may be on the decrease, a serious situation confronts us with respect to narcotics usage and traffic.

Two other areas of crime in the community also are up: Armed robbery increased 17 per cent, from 12 such occurrences in 1967 to 14 in 1968; and burglaries increased 25 per cent, from 290 in 1967 to 362 in 1968. In an age of affluence, illegal substances such as narcotics are made more available to users, especially youth; and at the same time the taking of cash or property by forcible seizure or otherwise, is heightened.

The outlook in these particular areas is not promising; but despite all of the police work that may be done, there still remains the matter of citizen cooperation in the desired goal of crime reduction in all areas.

This brings us back to the subject of continued good community relations by the police department.

We have had this in the past; it can be intensified in the future. Chief Byrd's report, nevertheless, is reassuring; but it will take work and vigilance by all concerned, including both police and citizens, to keep it that way to say nothing of improvement.

THE PLIGHT OF THE AMERICAN INDIAN

Mr. GRAVEL. Mr. President, yesterday I had the privilege of testifying befor the Subcommittee on Indian Education, at a committee hearing chaired by the distinguished and able senior Senator from Massachusetts. At that time, I proposed a new policy which the Federal Government should adopt, in my view, toward the plight of the American Indian.

I ask unanimous consent to have my prepared statement printed in the RECORD.

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

STATEMENT BY SENATOR MIKE GRAVEL BEFORE THE SUBCOMMITTEE ON INDIAN EDUCATION, FEBRUARY 24, 1969

I will confine my comments today to some specific proposals in regard to what is called the "Indian Problem", and to Indian education—issues which, I submit are inseparable.

This is an area of deep concern to me. Eskimos, Aleuts and Indians live in nearly 200 villages scattered around Alaska's forests, tundra and rivers. Most live in conditions of extreme poverty. It will be illuminating for this committee to be exposed to that environment, and to the native population of my state.

We are making strides toward improving life for all Alaska's natives, most significantly through education.

Alaska has assumed full responsibility for the education of all the children in the state, including Alaska natives. A 1962 agreement between the Bureau of Indian Affairs and the State of Alaska set in motion a gradual transfer of BIA schools to the State. Our object is to transfer those schools to local villages and towns as soon as possible.

We are also making progress in secondary education. Through cooperative Federal-State funding, Alaska is constructing regional high schools in many communities. The BIA supplies the boarding facilities for the students. The object is to educate every Alaskan near his home, under a unified educational system.

But today, more than 2,000 Alaska natives are still shipped to high schools thousands of miles away, often to learn special skills which have no relationship to the life they intend to lead, or the place they choose to live.

We have severely objected to the segregated schools run by the BIA. Alaska native students have little or no choice about the schools they attend, the quality of education received, what is taught, or where the school is located.

We have no objection to schools which, because of location are almost totally Indian in composition. The racial composition of the locality will characterize, and determine, the composition of the student body.

Our objection is to the typical BIA secondary school which requires an Eskimo from Nunapitchuk or Kivalina, in Alaska, to travel perhaps 5,000 miles to Oregon or Oklahoma, and be trained there in an Indian school with other Indians from other cultures. How would you gentlemen feel if you sent your 14 year old daughter away in September—thousands of miles away—not to see her again until June?

Like many other American Indians, the Alaska native who suffers from this environmental dislocation finds himself in a state of cultural shock. As a result, large numbers of these students drop out, or sink into a deep personal withdrawal.

Annually, millions of dollars in public funds are spent to perpetuate such an environment, inside and outside the classroom. These public funds have been administered by the Bureau of Indian Affairs.

I have worked with many of the administrators, educators and employees of the BIA, and I do not want to make unfair allegations against those people, most of whom are very dedicated, public servants.

But the Federal Bureau in which they work is paternalistic. And this institutionalized paternalism has tended to create an environment which perpetuates the problem.

This is the paternalism of a bureaucracy which has failed to develop a way to shared decision making with the Indians. Which has stifled Indian creativity. Which has not properly educated the children. Which has not realistically encouraged economic opportunity, or well-being. And which has not understood the current needs of the Indian people. It has ignored Indian traditions. It has distorted Indian history. It has encouraged aimlessness and apathy. And the system stands convicted by the evidence vividly at hand: the Indian condition.

Over the generations, our Indian policy has stripped a proud people of dignity, identity, and goals. Today large numbers of our Indian people cry out to protest this false comfort of paternalism.

The most obvious illustrations are in education. It is not the intent of Congress to put a teacher who knows nothing of Indian culture into a remote classroom where he can innocently wreak havoc. In Alaska, this is still a major concern. Teachers still attempt to teach a second language, English, to Eskimos, by using totally unfamiliar objects like stoplights, umbrellas and giraffes. Eskimo children go home and ask their parents why a man in a blue suit and cap, called a "policeman", isn't at the corner of the street, just as he was in the Dick and Jane textbook. What answer does a parent have to a question like that?

This is how Eskimos learn to write a second language, and count in a new arithmetic system.

And then we wonder why they drop out of high school. Or why they rarely take jobs in areas where they have had a training course. Or why there is a serious crisis of alienation among the adults.

An Eskimo friend of mine—he is about my age—has spent the last 11 years taking BIA training courses—and he has never held a job in any of the many areas in which he has been trained. Too little attention has been given to training which helps him earn a living where he lives.

There is even a greater crime committed within the Indian environment. Through the pursuit of a policy—quite acceptable to our conventional wisdom—a policy which bleeds off the most able and most promising young . . . A policy which removes them from the place where they could make their most significant contributions. History shows a guided migration of the Alaska native away from the village. The crime is compounded, since many are not prepared educationally to share in the opportunities open to the rest of the Alaskan people. As a result, most drift back and forth, from the village to the city, to the village, and their talents are frustrated in the process.

I point out all these illustrations to indicate the magnitude and complexity of the problem.

Educational reform cannot be separated from a reform of the entire BIA. The problems of Indian identity, history, values, migration, success, cannot be solved piecemeal. These elements are inextricably bound.

What we teach in school has relevance for policy in every other sphere of Indian life—his economics, his values, his attitudes, his future. If we leave these other elements out, and concentrate solely upon a policy change in the school, we will not be successful *in* the classroom or *out* of it.

The elements of this problem are all wrapped up together. The school policy relates to the existence or reliability of a local tax base to run a school. The curriculum relates to the sources for economic mobility and the nature of available jobs. The construction of a school relates, most obviously to the community's decision to locate up or down river.

Likewise, the reservation systems are bound up with the problems of the States with large Indian populations. And State problems in this area are involved with Federal funds from the BIA, Federal policy toward Indians, national Indian groups, and the policies of other States.

Various proposals to resolve the long-standing Alaska native land claims question will be before Congress this year. And we are very hopeful that passage of a settlement bill will change the Federal policy toward the Alaska native, and change the BIA structure in my state. As a direct result, I am working on the entire question of the government's relationship with its native peoples. And I am quite convinced that a new policy for the American Indian is desperately needed.

The key to this new policy, as I see it, is the abolition of the Bureau of Indian Affairs. I mean here a total restructing of the system which administers the Federal obligation to the American Indian.

Although I have much Indian counsel to seek before I feel confident enough to make specific proposals, I am going to offer the criteria under which I believe such a change should take place. But before I present these criteria, I wish to offer two main arguments justifying this abolition.

First, the BIA has not failed because of a lack of concern, or because of a lack of money spent: It failed precisely because we chose the wrong vehicle to take us to our goal.

Fifty years ago 235,000 Indians were dependent upon the Federal Government, and the annual BIA appropriation was 30 million dollars. Today, 400,000 Indians are dependent upon the Federal Government, and the appropriation is more than $340 million dollars. After fifty years of work to eliminate dependency, and in the BIA's words "to create economic self-sufficiency," we are spending ten times as much money on twice as many dependents.

The village school in Kasigluk, Alaska, is a good example. There, the BIA has constructed a million dollar school with a million dollar sanitation system and the best educational equipment money can buy. But to my personal knowledge, not one student from that grade school has ever graduated from an accredited high school.

The problem doesn't have anything to do with the degree of effort, it has to do with the kind of effort. It has to do with the BIA, the institution itself. It is chartered as a wardship agency to protect the Indian. A charter out of keeping with our sense of human dignity as we recognize it today. And out of touch with reality itself.

Second, the BIA does not belong in the Department of the Interior, but since it is there, it is affected by what happens in that department.

In Australia, the Government counts the Aborigines along with the Kangaroos, Aardvaarks and Mango trees, not with the human population. Here, the Indian is in the Department of Interior, which is primarily concerned with fish, wildlife, gold, oil, lands, forests. Such classifications betray old, established attitudes, some of which are still with us.

With these thoughts in mind, I offer the following criteria for the restructuring of the Federal effort toward the American Indian:

First, we must create a policy of shared decision-making, with regional control. Indians must have real influence on the management of businesses, the curriculum of schools, and the goals of the community.

Regional groups, whether they be in reservations, States, or groups of villages, should serve as the administrative arm of the Federal funding intended for Indian benefit. Policy decisions would be shared with technical experts, when and if necessary.

A few illustrations are in order. In Alaska, a statewide federation of native groups has incorporated, and is now operating a sophisticated statewide REA project to bring electricity into the remote villages. Like any other corporation, it has hired technical assistance to help it make decisions.

A similar corporation would be created by the proposed Alaska native land claims settlement. That corporation would be owned by Alaska natives, and operated through the regional federation encompassing all of Alaska.

The Rough Rock demonstration school, on the Navajo Reservation, affords us another example. This is a school operated by Indian groups for the education and enlightenment of their own people. And this school is nationally recognized as a great success.

These illustrations are presently the exceptions to the rule, but under the new structure of the Federal effort that I foresee, these exceptions would become the rule.

The two main criteria for this new structure are, first, establishing programs for economic well-being, and second, improving Indian education, which is the primary purpose of this subcommittee. In my view, these two elements are vitally connected, and cannot be separated.

Without an economic base to support, at least in part, the local schools, there can be no local control. All people want control of their local schools. Under this new structure, we must provide the opportunity for viable economic organization in every American Indian region. As a direct result, the economic base will be provided for local schools. One solution will blend into another, just as historically one problem has tended to create another.

What I mean by the abolition of the BIA is not the abolition of the Federal obligation to the American Indian. What I am suggesting is a new structure for administering this obligation to the Indian people, a structure which is largely regional in character, which shares its decisions with the Indians themselves, which encourages economic well-being, and which solves the educational dilemma on the reservation and in the village.

Let me make it crystal clear that I advocate the phasing out, and eventual termination, of this present Bureau.

That is my proposal briefly stated. I suggest that the larger problem must, and can, be solved concurrently with the educational dilemma.

I have one final comment. And it involves the right of the American Indian to be an American Indian.

To the common heritage we, as Americans, all share, certainly the American Indian has contributed substantially. He asks now the right to live the kind of life he chooses to live, and no other kind of life. Each and every American has that right. It is characteristically American. And it is on this logic, this constitutional logic, that the Indian rests his case with the Federal Government.

In a pluralistic society, surely we are not about to require everyone to be the same. Surely there is nothing wrong with living on a reservation, or in a remote village, if that is the kind of life one wants to live. But there is something wrong when that is the only kind of life an Indian can live. When he is not free to choose.

It is our duty to provide the opportunity for that choice, that free choice. And I believe we can restructure our Federal effort, and make it responsive to regional groups. And I believe the first effort we should make, is to share responsible leadership with Indians.

Secondly, if we really want to free the Indian, we must lay down criteria which encourage economic well-being, self-sufficiency, and mobility. Under the plan I envision, this is possible, and I would hope that this committee in particular would see it as desirable.

THE OFFICE OF ECONOMIC OPPORTUNITY

Mr. MONDALE. Mr. President, we have learned much about the nature of poverty in the last 8 years. We have learned it means deprivation—a lack of income, of services, of hope.

Many agencies and individuals have been involved in teaching us these lessons. But no single agency has been more important than has the Office of Economic Opportunity.

I am pleased to see that President Nixon has recognized the essential role OEO programs have played. And I am encouraged to see his specific endorsement of several of the programs in the message sent to the Congress last week. I look forward to having an opportunity to review with others the proposals he announces he will submit to the Congress. Certainly there is no more important issue than the organization of the anti-poverty effort.

But as we address the issues his message raises—the role of the community action program, the location of Headstart and health services programs, among others—I believe we also should address with equal vigor a program not specifically mentioned in the Nixon message, the legal services program of the Office of Economic Opportunity.

The legal services program of OEO is one of the most important, least controversial, and most widely supported of all the OEO programs. The 265 OEO legal service local projects located in 49 States, and in the 50 largest cities, currently are providing services through 1,600 full-time attorneys to over 1 million poor people who so desperately need their help.

To the poor, legal service programs promise hope—the hope of escaping some of the daily tragedies of their lives. The efforts of legal services lawyers to prevent evictions, to deal with consumer frauds, to secure welfare payments for eligible clients mean the basics of life to the poor—housing, income, a chance to live in dignity and peace. Through dedicated effort and hard work, legal services attorneys give the poor the hope that the American way of life and the accompanying rule of law is responsive to their needs. The poor now recognize the law as something not to fear, but to trust—not as someone or something which will deprive them of their property or liberty, but as something and someone who is concerned about their problems and will help settle their grievances.

To the lawyers participating in the program, legal services means a chance to do something direct to end the double standard of justice now existing in the land, one for the rich, another for the poor, separate and unequal.

Mr. President, recent articles appearing in the New York Times and in the St. Louis Dispatch have highlighted the central and crucial role legal services have to play. A recent letter to President Nixon by a lawyer in New York State reflect the overwhelming support given the program not only by the poor, but by members of the private bar as well.

Mr. President, I agree with the St. Louis Dispatch that the "momentum" of the lawyers of the legal services program must not cease. And I agree with the New York Times that the innovative efforts of the legal services program need expansion and specific, concrete endorsement. I plan to provide that endorsement through legislation to be introduced in the near future, hopefully next week.

As a prelude to that effort, however, I ask unanimous consent to the inclusion in the RECORD of the editorial from the New York Times, the articles from the St. Louis Post Dispatch, and a letter from Irwin Birnbaum of Syracuse, N.Y.

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

[From the New York Times]

LEGAL INEQUITIES

The pioneering support given to the legally disadvantaged through the Office of Economic Opportunity's legal services division needs expansion and specific legislative endorsement. If the storefront law operations across the country are cut off by the Federal Government and the legal profession, these daring programs to provide equality in the courts will cease.

It has long been a shameful fact that in both civil and criminal courts there is a law for the rich and a law for the poor. Equal justice under law simply does not work unless people who cannot afford legal representation are considered as clients instead of charity cases. For the past three years almost every state has had at least one community law office operating because of Federal help.

Associate Justice William J. Brennan Jr. of the Supreme Court underscored the great but silent need in his recent talk at Notre Dame. "The social and legal problems of the disadvantaged and outcast groups and individuals are novel and complex for the practicing bar," he said, "not the least because they involve precisely those in our society who traditionally have not been the clients of the legal profession."

The bench and bar must realign attitudes toward poor clients. The Legal Aid Societies in New York and other cities and public defender attorneys have contributed much toward this noble goal. Now the O.E.O. legal services program has blazed new trails in this direction by staffing 350 law offices in 255 projects with 1,800 full-time lawyers. Unless O.E.O. continues and expands, the "legal inequities" Justice Brennan has warned against will be perpetuated.

[From the St. Louis (Mo.) Post-Dispatch, Feb. 11, 1969]

LAWYERS TURNING TO AID TO POOR

(By James C. Millstone)

WASHINGTON, February 11.—From New England to California, America's young lawyers and law students are building the momentum that is driving their slow-moving profession toward the empty but beckoning arms of the unrepresented poor.

Only in recent years has the legal profession acknowledged that it never really has served the needs of vast numbers of persons who have little money and multiple problems. And only in recent years have newcomers to the profession begun to protest against that omission.

Law professors, private practitioners, recent graduates and others close to the situation now have become increasingly aware of a growing trend: More and more good young lawyers not only want—but are demanding—a chance to work with the poor.

One man who has seen it is William Klaus, a partner in Pepper, Hamilton and Scheetz, one of Philadelphia's largest law firms.

"Fifteen years ago," he said, "the best thing that could happen to a Harvard Law School graduate was to get into one of the top 10 firms. Now these young men will bargain with you. They want to know how much free time you'll give them to work with the poor.

The old-line Wall Street firms are feeling the pinch. Traditionally the mecca for the nation's top law students, Wall Street has been forced to recruit intensively to keep young blood flowing. Even a 50 per cent increase in starting salaries—from $10,000 to $15,000—has not solved the problems of Wall Street firms in re-establishing themselves with the graduates.

John M. Ferren was graduated from Harvard Law School in 1962. He quickly accepted a position with Chicago's largest law firm.

"It wouldn't have occurred to me to do anything else," Ferren said. "But after a year and a half. I began to feel very empty. I was cranking out loan agreements and stock registration statements. I couldn't find any real interest in what I was doing, helping the giant corporations.

"I began to think, 'What am I doing here?' "

Today, Ferren is director of the Harvard Legal Services Program, a law office staffed by four full-time lawyers and 120 law students to help the poor in the Cambridge, Mass., area. It is funded by the Office of Economic Opportunity.

The OEO program, founded four years ago has been a major catalyst in the movement of the law toward the poor. For the first time, resources were provided to enable the legal profession to work with poor people where they lived. And, at the same time, the OEO opened new employment opportunities for the new breed of socially aware young lawyers.

The appeal of the OEO program to law students cannot be overstated. In effect, it has given the private law firms a run for their money in attracting the best young legal brains in the nation.

E. Clinton Bamberger, the first director of the Legal Services Program and now a partner in Baltimore's biggest law firm, Piper and Marbury, said that the kind of lawyer who used to apply for a job at the firm was precisely the kind now going into antipoverty work.

"He buttons his collar down," Bamberger said. "His ties are striped. He went to Harvard and made Law Review. But he didn't apply to us. He went to OEO."

Ferren told how the program captured the imaginations of Harvard students from the very beginning.

"When this program opened up in the fall of 1966," he related, "I scheduled an explanatory meeting and signed up for a room big enough to seat 100 students. I thought maybe I was too optimistic. Well, I had to get another room because 300 students showed up. There is a fantastic interest in this program, and it has increased since it started. We can't accommodate all the students who want to work in the program."

The latest piece of evidence showing the wellspring of interest among law students in antipoverty work was the response to a modest OEO recruiting campaign for applicants for the Reginald Heber Smith fellowship program. For Smith Fellows, the Government takes outstanding law graduates or young practitioners, gives them five weeks of special training in poverty law and sends them to work for a year in a neighborhood law office. Fellows are paid at least $9500 a year.

In the first year, 250 persons applied for Smith fellowships. Last year there were 500 applications. This year, 1200 applications came in, meaning that about one of every 15 new law graduates in the United States wanted to get into the antipoverty program. Harvard had 72 applicants, more than 10 per cent of its graduating class. Yale University had 38, the University of Chicago 29, the University of Michigan 43, and Stanford University 25.

The quality of the applicants was uniformly high. One third were in the top quarter of their class and 160 of them were in the upper tenth. Twenty-two applicants were either first or second in their class. Several law professors and one assistant dean applied. So did law clerks for three judges of the Mississippi Supreme Court.

Michael J. Davis, 26 years old, was graduated from the University of Michigan Law School in 1967. The Smith fellowship program turned out to be exactly what he was looking for.

"There weren't very many channels available for poverty work, and that's what an awful lot of us want to do," Davis said. "Most of the jobs were as staff attorneys in legal aid offices. That meant very low salaries and pretty dull work.

"This program trained you well, paid you well and assured you of a chance to get into a lot of the more interesting aspects of the law."

Davis was one of the first 50 Smith fellows. He spent a year working with the poor in Kansas City and now has graduated into a post with the Legal Services Program in OEO headquarters here. He said that even those involved in the Smith fellowship program were surprised by the tremendous response from law students this year. Because only 250 fellowships can be given, Burt Griffin, Legal Services program director, is trying to find a way to use the talents of most of the other applicants in neighborhood law offices.

Peter L. Wolff, assistant to the executive director of the Association of American Law Schools, said that OEO officials "shouldn't have been surprised" at the big response.

"Anybody connected with legal education wouldn't be surprised," he said. "Students have provided the impetus for the whole development of poverty law. They don't care about going to the big, fancy law firms any more. They are concerned with doing a different kind of work."

One result, Wolff said, is that poverty courses in law schools have increased by 10 times in the last two years. This development is portending important changes in legal education, he said.

"You don't really have to learn commercial law the standard way," Wolff said. "The type of thinking we are trying to instill is valid if clients are rich or poor."

In fact, Wolff said, the "sense of involvement in society" being demonstrated by so many of today's students "will make them better lawyers."

Not just the law schools are reacting to the demands of youth. The competition for the best young men is forcing the established private law firms to re-examine their policies in serving the poor. The bait of higher starting salaries is one response. Another is the increasing willingness of the firms to give young associates the time to work on projects and cases that generate no fees and bring in no business.

Students at Stanford University Law School voted overwhelmingly a few months ago to find out in advance what prospective employers had to offer in the way of free time for work with the poor.

In a referendum, the students approved by a 4-to-1 margin the concept of sending questionnaires to all law firms scheduling campus interviews with members of the graduating class. Among the questions: "What opportunities are open to a young associate in your firm to become involved in activities related to racial and urban problems? Do you encourage such involvement? How many associates and partners participate in such activities?"

Jack Friedenthal, professor of law at the school, said that to his knowledge this was "the first time anything like this was ever done." The questionnaires went out last October. Friedenthal said that most firms responded that they encouraged participation in such activities and tried to give specific examples.

There is nothing new about the most prominent lawyers in a city serving on boards of charitable agencies or holding other civic positions. What is new is the beginning of a movement by the best law firms into the slums, where their facilities are made available to the poorest element in the community.

For the most part, that movement is represented by the willingness of firms in some cities to backstop OEO neighborhood offices. A few firms have gone beyond that. Two Philadelphia firms—Pepper, Hamilton and Scheetz together with Morgan, Lewis and Bockius, with a combined total of 120 lawyers—are manning a slum law office that was opened last summer. Klaus said that half of his company's lawyers work at the office at night, on a voluntary basis, and the firm gives them whatever time they need for the work.

In Baltimore, Marbury and Piper is planning to open a slum branch office by the end of the year, a development that is being watched closely by other firms in other cities.

Explained Bamberger, "If a law firm like this is going to do more than just mouth its commitment to the community, it has to go where the poor can find it. You can't do much for the poor on the ninth floor or the downtown bank building."

Some lawyers dispute the thesis that young people are the driving force in the painfully slow effort to swing legal practice in the direction of the ghetto. Ferren and Klaus are not among them.

"The response of the law firms would never have happened had not the law students made this a demand of their employment," Ferren said.

Said Klaus, who as board president of Philadelphia's Community Legal Services spends half his time on the antipoverty program, "This generation itself has a greater sense of social awareness. A goodly number of really competent young lawyers are going into this field. Every major firm in this city has some kind of structure to permit men to do this kind of work."

Klaus views the upsurge of interest among young lawyers in working with the poor as having a significance far beyond its effect on legal practice.

"These people are going to be a tremendously effective force some day," he said. "They are going to rise to the top of their profession. They'll be the heads of law firms; they'll be corporate presidents; they'll be in public office.

"Their exposure to the ills of America won't rub off. Nobody who goes to work in a storefront (law) office in the slums is going to come out unscathed, and they're not going to forget what they've seen.

"When these men rise to positions of power in this country, as they inevitably will—say 10 years from now—they're going to have a tremendous impact on the nation."

JANUARY 27, 1969.

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

DEAR MR. PRESIDENT: As you undertake your reappraisal of OEO activities throughout the Country, I hope that you will consult with the American Bar Association, the Lawyers Committee for Civil Rights and various Bar Associations throughout the Country before making any decision with regard to the OEO sponsored neighborhood legal services program.

The legal services program in Onondaga County, New York, has been one of the most effective weapons against both crime and poverty which the OEO has maintained in this area.

Respectfully,

IRWIN BIRNBAUM.

EUGENE L. VIDAL

Mr. MUNDT. Mr. President, it is with deep regret that I invite attention to the death of a great American who is regarded as one of the outstanding sons of South Dakota. I refer to the passing of Eugene L. Vidal, former Director of Air Commerce in the Department of Commerce, and one of America's early, persistent, and effective advocates for the development of an outstanding civilian aviation service.

Eugene Vidal was also one of the outstanding athletes produced by the State of South Dakota, having represented the United States in the Olympics and having served for a time as a coach at West Point Military Academy. Eugene Vidal was born in my hometown of Madison, S. Dak. One of my boyhood thrills was to watch and applaud his athletic prowess. His brother, retired Air Force Gen. F. L. "Pick" Vidal, now lives in Washington, D.C.

I ask unanimous consent to have printed in the RECORD the obituary notices as published in the New York Times and the Washington Post.

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

[From the New York Times, Feb. 21, 1969]

EUGENE L. VIDAL, AVIATION LEADER: FORMER COMMERCE AIDE, 73, DIES—OLYMPIC ATHLETE

LOS ANGELES, February 20.—Eugene Luther Vidal, former director of air commerce of the Department of Commerce, died today in Palos Verdes after an illness of several months. He was 73 years old and lived in Avon, Conn.

Mr. Vidal is survived by his widow, the former Katharine Roberts; two sons, Gore Vidal, the writer, and the Rev. Vance Vidal; a daughter, Mrs. Valerie Hewitt; a brother, F. L. Vidal, a retired Air Force general, and two sisters, Mrs. Merle Lloyd Jones and Mrs. Fred Sutton. Gore Vidal is the son of Mr. Vidal's first wife, the former Nina Gore, from whom he was divorced in 1935.

AIDED CIVIL AVIATION

As director of air commerce from 1933 to 1937, Mr. Vidal promoted the growth of civil aviation. He pushed the construction of airports and beacons, encouraged private flying and the manufacture of small planes, advanced commercial aviation and reorganized Government control of commercial flights.

After leaving the Commerce Department, he set up a research laboratory near Camden, N.J., where he developed a process for making the fuselages, tails and wings of airplanes from molded plywood.

A small man, lean and muscular, Mr. Vidal was a brilliant athlete in his college days. He was born in the small farming town of Madison, S.D., on April 13, 1895. He was offered athletic scholarships by the Universities of South Dakota, Nebraska and Minnesota. He graduated as a civil engineer from the University of South Dakota in 1916 at the head of his class, with letters in football, baseball, basketball, and track.

He went on to the United States Military Academy at West Point, where he was an all-American halfback. After graduation in 1918 he became a member and coach of two American Olympic teams. In 1920 at Antwerp he placed second in the pentathlon. He coached the American pentathlon entries at Paris in 1924.

He was commissioned in the Army Engineers Corps in 1918, but soon switched to the Aviation Division of the Signal Corps. After qualifying as a pilot, he was detailed to West Point as an instructor, the first Army airman to serve in that capacity.

COACH AT WEST POINT

Mr. Vidal served as a volunteer track and basketball coach and backfield coach of the football team at West Point until he resigned from the Army in 1926 to enter private business. He became assistant general manager of Transcontinental Air Transport. Later he organized the first every-hour-on-the-hour plane service between New York and Washington.

After leaving the Commerce Department, Mr. Vidal served as a director of Northeast Airlines and a consultant to the air transport and aviation industry. He was aviation adviser to the chief of staff of the Army from 1955 to 1965. He had been a member of the Army Scientific Advisory Panel and the Transportation Corps Advisory Committee.

[From the Washington (D.C.) Post, Feb. 22, 1969]

EUGENE VIDAL, AIR DIRECTOR AT COMMERCE

Eugene L. Vidal, former director of air commerce for the Commerce Department and a strong advocate of an extensive civilian aviation fleet, died of cancer Thursday in Los Angeles. Mr. Vidal, the father of author Gore Vidal, was 73 and lived in Avon, Conn.

Having established the first hourly air service between New York and Washington, Mr. Vidal became the director of air commerce in 1933 when President Roosevelt reorganized the onetime aeronautics branch.

Mr. Vidal urged the building of an extensive civilian aviation force that, in case of war, could supply manpower, equipment, technology and factories for a rapid build-up of military air power. He foresaw that if commercial aviation were to succeed, faster and bigger planes had to be built to lower cost-per-mile operating expenses. To this end, Mr. Vidal was a strong supporter of Federal financing of aviation technology.

Envisioning a family plane comparable to the family car, Mr. Vidal hoped to see the development of a Model-T for the airways—a "poor man's" plane.

His other hopes included the extensive use of seaplanes to connect cities located on rivers, lakes or oceans. Even in the 1930s airports were located too far from major cities, and Mr. Vidal saw seaplanes landing at seaports as a solution.

It was one hope that had never materialized.

But there were others that did. Airways acquired electronic and visual navigation aids, some 1000 landing field projects—many of them New Deal projects—sprang up around the country and commercial aviation came in to its own, despite a series of fatal air crashes in 1936.

Mr. Vidal resigned his government post in mid-1938 to become an aviation consultant.

He married Nina Gore, daughter of Sen. Thomas P. Gore of Oklahoma, in 1922 in a ceremony attended by most of official and social Washington.

The couple subsequently was divorced. Mrs. Vidal later married Hugh D. Auchincloss and Mr. Vidal married the former Katherine Roberts of New York.

Born in Madison, S.D., Mr. Vidal received a civil engineering degree from the University of South Dakota. He excelled in athletics and studies at West Point, was an all-America halfback and competed in the 1916 Olympics. He graduated high in his class of 1918 and served in the Army Corps of Engineers before earning his wings.

Mr. Vidal was a founder of the Ludington Line that set up the New York-Washington shuttle, served as a director of Northeast Airlines, was assistant general manager for Transcontinental Air Transport and recently served as an aviation adviser to the Army.

Mr. Vidal is survived by his wife, sons Gore of New York and Vance of Tucson; a daughter, Valerie, who lives in California; a brother, retired Air Force Gen. F. L. Vidal, of Washington, and two sisters.

MID-ATLANTIC AIR POLLUTION CONTROL COMPACT

Mr. RIBICOFF. Mr. President, I am a sponsor of the resolution to enable the Federal Government to join the mid-Atlantic air pollution control compact. I am pleased to join the distinguished Senators from Connecticut, New York, and New Jersey in this endeavor. The compact will eventually bring together these three States as well as Pennsylvania and Delaware in a comprehensive and unified effort to combat air pollution.

This effort is urgently required. Air pollution is an interstate problem. It knows no political or jurisdictional boundaries. The innocent and guilty suffer alike. The vagaries of the atmosphere and the wind can transport poisoned air from city to city and State to State. The Travelers Research Center in Hartford, Conn., reports that pollution emanating from New York City can affect towns in Connecticut as far east as New Haven.

But often our efforts to abate air pollution are hindered by the very jurisdictional lines which the problem itself ignores. One city can issue and enforce excellent and strict emission standards yet remain subject to poisoned air because a neighboring city has failed to act.

Air pollution must be attacked on a regional basis. This is why I strongly support the proposed compact. I know that officials from Connecticut have talked and worked with leaders from other States in an effort to find regional agreement on this problem. The concept of an interstate compact has been chosen as the best means for interstate cooperation. The States want to cooperate, and I believe the Federal Government should ratify and join this progressive effort.

The compact would create a Mid-Atlantic Air Pollution Control Commission. The Commission would investigate the causes and effects of pollution. It would establish emission standards and the necessary means to enforce these standards. The Commission would also undertake further research in the field of prevention and abatement of air pollution. These efforts will supplement and extend the constructive work presently being done at all levels of government.

Mr. President, we all know the dangers of air pollution. It can kill and infect, corrode, and discomfort. Its presence can shroud the sunlight from our view.

Air pollution corrodes our buildings and damages our agricultural crops. The annual cost of this problem to the Nation is estimated to be over $12 billion.

Dirty air also kills. Pollution has been linked to the growing incidents of lung cancer, emphysema, chronic bronchitis, and asthma. At its worst it can cause millions of Americans in our industrial cities to cough and choke.

Mr. President, I commend the energetic efforts of the States involved in this compact to meet the problem of air pollution. The Federal Government, too, has taken important steps in this direction. But much more remains to be done in this field. We must strengthen our efforts by making industry a partner in the program to end air pollution. We must allow private enterprise to do its part by installing the newest and most advanced air pollution abatement equipment. For many years, I have introduced and supported legislation to allow industry a tax incentive for installing pollution control devices. I believe that by allowing industry to amortize the cost of pollution control devices over the period of 3 years will enable many companies to speed their efforts to protect our environment. We need this cooperation on all levels, and tax incentives of this type would be in the public interest.

SOYBEANS

Mr. PERCY. Mr. President, an issue of grave concern has arisen in our economic relations with the European Economic Community. The EEC is currently proposing to place an internal tax on oils, meals, and oil-bearing materials consumed in the EEC. The proposed tax of $60 a ton on soybean oil and $30 a ton on soybean meal would severely affect soybean oil and meal exported from the United States.

The $60-a-ton tax on soybean oil would constitute an effective tariff barrier of over 50 percent. The $30-a-ton

tax on soybean meal would be equivalent to a 35- to 40-percent tariff rate on soybean meal exports.

This proposed action by the EEC is a purely protectionist device, designed to make the United States pay the penalty for the EEC's own agricultural policy failings which have led to unmanageable butter surpluses and growing supplies of feed grains. The EEC is already the world's best practitioner of protective agriculture trade barriers through the use of its variable levy system. Now it hopes to relieve its surpluses through keeping U.S. soybean oil and meal out of its market.

The United States cannot condone this action by the EEC. Annual exports of soybeans and soybean products from the United States amount to more than $1 billion annually. In 1968, soybean exports to the EEC alone amounted to $457 million and represented one-third of all our agricultural exports to the EEC.

Foreign sales of soybeans are vital to the U.S. farmer and to the U.S. balance of payments. This issue is of particular concern to the State of Illinois which is the largest soybean producing and exporting State in the country.

I call upon the Secretary of Agriculture, the Secretary of State, and other officials of this Government to make clear to the EEC in the strongest possible language this Government's grave concern over this tax. We must do everything we can to preserve the EEC market, as the loss of this market would have severe adverse effects on U.S. soybean producers, processors, and distributors.

The EEC should bear well in mind that such action would only be self-defeating. If the United States cannot sell its goods in Europe, the United States cannot buy Europe's goods in the United States. The United States cannot afford to stand by and allow this tax to go into effect.

I urge the U.S. Government to take all possible actions to get the EEC to void this proposed tax.

TRIBUTE TO THE LATE SENATOR BARTLETT, OF ALASKA

Mr. ANDERSON. Mr. President, I wish to join Senators in paying tribute to the memory of Senator Bartlett.

Few Members of Congress were more closely identified with the States which they represent than was Senator Bartlett, of Alaska. He was born of Alaskan parentage and spent his entire life working in and for Alaska. He was proud of that great land, its rugged beauty, its grandeur and its vast potential.

My first immediate contact with Bob Bartlett came at the time I was chairing the hearings on Alaska's statehood. At the beginning, I was opposed to the idea of Alaskan statehood. But Bob Bartlett was an able spokesman for the cause of his area. He quickly established himself as a credible proponent and we found we could rely on his arguments and integrity as the issues were presented on both sides. Through his assistance we were able to discover the personal interests of those groups opposed to statehood and to recognize that facts were not always as these opponents propounded.

His role was a major one in the ultimate success of obtaining statehood for his people. So it was fitting that he was honored by those people in being elected as their first representative in the U.S. Senate.

In 1964, I found myself again involved in the affairs of Alaska when President Johnson appointed me chairman of the Federal Reconstruction and Development Planning Commission for Alaska after their tragic earthquake devastated large areas of the State. Countless hours were spent by the Commission in organizing to provide Federal assistance to bolster the shaken economy of the State. Again, I witnessed the dedication and love that Bob Bartlett felt for Alaska. He was truly committed to seeing that all possible help was made available and that the Commission received full cooperation.

As a Senator, he was a quiet and efficient workman. He was loved and respected because of his honesty and great devotion. In remembering his contribution I am reminded of the words of Sir Henry Newbolt:

To count the life of battle good
And dear the land that gave you birth,
And clearer yet the brotherhood
That binds the brave of all the earth.

I extend to Mrs. Bartlett and to all the family the sincere sympathy of Mrs. Anderson and me.

SENATOR EAGLETON DEFINES "PORK BARREL PROJECTS"

Mr. SYMINGTON. Mr. President, over the years various critics have attacked water resources projects by labeling them "pork barrel." In a recent statement, my colleague from Missouri (Mr. EAGLETON) pointed out, however, that not only are these projects far from "pork barrel"; they usually pay for themselves many times over.

One of the major problems facing advocates of water resource development projects today is the failure on the part of Government agencies involved in the evaluation of the benefit-cost ratio to count all the benefits; and in that connection Senator EAGLETON, a member of the Public Works Committee, cites several clear examples of "stingy" estimation of benefits on Missouri projects. These examples are but additional proof that public works projects are investments in the future well-being of the people of this Nation.

I ask unanimous consent that Senator EAGLETON's remarks before the Mississippi Valley Association on February 10 be printed in the RECORD.

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

SPEECH DELIVERED BY SENATOR THOMAS F. EAGLETON, DEMOCRAT, OF MISSOURI, TO MISSISSIPPI VALLEY ASSOCIATION, SHERATON PARK HOTEL, WASHINGTON, D.C., FEBRUARY 10, 1969

I am here today to speak to you in behalf of "Pork Barrel Projects." Pork Barrel Projects . . . the image these three words conjure up to the average taxpayer! As the Book of Job states: "How forcible are tight words."

The history of our times is a history of phrases—"big government," "States rights," "government dole," "boondoggling," and, of course, "pork barrel projects." Wendell Wilkie displayed insight when he noted, "a good catchword can obscure analysis for fifty years."

As you may know, a pork barrel project is any public works expenditure outside your own district. Thus to most Missouri taxpayers, water resource projects from Maine to California are so defined.

These projects are not, however, to be confused with useful, necessary and even imperative projects in Missouri which provide economical use of water resources through flood control or the prevention of bank erosion or the creation of power and additional recreational facilities—projects like the Stockton, Kaysinger Bluff, Clarence Cannon and Meramac Park Reservoirs or the St. Francis River Basin, St. Louis and Vicinity, and the Kansas Cities, Missouri and Kansas, Local Protection Flood Control Projects.

The fact is that "pork barrel projects"—wherever they are—are usually anything but. As you know, for a project to be authorized, it must survive rigorous benefit/cost ratio evaluation by the Corps of Engineers and further scrutiny by the Bureau of the Budget and the various Committees of Congress.

And these benefit/cost ratios are often underestimated—one might even say stingy. In my home state the Clarence Cannon Dam and Reservoir was authorized with a benefit/cost ratio of 1.3 it is now 1.6; Kaysinger Bluff Reservoir was authorized with 1.13, it has risen to 1.3; local protection for Kansas Cities, (both Missouri and Kansas), has risen from a 1.8 ratio to 8.3; and local protection at St. Louis has risen to 4.5 from an initial estimate of 1.4.

This process of careful and even conservative evaluation and review has resulted in a highly productive series of water resource projects throughout the country. A study done in Fiscal Year 1968 indicated that the difference between the estimated cost at the time of authorization and the full cost at completion rose only by one-tenth of one percent—from $734,637,000 to $735,502,000—a truly remarkable record when one considers that cost estimates for the annual presentation to Congress must be prepared on current prices, that some of these projects were under construction for 8 to 10 years during which time the Engineering News Record reported that the general cost of construction had increased by about 4½ per cent.

In December, 1968, the interest/discount rate used in the benefit/cost ratio of water resource projects was increased.

Few would argue that such an increase was justified, if accompanied by a directive to evaluate both primary and secondary project benefits more realistically. However, most experts agree that a one-sided increase can be disastrous for water resource projects.

I need not belabor the possible consequences of this action. I would, however, warn that political pressure continues for a further increase from 4⅝ per cent to 7½ per cent or more.

I will oppose such an increase.

I am also contacting the members of the Water Resource Council to urge a more realistic approach in the calculation of benefits.

As you know, the Council, which was created under P.L. 89-80, is empowered to establish, after consultation with other interested entities and with approval of the President, principles, standards, and procedures for Federal participants in the preparation of comprehensive regional or river basin plans and for the formulation and evaluation of Federal water and related land resources projects.

I will ask that the Council set standards for use in benefit/cost computation which would bring project benefit estimates in line with reality. Such revisions would include both more reasonable estimates of primary benefits and the inclusion of secondary benefits.

The authority to do this requires no new policy authorization—only full implementation of existing policy as stated in Senate Document 97:

"A comprehensive public viewpoint shall be applied in the evaluation of project effects. Such a viewpoint includes consideration of all effects, beneficial and adverse, short range and long range, tangible and intangible, that may be expected to accrue to all persons and groups within the zone of influence of the proposed resource use or development."

Present methods of project evaluation are narrow, usually failing to go beyond the narrow commercialized definition of primary benefits.

Flood control projects, for example, presently consider the benefits of property damage to be averted but fail to include the many secondary benefits—often greater—such as the avoidance of loss of business and payrolls during the period of inundation and reconstruction and the hazards to health and human life itself.

We must possess the vision to realistically calculate the long term benefits which accrue as well as the cost. The present approach lacks that vision.

We must remember that these projects are built not only for today, not only for the 70's, but for the year 2000 and beyond.

SOCIAL POLICY—A MEASURE OF QUALITY

Mr. MONDALE. Mr. President, on February 7, Time magazine printed an excellent article entitled "Social Policy—A Measure of Quality."

This article reviewed HEW's "Toward a Social Report." "Toward a Social Report" is a preliminary working model for the annual social report which would be submitted to Congress by the President if the Full Opportunity Act of 1969—S. 5—were enacted.

S. 5 declares full opportunity for every American to be a national goal. This bill which I introduced last month would establish a Council of Social Advisers. This Council would not only advise the President of the United States on the present quality of American life but would, as well, make recommendations to the President designed to improve the quality of our life. This would require a simultaneous research effort to develop a set of "social indicators." These "social indicators" would be used by the Council to help them evaluate the quality of our life.

As the article indicates, HEW's report notes that since we do not have such a set of indicators we are unable to say with any certainty or competence whether or not the money spent by the Government to improve education, for example, is in fact "contributing to better learning." The Time article also alludes to some of the difficulties associated with social reporting in general. One such difficulty is the absence of a sophisticated model for the social system comparable to the model for our economic system. This, of course, underscores our need to do more research in the "social indicators" field. Sophisticated "social indicators" will enable us to determine if we are in fact improving, for example, our educational system or any social dimension of our lives.

Mr. President, I ask unanimous consent that the article entitled "Social Policy—A Measure of Quality," published in the February 7 issue of Time magazine, be printed in the RECORD.

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

SOCIAL POLICY—A MEASURE OF QUALITY

The U.S. Government produces $150 million worth of statistics a year on everything from coal production to babies. Many of these figures form the basis of the President's annual Economic Report, a key aid to businessmen and Government planners in measuring the nation's economic health. Now a task force of experts has shown how this mountain of figures, plus a number of critical new ones, could be used by social scientists to prepare an annual report that would measure the quality of American life—not how much but how good.

This is the basic argument of a farewell gift to President Nixon by the Johnson Administration: a 198-page volume called *Toward a Social Report*, prepared under the direction of Mancur Olson, an economist with the Department of Health, Education and Welfare. Two years in the making, the study charges that while the U.S. has—in theory, at least—learned how to regulate its economy, it has been ill-prepared to predict riots or determine its social needs and goals. *Toward a Social Report* contends that systematically marshaling "social indicators" would provide the nation with a working tool for the setting of social priorities.

The study, for example, points out that despite statistics showing dramatic progress in medical care over the past decade, the amount of time the average American can expect to spend in a sickbed or an institution has remained static. Illnesses stemming mainly from cigarettes, alcohol and a rich diet have undercut the advance.

SECOND MARRIAGES

Although vast sums are spent by the Government on education, the report says, relatively little is known about whether the money is really contributing to better learning. And for all the talk of rising crime rates, there may have been an actual decrease in the harm that crimes do to people. Religious leaders worry about the rising divorce rate. Still, notes the report, the percentage of the population that is married has risen 7.5% since 1940, largely because of the increase in second marriages.

With becoming modesty, the study acknowledges that such measurements are crude and tentative. The social sciences are still new disciplines with expanding boundaries. According to Social Psychologist Raymond Bauer of Harvard, "Our hang-up is that we don't have a model for the social system anywhere as precise as what the economists have for the economic system." Nor do the social scientists have a measurement for social values akin to the dollar, although one possible theoretical unit is called the "utile," used by economists to weigh the price people would pay to avoid the sonic boom of an SST, for example, as against the economic benefits that the plane would give them.

SYSTEMS ANALYSIS

The HEW document joins the academic optimists who contend that the long-run benefits of better social calculation can be as immense as those of economic accounting. Already, the report says, tools are being developed for measuring such basic concerns as powerlessness, job satisfaction, freedom of expression, and even the obtuseness of bureaucrats. Eventually, these and other measures might make possible a hardheaded "systems analysis" of the efficacy of government programs.

Like all scientific knowledge, the statistics in a social report could be misread or manipulated to justify dubious policies. Or they could simply be ignored. But the U.S. Government's use of the social sciences is becoming increasingly sophisticated, and it has some impressive legislative support. Minnesota's Senator Walter Mondale has introduced a bill that would set up a social report and a presidential Council of Social Advisers. "In the social field," he says, "the decent intentions of a decent politicians were once good enough, but that is no longer true." A leading supporter of Mondale's bill last year, and a member of the academic group that advised the task force, is Nixon's new urban-affairs adviser, Daniel Moynihan. Statistics can be revolutionary, he points out in a new book, *Maximum Feasible Misunderstanding*; all too often, it is only when a problem can be counted that citizens begin to think it counts.

NOTED EDUCATOR DR. PAUL McKAY

Mr. PERCY. Mr. President, the January 25 issue of the Decatur, Ill., Review reprints a speech by the highly respected educator Dr. Paul L. McKay, president of Millikin University, which is located in Decatur. Dr. McKay spoke at a meeting of the Decatur Rotary Club on the timely question of student unrest on campus.

Dr. McKay's views on the politics of confrontation are especially interesting. He states that ultimatums can never take the place of rational discourse and debate in our country. As he put it:

I do not find ultimatums productive of rational discourse or debate. The politics of confrontations— which is the term for submission—is not the best method of decision-making. I am still influenced by the fallout of the democratic process. I will talk. I will listen. (But) I will engage in no shouting matching.

Mr. President, I ask unanimous consent to have this excellent speech printed in the RECORD.

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

[From the Decatur (Ill.) Review, Jan. 25, 1969]

A FRANKENSTEIN OR A CHILD OF PROMISE? MILLIKIN PRESIDENT REFLECTS ON REVOLUTION

(By Dr. Paul L. McKay, president, Millikin University)

(NOTE.—These remarks by Dr. Paul L. McKay, president of Millikin University, are from a talk delivered Monday at a meeting of the Decatur Rotary Club.)

There is an oriental proverb which reads: "My friend, may it be your fate to be born in an interesting age."

No one needs to wish this for us today. As we look into our satellite-streaked sky, as we see man, through science and technology, freeing himself from earth's gravitational plane, we know that we have entered into a new and different age.

Oliver Wendell Holmes observed that "it is required of a man that he should share the passion and action of his time—at peril of being judged not to have lived."

Revolutions were not as noisy in Rip Van Winkle's day as in ours. I suspect that history has not dealt fairly with Dame Van Winkle in placing such a large burden of responsibility upon her for Rip's 20-year nap. At best he was perpetually thirsty and possessed little awareness of his world.

REVOLUTION HAS BEGUN

First of all I would like to say that I do not believe that we are on the verge of a revolution. The revolution has already begun. One world is dying and a new one is being born. No one knows whether the birth will bring forth a Frankenstein or a child of promise.

When I refer to revolution I mean more than a tremendous explosion of knowledge, or population, or projection into outer space. I am referring to man's response to the world which has been created through the interaction of people, forces and events.

In my reflection, shared aloud today, I do not care to indulge in speculation as to what constitutes progress in human affairs, or make guesses as to whether the word is getting better or worse. I do, however, propose to support the proposition that the world changes, and that man changes. Some of the changes are subtle and pass almost unnoticed. Others are accompanied with shots heard around the world.

Homo sapiens, the species of man, as we now know him, dates from about 50,000 B.C. His recorded history goes back for about 5,000 years.

Our immediate ancestors, Neanderthal men, were succeeded by Cro-Magnons, the first modern man who appeared in Europe toward the end of the Glacial Period.

MAN'S HISTORY BRIEF

As we read man's brief history, we mark his development as he uses crude utensils of chipped stone, through the stage of polished stone, to the use of bronze and iron. We mark his movements from food gatherer and hunter to herder and finally to farmer and city dweller.

Man has moved from Stone Age to Bronze Age, to Iron Age and to the age of the wheel, steam, electricity and atomic power.

Each stage of the more important discoveries constituted a hinge of history. The doors opened out on a different world. The old order gave way to a new era.

As men utilized these discoveries they in turn came under the influence of their own invention. What they first molded, later molded them. They changed in radical ways. Their life styles were altered. Their patterns of response were different. Communication gaps—and battles between the generations—took place long before modern psychoanalytic terminology was created to describe the process.

There was an Indian philosopher who taught the doctrine that nothing was real, all was illusion. His teachings emphasized this view so vigorously that one day his students determined to test their teacher's commitment to his own philosophy.

CONFRONTING DILEMMA

At the appropriate hour when the philosopher has retired for contemplation, they released a wild elephant in his garden. From their place of concealment they watched the philosopher confront his dilemma. If all were illusion, then he would surely ignore the danger, whatever the risk. Much to their surprise, the renowned teacher picked up his heels and ran as fast as he could to the nearest tree and hurriedly climbed to safety. As soon as the students had captured and removed the animal, they questioned their master about his undignified flight. After all, they pointed out, his belief centered on the concept that all was illusion. "Why did you run from the elephant?" they asked. The sage looked down from his tree and with a gentle smile replied, "What elephant?"

Margaret Meade recently said, "no one will live all his life in the world into which he was born, and no one will die in the world in which he worked in his maturity."

I think of man's character as the system of his sustained response. I believe that the nature of man's response is different at one period of history than at another. Sometimes it is only the anthropologist, the archeologist, or the historian who understands why societies or cultures change. This understanding all too frequently comes only in the post-mortem—which is too late for therapy.

WHO KILLED DIPLODOCUS?

Perhaps the largest creature ever to roam the North American continent was the diplodocus—a huge dinosaur. In the Carnegie Museum in Pittsburgh there is a mounted skeleton of a diplodocus taken from the ancient rocks of Wyoming. This animal was 87 feet long, 65 feet of which were behind the pillar-like leg supports. If this giant were to have met and battled with one of the largest creatures now living, such as an elephant, (the wild one that did exist!) the elephant would have stood little chance of success.

Who killed diplodocus? No one did. The atmosphere changed and the diplodocus did not adjust to the new environment. In his voluminous "Story of Man" Toynbee has had something to say regarding the passing of civilizations.

I will only have opportunity to take one or two concepts and show how they have altered what we call man's character or basic structure of being.

It was only toward the end of the Middle Ages that the concept of time in the modern sense began to develop. Minutes became valuable: A symptom of this new sense of time is the fact that in Nuremberg the clocks have been striking the quarter hours since the Sixteenth Century. Time was so valuable that one felt one should never spend it for any purpose that was not useful. Work became increasingly a supreme value. A new attitude toward work developed and was so strong that the middle class grew indignant against the economic unproductivity of the institutions of the church.

These new forces found expression through one named Martin Luther who served as a midwife bringing into birth our modern understanding of the importance of time and work. These became psychological foundations that have at least until recently sustained capitalism in its modern development.

What has been referred to by scholars as "the protestant ethic" was shared in the Western world by capitalists of all faiths. The "protestant ethic" focused on the importance of time and the inherent value of work.

Dr. Eric Fromm has pointed out that this new attitude "may be assumed to be the most important psychological change which has happened to man since the end of the Middle Ages. . . .

"What was new in modern society was that men came to be driven to work not so much by external pressure but by an internal compulsion, which made them work as only a strict master could have made people do in other societies.

"There is no other period in history in which free men have given their energy so completely for the one purpose: work." ("Escape from Freedom").

There would seem to be a growing body of evidence to support the thought that man's attitude toward time and work have changed or are now in a state of flux. I do not mean that your attitude toward work has changed—or that my attitude has changed—presumably we are still driven by these beliefs that have characterized the Industrial Age and have given us the affluent society.

PSYCHOLOGICAL SYMBOL

The guitar is a psychological symbol of the vagabond—one who puts a different value-stress on time and work. (Obviously not everyone who plays the guitar is a vagabond anymore than everyone who has hair above his life is a hippie! I am talking of symbols.)

We have moved from the age of the wheel and steam symbols of transportation to the age of electronics and the hardware of communications.

Dr. Marshall MacLuhan is doing more than making a play on words when he tells us that "the medium is the message."

Although I do not pretend fully to understand MacLuhan, what I do hear him saying is that the new influences of the media, coupled with all the influences of our complex world, is so conditioning man that his basic character or system of response is undergoing a cataclysmic change.

Man is modifying his life style in response to new environmental forces to the extent that new value patterns are emerging. These forces contribute to a sense of alienation, rebellion, revolt against authority and contribute to the demand for instant participation in the process of decision making.

The tremendous appeal to young people of the late President John F. Kennedy derived in large part from the fact that he was the product of these new forces, the first president to have been born in the twentieth century. He was uniquely attuned to the new influences, allegedly to the extent of consulting the computer. Not that the morality of politics prevented it before Kennedy. He just knew how to use it. It is widely agreed that his use of the television media contributed to his election—a lesson that Mr. Nixon learned well and profited from eight years later.

UNREST IS REAL

I would render a disservice to the larger issue if I concentrated on the social unrest that prevails on our college campuses. This unrest is real, it is intense and it is pervasive. However, we bypass the larger question if we attempt to analyze the college student apart from the forces at work in society. The student is only an extension of his culture. He is not an isolated phenomenon.

(Dr. McKay then told of the father who, as his 16-year-old son was walking out the door to pick up his date, said, "Have a good time." The son shot back "Don't tell me what to do!")

It is not the college student who is in revolt today—it is a generation. Manifestations of this revolution are seen within the church with nuns and priests leaving the Roman Catholic Church in alarming numbers. Similar movements are taking place in the non-Catholic realm as well. Elsewhere the role of the police and their function is undergoing scrutiny, analysis and challenge. In the old days, college presidents were hung in effigy. Today they are just hung!

Those of us who are members of the established order have obligations so vast that they cannot be denied. In a pluralistic world we have a debt to pay to the past for our freedom and our heritage. As citizens of the present we have the duty to preserve order even from those seeking greater freedom. We know that although there can be order without freedom there can be no freedom without order. And what of our obligations to the future? Here is where with our actions and attitudes we sign promissory notes that will be cashed in the future.

The current issue of Fortune magazine is devoted to "American youth: How its outlook is changing the world." If you have not already seen it, I commend it to you. It is not pleasant reading.

My remarks for today were drafted before it reached my desk. But now I want to lift as footnotes several sentences from the lead article because the author is perceptive and has supported exactly the position I have already outlined.

SERIOUS MATTER

On the "generation gap" Fortune says: "The phrase itself is beginning to grate, but it seems more evident every week that the 'generation gap' is a rather serious matter. It would be nice to believe that it isn't—that what we are witnessing is only the latest act

in history's continuously-run tragicomedy about the rebellion of restless, rootless youth against the world of its elders. A fair number of Americans are in fact clinging to some such agreeable notion about the generation gap. The notion is agreeable because it implies that this generation too will eventually come to terms with its elders and their institutions: that the arguments swirling around the campuses will pass; and that at some point, looking back through a nostalgic haze we will perceive the young rebels of the 1960's as legitimate successors to the flappers of the 1920's, the campus radicals of the 1930's, and the 'beats' of the 1950's, all of whom influenced our society in one way or another but were ultimately absorbed into it.

"And yet it may not turn out that way at all," Fortune says.

No one of course can predict the future. Your guess is as good as mine regarding the meaning and direction the revolution will take.

All of us will be called upon as citizens, as educators, as business and professional people, to take some stance regarding the revolution. Because we are involved in society we are involved in the revolution.

I will state my own position as simply as I can. It reflects only a philosophical position from which hard decisions must be made.

RESPONSIBILITY RESPONSIVE

As a college administrator I hope to be responsibly responsive to valid requests for reform. In higher education the state of utopia has not yet been attained.

By philosophy and by temperament, I am not of the nature to find myself responsive to intimidation or coercion or threats. I do not find ultimatums productive of rational discourse or debate. The politics of confrontations—which is the term for submission—is not the best method of decision-making. I still am influenced by the fallout of the democratic process. I will talk. I will listen. I will engage in no shouting matching. The man who runs scared has a nightmare road down which to run.

The revolutionaries have outlined their strategy—and at this point we had better take them seriously. They have said: "First the campuses, then business, then the government." This is truly their disruptive design.

Society is their target—not college reform. I am talking of course about the hard core of revolutionaries—not just young men and women of basic goodwill who are idealists at heart. For the latter we should be grateful. For the anarchists and nihilists we should be watchful and on guard.

Don't get hung up on the numbers game. It doesn't take a majority to gain control of a revolution. Sometimes a dedicated or fanatical handful can get the job done.

On July 14, 1789, an unruly but determined mob of indignant and angry Frenchmen stormed the Bastille. The active phase of the French Revolution had begun.

Louis XVI, reigning monarch of France, had spent the day hunting and tramping in the woods. This was his favorite preoccupation.

That evening he recorded in his diary the significant events of the day. Louis wrote the single word—"rein." Nothing had taken place. The day had been uneventful. Louis' area of awareness was so limited, his horizons so constricted, he did not even suspect that a revolution had begun.

The late Christopher Morley admonished us with insight:

> "Never write up a diary
> On the day itself.
> It needs longer than that
> To know what happened."

TRIBUTE TO SENATOR BARTLETT

Mr. MOSS. Mr. President, the death of a Member of the Senate always saddens us, but our grief is especially great when we lose a Bob Bartlett—a colleague with whom we walked in singular admiration and respect.

Bob Bartlett dedicated his life to two things—helping all people but especially helping Alaskans.

Probably his most outstanding quality was his compassion. He was a warm, generous, and understanding person. When anyone was in trouble, he took those troubles deeply to himself. His efforts to help were unceasing, endless. He made friends as easily as some people make enemies. Bob kept his friends for life.

In his dedication to Alaska, Bob Bartlett built an enduring monument. He spent most of the last quarter century of his life in a drive to win Statehood for Alaska, and in helping to guide it through its first 10 transitional years when it changed from a territory to a full-fledged, first-class member of the family of American States.

I think it no exaggeration to say that Alaskan statehood, and the flourishing, progressive place that Alaska has become, are as much due to the dedication of Bob Bartlett as to any other single force or effort.

And ever with Bob as his companion and counselor, devoted to him and to his work and his ideals, was his wife, Vide. She, too, is loved and revered by all who know her.

I have never been more impressed with home State editorials about the passing of a Member of the Senate than with those on Senator Bartlett. Alaska newspapers speak of the "outpouring of grief" of his arctic frontier constituency and call him their "most beloved citizen." They say no one was ever as trusted and revered as was he. They refer to their "plateau of devotion" for him and consider him a "man to match the State's mountains."

Those of us who knew him well here in the Senate can understand.

We knew it was a privilege to call him friend and to work with him. He was a sound legislator, and he was solid as a man. He had loyalty, courage, and integrity.

We shall miss him—we shall always remember him. Phyllis joins with me in expressing our deep sympathy to his devoted wife, Vide, and his daughters, Doris Ann and Sue. They can walk with his memory in singular pride.

THE SCHOOL MILK BILL

Mr. McGOVERN. Mr. President, I am confident that the Senate and the American people share my concern with the need to improve nutrition among our young people. This concern cannot be limited to a single economic segment of the population.

After some study of the nutrition habits of our population I have come to realize that money and income does not guarantee that the youth in a family will be well fed. Numerous studies show that children of families with adequate and even very high incomes suffer from malnutrition as well as children from the impoverished segment of the population; and that malnutrition is adversely affecting progress in education.

In this modern age of working mothers, a great many children from well fixed as well as poor families go to school without breakfast, or an inadequate breakfast. Except as provided by the special milk program for children and the national school lunch program, the same children often have a soft drink and a candy bar for lunch.

The records of the Selective Service alone are convincing evidence that many parents neglect, or are unaware of, their responsibilities for building healthy bodies and healthy teeth. Providing milk for use in schools, child-care centers, and similar institutions is a method of correcting deficiencies in home diets for children in all economic groups.

Congress deserves unstinting praise for providing the programs and the finances for both the national school lunch program and the special milk program for children. These two programs, when taken together, have made an outstanding contribution toward improving the diets of some 16 million of our youth annually.

In addition, these programs have provided a substantial market for farm products, including milk. A great deal of the milk and other food used in the school milk and lunch programs would, in any event, be acquired by the Government through its price support operations. For this reason, both the school lunch and the special milk program for children are in effect dividends from the farm program, which rebound to the benefit of every boy and girl in America who have an opportunity, through local educational facilities, to participate.

The special milk program for children deserves special mention. This program was inaugurated in 1954 with the dual purpose of expanding the market for dairy products and experimenting with a plan to upgrade the diets of children, whether or not they participate in the school lunch program. Under the special milk program for children, the Federal Government uses money which otherwise would go for price support, to reduce the cost of milk to children in schools. It was a prudent decision of the Congress to allow schoolchildren to drink all the milk they wish, rather than have Government purchase the milk as butter, cheese, or nonfat dry milk and then to find outlets for those products.

The special milk program for children, last year, was responsible for encouraging children to increase consumption by some 3 billion cartons of milk. For dairy farmers this was nearly 3 percent of all sales of bottled milk.

In the budget submitted to the Congress by the past administration, it is proposed that the special milk program for children be emasculated. Slightly less than $15,000,000 would be available for

the program for the next fiscal year and the program would be terminated sometime in 1970. For the current fiscal year, the Congress provided $104 million to insure all of our children a milk ration.

We should continue this program with "full steam ahead," as a health measure. I have cosponsored a bill with the Senator from Wisconsin (Mr. PROXMIRE), S. 644, for this purpose. The bill would make the program permanent, and authorize expenditure of sufficient funds so that no child will be denied milk for lack of suport by the U.S. Congress.

The budget message errs in its suggestion that the money now appropriated for the special milk program for children will be used to increase the amount of funds available for the school lunch program. We need the increased appropriations for the school lunch program, but not at the expense of milk. Congress last year provided for some increases in school lunch funds and, in so doing, it had no intention of recapturing the sums for the milk program.

Under the special milk program for children, milk is available without limit at minimum cost. Under the school lunch program a child attending a participating school is entitled to only one half-pint carton of milk for each type A lunch. The milk provided by the special milk program represents 3 billion additional cartons. The shifting of funds as suggested by the budget would not result in increased milk consumption by children, or in better diets, but would result in a substantial decrease in our present provision of school milk and food. This would be a false economy and a step backward.

Both the milk and lunch programs are important to the nutrition of our children and the amount of money required for their success is minimal. In my judgment they pay greater dividends than any expenditure that might be authorized by the U.S. Congress, for these dividends come to us in healthy children and healthy citizens.

The measure Senator PROXMIRE and I have introduced (S. 644) is intended to provide for some expansion of volume used in the school milk program and to again make it clear that Congress does not approve of the regressive step in child feeding involved in the budget proposal.

THE BIOLOGICAL REVOLUTION

Mr. MONDALE. Mr. President, last Monday, I reintroduced my proposal for a creation of an Advisory Commission on Health Science and Society. This measure, Senate Joint Resolution 47, would create a blue-ribbon commission to look into the social, legal, and public policy issues surrounding the exploding field of biomedical research.

With the resolution, I included in the RECORD an article by Harvard Historian Donald Fleming "On Living in a Biological Revolution," which summarized some of the amazing developments in biological research, amplifying some of the remarks I had made. The March issue of the Atlantic carries a selection of letters in response to that article. Two particularly make the comments I would make about the article.

I agree with Theodosius Dobzhansky that:

The application of these and other possible discoveries to man will raise a host of tough problems, which will be sociological, ethical, and even political.

Further, I believe as does Historian L. Pearce Williams that we must do better at describing what the revolution will do to "the traditional structure of American society."

Mr. President, I think these letters are interesting and provocative. I believe they too add to the case for the Commission. I ask unanimous consent to the inclusion in the RECORD at this point of the series of letters, entitled "Further Thoughts on the Biological Revolution," from the March issue of the Atlantic.

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

FURTHER THOUGHTS ON THE BIOLOGICAL REVOLUTION

(NOTE.—In last month's issue, Harvard historian Donald Fleming, in his article "On Living in a Biological Revolution," ventured a contemplative summary of recent scientific discoveries that bring us closer to "the manufacture of man." That this scientific ambition is controversial, on both scientific and humanistic grounds, is amply borne out by these comments, all written in response to the Fleming article by men distinguished for their own work in genetics or related fields.)

"Donald Fleming's article impresses me as a valid statement of the views of a strident biological minority, which would, if it could, impose a social and evolutionary disaster on man. The article ignores the early and needed applications of genetic engineering in (a) the alteration of micro-organisms as biological controls of pests and as more effective biochemical transformers—for example, of sewage into edible proteins; and (b) the modification of plants for desired properties.

"Professor Fleming exaggerates the extent of today's genetic knowledge, especially with reference to metazoan species. Certainly, many genetic components are common throughout life, but it is equally clear that the aggregate quantity and organization of genetic information is vastly different in bacteria and man. This applies especially to the still obscure process of cellular differentiation (for example, why one cell becomes part of an eye rather than part of an intestine), and to polygenic traits (such as stature or components of intelligence), which are governed by the interactions of many gene loci.

"More important, Fleming confuses the possibility of controlling specific traits with the maintenance of entire 'desirable' types. The independent assortment of genes in sexual reproduction constantly introduces changes. The perfect replication of Superman is not possible; however, a 'clone' of Superwomen might, in theory, be maintained through the asexual activation of eggs.

"In general, Fleming's sources appear innocent of population genetics or modern evolutionary theory, as developed by Mayr, Dobzhansky, Hirsh, and others. In evolutionary perspective, man has been successful over a half-million years and through enormous change because of his variability and constant hybridization. Variability also has reduced conflict and promoted cooperation within the species—a fact well known for the basic variants: male and female. Characteristically, many of man's traits are at once 'good' and 'bad'; such worldwide diseases as juvenile diabetes and schizophrenia probably have highly desirable complements linked with energy mobilization and abstracting capacity. Moreover, man, as an old, successful species, carries a heavy burden of deleterious recessive genes which would be maintained by the close inbreeding needed to maintain specific traits. (Old frozen sperm, by the way, produces an increasing proportion of defective offspring.) All this means that genetic tinkering could produce many culls—how are they to be handled?

"In any case, the introduction of tailor-made man on any significant scale could only be done by the elimination of virtually all of today's social institutions and values. The development of the latter is, however, far more likely to achieve viable solutions to man's problems of survival and emotional satisfaction. Thus my prospective view for the year 2000 A.D. is not a Biological Dictatorship, but either a cultural collapse in the wake of nuclear war or a tamed biology ruled by more sophisticated Social Man." (Demitri B. Shimkin, Professor of Anthropology and Geography, University of Illinois, Urbana, Illinois.)

"My own specialty is gerontology, and I am surprised Professor Fleming places as much stress as he does on organ transplant and says so little about the biochemical control of the aging process. I think that such control is implicit in modern molecular biology if understood and considered desirable.

"Fleming's paper fails to make what I consider an important distinction. Extension of life-span past the age of frequent conception has a limited effect on the total population. While the extension of mature life-span is occurring, the proportion and number of older individuals do increase. However, the population is mainly determined by the rate of breeding and infant mortality. The population of the world is more dependent on the number of surviving great-grandchildren we produce than the length of our own lives. The world could well afford to have people live longer, as long as they were productive and provided that they did not contribute extra offspring.

"Growing larger cerebral cortexes is not as sensational as suggested by Professor Fleming. We have discussed the matter a number of times in our own laboratory, and I am sure that somewhere experiments are under way. The questions are technical—what agents should be used, would they cross the placenta, how would they affect uterine blood flow, and what other effects would there be on the developing embryo?

"I believe Professor Fleming misses one point, and that is that before genetic tampering becomes commonplace, there is going to be a period where people will have a good deal of latitude in determining the causes of their death and the risk they will run with particular diseases. Many situations will arise where a course of action might result in less probability of cardiovascular disease and more probability of cancer. The person who receives a transplant runs more risk from infectious disease. I am sure that there will be a risk concerned with gene manipulation of the type that is being discussed in this article. Efforts to introduce more perfect genetic information will always run a risk of damaging other genetic information. The patient, instead of making no decisions, may face the problem of makng a good many more. I don't really believe that the biological revolution is a threat to the individual. I would hope that he could aspire to a more creative, better life and that he would have more time for his education, a successful career, and the enjoyable use of his leisure time." (F. Marott Sinex, Chairman, Department of Biochemistry, Boston University School of Medicine, Boston, Massachusetts.)

"Most of the promises of the New Biology enumerated by Professor Fleming will doubtless be fulfilled sooner or later. But these promises are really of two quite different categories. Some will alleviate human suffering without endeavoring to change the basic nature of human beings; others purport to create new kinds of beings by altering their genetic composition.

"The biologists, unfortunately, are generally so preoccupied with the genetically determined instinctive characteristics of man as an animal that they tend to ignore the role of cultural activities in human affairs. Culture, not inheritance, sets the values of different societies. Generally speaking, changes within the societies of *Homo sapiens* will be accomplished with varying degrees of difficulty, and social science analysis can predict the acceptability of such changes within limits. Genetic alteration of *Homo sapiens* into another species, however, involves problems of qualitative transformations, which leads into the unknown.

"The late Hermann Muller, Nobel laureate in genetics, whom Professor Fleming cites with approval, proposed a sperm bank to select people who are genetically more healthy, intelligent, and cooperative. Professor Fleming seems to believe that someday gene manipulation can remove the 'aggressive instincts of the human animal' and increase 'his lamentably low average intelligence for copying with increasingly complicated problems.' Others have discussed man's instinct for territoriality and his aggressiveness in defense of his habitat, and some primatologists attempt to trace the roots of human society to vague instincts shared with primate ancestors and the whole animal kingdom.

"The most elementary knowledge of the history of culture and of its varieties should make it clear to anyone that man is cooperative or aggressive, territorial or nonterritorial, warring or peaceful according to cultural circumstances, and that only the emotional components of these varieties of behavior arise from the basic qualities of all human beings. At present, therefore, it is more realistic to think of how culture can be changed than how man may be altered to respond instinctively to a culture not yet envisaged.

"The most alarming ethical aspect of the proposed use of the New Biology is that the nature of the genetic transformations shall be stipulated by those of superior intelligence, and that the remainder of the population shall conform to the needs of society, childbearing being licensed. Not only is it unlikely that specific temperaments and forms of behavior that are socially desirable have any genetic basis, but intelligence alone by no means assures an answer to social problems.

"One has only to think of the intellectual eminence of the Nobel laureates in their own fields as compared with their basic misunderstanding of the implications of the proposals discussed here. No one will object to intelligence per se, but it is by no means a simple Mendelian factor. Moreover, it becomes effective only when trained and applied to specific problems by means of an appropriate methodology. Such efforts have scarcely begun.

"To entrust the remodeling of the basic nature of *Homo sapiens* into a new species, with more clearly conceived characteristics than docility in the hand of their masters, will rightly be opposed. If use of drugs and chemicals, surgery, electrodes in the brain, brainwashing, and other techniques are added, I can only picture a new race of zombies, and it occurs to me that mechanical robots would be cheaper and better behaved.

"At a moment in history when nonwhite races are striving for self-identification and dignity, it is deeply disturbing that the old eugenics should be offered with pseudoscientific claims. Not all the New Biologists have any such goals, and one must hope that they would refuse to be part of the intellectual caste of dictators. One thing is clear about our present society: the required freedom of research which makes the New Biology possible will also make individuals rebel against such a new society." (Julian H. Steward, Professor of Anthropology, University of Illinois, Urbana, Illinois.)

"The claim that molecular and organismic biology no longer 'constitute a community' is sheer rubbish. And rubbish it would remain even if some Nobel Prize winner endorsed it. The great discoveries which have enriched biology in recent years have given biology, the science of life, an unmistakable coherence, not a schizophrenia. Life has two aspects, equally significant and equally fascinating—its unity and its diversity. It is pure blindness or puerility to ignore either.

"Yes, indeed, we may be entering a century of biology. Yes indeed, it would be a bold man who would deny that the possibilities outlined in Mr. Fleming's article may someday be realized. It takes an even bolder, or perhaps a thoughtless, man to be sure that they will be realized by the year 2000. And when and if they will, biologists had better keep in mind that the application of these and other possible discoveries to man will raise a host of tough problems, which will be sociological, ethical, and even political, rather than primarily biological, in nature." (Theodosius Dobzhansky, The Rockefeller University, New York, New York.)

"Professor Fleming's article is encouraging in that it indicates scientists are becoming concerned with the social consequences of their discoveries. However, it is difficult to see how the technological discoveries he lists can be described as a 'revolution.' Indeed, many of them are little more than faint hopes or biological curiosities, and one of them, the preconceptual determination of sex, is no closer to solution now than it has been for the past thirty or forty years. To put these matters into proper perspective, the major unsolved practical problems of today are those of poverty, violence, warfare, overpopulation, and last but not least, a general rising tide of discontent with a bureaucratic and impersonally organized society.

"These are social and ecological problems, and their solution is most likely to come from the efforts of scientists in the behavioral sciences and the ecological portion of biological science. Indeed, there are two centers of ferment and discovery in the biological sciences at the present time, located at almost opposite poles of complexity of organization. One of these is molecular biology as described by Professor Fleming, arising from the application of new biochemical techniques to basic biological processes. The other is animal behavior, including the study of animal societies and their ecology. While the nature of the social problems is so complex that they will require the best efforts of all sorts of sciences for their solution, it is from the latter area of biology rather than the former that possible solutions of our major problems are most likely to come.

"For example, the population problem is likely to be augmented rather than diminished as constitutional diseases are cured and embryos are provided a better prenatal environment. While the newer methods of contraception are somewhat more convenient than the old, the way in which these techniques may be used to bring about a desirable result provides an extraordinarily complex problem of social control and social engineering. We still have too many narrowly trained scientists who anticipate that all human ills will be removed by one simple technical discovery, and each hopes that that discovery will come from his own discipline. What we need is a new breed of scientists who are aware of the complex and interdependent nature of biological and social processes, and who have the ability and motivation to cooperate with each other in attempting to understand and control these processes." (J. P. Scott, Director, Center for Research on Social Behavior, Bowling Green State University, Bowling Green, Ohio.)

"I see no excuse for beefing up brains. The human range of neurons in excess over basic mammalian needs ranges from 7 to 12 billion, almost 2 to 1. We don't need more than 12 billion, only more people with better prefrontal areas and thus better judgment. A computer is a better storage house for excess information than a top-heavy skull.

If all these biological breakthroughs were employed, death might be abolished, and if it were, cultural change would be too. A frozen status quo is itself death, the end of the world, as presented by the Harvard *Lampoon* in its parody of *Life* in October, 1968.

"But who is going to persuade or force people to accept these changes? Must we have a tighter dictatorship than any that the world has yet seen, or a reign of terror controlled by a Nobel laureate in a spaceship? Before it is too late, it might be wise to abolish the Nobel Prize as the world's greatest breeder of arrogance. Statements like 'We will succeed in doing such and such by A.D. 1985,' or 'A.D. 2000,' etc. remind me of the Arab story of the little men underground trying to dig their way out to daylight and destroy the world. Every night they say, 'Tomorrow we will break through,' but God fills in their holes because they forgot to say *Inshallah* (God willing). Perhaps these superbiologists might find some way to say their equivalent of *Inshallah*, or to cross their fingers when they set their timetables." (Carlton S. Coon, Gloucester, Massachusetts.)

"The revolution that Dr. Fleming describes is real enough, but I do not feel that he has really come to grips with its implications. I kept asking myself 'So what?' at each new revelation, and it is a good question. What Fleming fails to do—yet he is certainly equipped to do it—is to spell out what the biological engineering he describes will do to the traditional structure of American society. How, specifically, will it affect our egalitarian ideals, our laws, our lives? He hints at some of the answers—for example, the relief that might be felt by many adults if they could justify *not* having children—but such hints are not enough. Fleming, it seems to me, treats his 'revolutionaries' entirely too gently. He is in awe of them and handles them with kid gloves. I would much prefer a bolder attack.

"Joshua Lederberg may be a genius with macro-molecules, but he would appear to be a rather untrustworthy kind of guide to the new, biologically engineered society. What are his qualifications for this task? What are the implications of publicly sponsored research being used to destroy the institutions of the society paying for the research? How much autonomy should be granted scientists when the results of their research have implications of fundamental importance to society? These are questions that desperately need answers today; unfortunately, Fleming does not even raise them. I wish he had." (L. Pearce Williams, Professor of the History of Science, Cornell University, Ithaca, New York.)

"I believe that Donald Fleming has quite misconstrued or at best oversimplified my own position on the subject he discusses.

"I am indeed fascinated by embryology, since so much of the biochemical and physiological machinery of the body is laid down during fetal life. But I am equally fascinated by the psychological and social development of the child afterward. I would take particular exception to the phrase 'maddened and obsessed,' unless it is answered that my concern for healthy maternal nutrition to sustain the fetus' developing brain is an obsession. I think the further phrase 'such a waste of time before the scientists can get at us' is particularly offensive—if Mrs. Fleming wants to voice such an opinion on his own account, that is fine with me, but I hate to have even an indirect attribution of such language to myself appearing on the record. I also have to stress that the emphasis I have given to 'euphenics' is a counterslogan in reaction to the zealous eugenicists. I

pointed out elsewhere that euphenics is in fact nothing but medicine.

"Mr. Fleming has certainly misunderstood me if he believes that I advocate a program of action. I do advocate that research that can enable us to achieve the human mastery of nature that has been the main thread of his cultural development; and I advocate the widest possible public education about these opportunities precisely in order to minimize the chance that they will be dominated by monolithic bureaucracy. For example, I am quite opposed to 'foolproof compulsory contraception.' At the same time, I join a great many biologists and others in warning that we must somehow achieve a humane solution to the very pressing problem of world overpopulation and underdevelopment.

"As to organ replacements, I was among the first to point out the difficulties that would arise in managing the potential 'market' in organs, and primarily for that reason, pointed out the need to stress some countertechnology in the direction of artificial organs.

"I do not see any prospect of gene manipulation and substitution along the lines specifically laid out by Fleming, but I certainly do see new possibilities of therapeutic repair of those diseases about which we achieve sufficient biochemical understanding.

"I do favor continued research on human development, particularly on the correlated questions of the development of the brain and of intellect, and there is no doubt that such research will provide answers to many tragic questions that plague people today.

"I am in accord with Mr. Fleming in his cautions that the opportunities for more and more incisive intervention may have cumulatively insidious by-products, and that these will be far the worse if we do not broaden the base of public understanding of biology.

"Finally, let me state one specific program that I do advocate and a theme to which I have returned again and again in my columns. The world's most pressing problems are the nutrition and education of the young." (Joshua Lederberg, Professor of Genetics, Stanford University School of Medicine, Palo Alto, California.)

"It is too bad that Professor Fleming emphasizes the split at Harvard between the 'old' and 'new' biologies. Harvard in this area is way behind the times, and now appears to be going through the sort of convulsions which characterized other departments nearly a decade ago (and which Stanford was very fortunate to avoid). It is now abundantly clear that biologists of all persuasions must remain in close touch while attempting to solve the fantastic problems now confronting mankind. Many molecular biologists, presumably because of their extremely narrow training, have promoted preposterous systems of priority in biological research. One need only consider the money which over the past decades has flowed into what broadly can be described as 'cancer research' in contrast to what has gone into research in areas related to population control. Cancer is a disease primarily of concern to older people in a world where almost 40 percent of the people are under fifteen years of age. The population explosion threatens to exterminate us all. On the other hand, 'classical biologists,' out of envy, ignorance, or stupidity, have all too often denigrated the striking advances made in molecular biology, refused to see their importance in all biological disciplines, and have reacted to defensively against the molecular biologists. The time has long since passed for this kind of nonsense. The brilliance of the molecular biologists must be directed first at problems of immediate importance, and the classical biologists must bring more rigor to bear on those problems which are too complex for a simple chemical solution.

"If we had the time, perhaps the most interesting study of all would be essentially the study of the theology of science. There already has been one immensely interesting contribution to this area in Professor James Watson's superb book *The Double Helix*. Scientists could profitably spend more time trying to understand their own motives and faiths rather than promoting the corny ideas of how science operates that are characteristically repeated to secondary school students."—(Paul R. Ehrlich, Professor of Biology, Stanford University, Stanford, California.)

"Dr. Fleming's review of the revolutionary implications of some of the recent discoveries in biological science is challenging, even if there will be some disagreement as to the equal validity or equal importance of each of his twelve items.

"The omissions seem to me to be the more important. Decisions will have to be made about whether and how to use our increasing ability to control hitherto uncontrollable natural and biological processes. These decisions will have great individual and sociological importance; and in addition, they are emotionally highly charged. Therefore they require men who are both erudite and emotionally mature. But to produce this combination in abundance implies revolutionary developments in the educational process. This cannot even begin until we acknowledge the fact that in the entire history of human culture, erudition and wisdom have had at most a purely accidental correlation.

"I agree wholly that we must accept the responsibility of bringing order into planning the intervals and gender sequences of family life. Among the thousands of other variables which determine the processes of growth in human life, these have special and early importance. Once we have this knowledge, however, we will face the problem of how to use it. I agree that the right to prevent conception or to interrupt it will soon be taken for granted, and that our main problem will then be to determine how to induce people to use these rights. In itself this is an unsolved psychological and psychosocial problem on conscious, preconscious and unconscious levels.

"Even more fundamental will be the next problem—namely, to ascertain who has a right to have babies at all, and when, and how frequently, and at what intervals. So I agree that we will have to consider every possible technique by which genetic determinants can be ascertained, selected, and brought into harmonious use and control. But this implies again the same revolution in education, because to determine what are the most favorable intervals and the most favorable gender sequences in any family unit demands a special kind and degree of maturity.

"Finally, as we attempt this, we will also have to avoid the danger of reverting to the ancient fallacy that genetics can operate in a vacuum. There is some danger that Professor Fleming's thesis, if accepted uncritically, will throw us back to a modern version of the ancient and unreal controversy between heredity and environment, as though either ever operates apart from the other.

"For example, recent studies of infants have shown that in addition to genetic factors, inadequate nutrition can block the development of brain size, of the central nervous system as a whole, and of the IQ. But 'nutrition' involves emotional as well as caloric and biochemical ingredients. So genetic factors do not operate independent of nutritional and other factors, and to select genetic factors for separate and isolated emphasis brings a danger of overlooking other concurrent determinants.

"Professor Fleming steps furthest from his own field when he discusses drugs and the brain. In principle there is nothing new about the so-called hallucinogens and their simulation of psychotic states. Alcohol was doing this long before anyone coined the term 'psychopharmacology.' The fact that such deliria are a form of psychosis does not lead to the unwarranted conclusion that psychosis is due to some inborn error of metabolism which is remediable by the administration of drugs. This is an unwarranted assumption made by Linus Pauling and others who have observed this field only from clinically naive armchairs. Even if true, the existence of a drug delirium does not prove this thesis, whether the drug is alcohol or LSD. We must not assume too much that is still unknown about the relation of the hallucinogens to the psychotic disorganization of the neurotic process.

"Similarly, the lack of a tranquilizer is not the *cause* of a psychosis any more than a lack of aspirin is a *cause* of headaches. Actually, it is not always clear when a drug is therapeutic in any real sense, or when it simply masks symptoms to produce a temporary illusion of health while the underlying process of illness goes on unimpeded until even greater disorganization occurs. Also, when drugs make an illness accessible to psychotherapy, this is a valuable achievement, but only when the opportunity is seized upon by experienced psychotherapists. I am unhappy to see the current newspaper ballyhoo over psychopharmacology and hallucinogens given such unwarranted support." (Lawrence S. Kubie, Sparks, Maryland.)

"I consider it improbable, not impossible, that within this century eugenics by biological engineering will become feasible for man; that 'euphenics' will become a reality; that it will be possible to prevent and cure mental diseases by drugs, although they will be increasingly important in ameliorating symptoms; or that the transplantation of organs will become more than an act of desperation to gain a worthwhile prolongation of life.

"It is my opinion that the processes of life and development are too complex to be mastered to the extent predicted by Professor Fleming.

"It is my opinion that predictions of successful transplantation of the human brain require gross ignorance or disregard for the complexity of its anatomical connections. Prolonged survival of the *caput* without a body is more probable." (Dwight J. Ingle, Editor, Perspectives in Biology and Medicine, Chicago, Illinois.)

RICHARD M. NIXON, USN

Mr. CURTIS. Mr. President, for some years it was the good fortune of my family and me to live next door to a distinguished naval officer, Peter F. Boyle, who has now retired as a captain.

I was pleased to notice in the January 24, 1969, issue of Time magazine an item wherein Captain Boyle made public his early impressions of a young naval lieutenant under his command. That young lieutenant was Richard M. Nixon.

I ask unanimous consent that this article be printed in the RECORD.

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

FITNESS REPORT: SUPERIOR

SIR: Mr. Nixon is about to become our new President [Jan. 20]; but I haven't yet heard much about his wartime experiences.

I was Mr. Nixon's commanding officer for a number of months during 1944 at the Naval Air Station, Alameda, Calif. My command was Headquarters Squadron, Fleet Air Wing Eight. When I first met him in my office, I detected a very eager young lieutenant who was proud of his uniform and displayed a nervous desire to get to his new job assignment, which was as night maintenance officer, third shift.

We had a huge backlog of heavy maintenance checks to perform and a large flight schedule to maintain, in which we qualified pilots and crews for transpacific flights to Honolulu. Mr. Nixon assured me that there wouldn't be another officer or man in the squadron who would work harder or support our mission better than himself. His enthusiasm was overpowering. He had something special to give, but I couldn't immediately determine what it was. In about three months, my engineering officer recommended that the third shift be terminated—much to my surprise. His explanation was that the young Lieut. Nixon had been so successful in performing, not through technical competence but through the sheer weight of enthusiastic leadership, that the night shift produced so well that they were even performing checks scheduled for the day shift!

Mr. Nixon's quiet leadership techniques took hold throughout the squadron. I am sure that his leadership qualities will stand all Americans in good stead these next four years.

P. F. BOYLE,
Captain, U.S.N., retired.
A.P.O. SAN FRANCISCO.

CONTRACTS AWARDED TO CERTAIN TEXTILE COMPANIES

Mr. HART. Mr. President, after reading press accounts about the decision of the Department of Defense to award contracts totaling $9.4 million to three textile companies whose civil rights compliance is highly doubtful, I sent the following communication to the Deputy Secretary of Defense:

DEAR MR. PACKARD: In recent days, I have taken more than a passing interest in the newspaper accounts of the action of the Department of Defense in awarding $9.4 million in contracts to three textile companies whose civil rights compliance has been challenged. I have been left somewhat confused by what appear to be conflicting press accounts of this action.

After reading the attached article from Tuesday's Washington Post, I am even more concerned about the procedures which have been followed—or not followed—in the awarding of contracts to J. P. Stevens, Dan River Mills, and Burlington Industries. I certainly hope that the Department has secured more than "paper" assurances that the requirements of the Executive Order on contract compliance will be followed by the three companies in question.

It would be helpful if you could advise me of the extent to which the companies have met and are meeting the requirements of the Executive Order and whether the normal procedures have been followed in this case, both within the Department and in coordination with the Office of Federal Contract Compliance.

Thank you for your attention to my request.

Sincerely,

PHILIP A. HART.

Mr. President, my concern, if anything, has been increased after having read additional articles about this action. Congressional Quarterly, in its February 14 issue, carried a brief account relating to Secretary Packard's decision to award the contracts. Excerpts from the CQ article follow:

The Department of Defense February 7 announced approval of $9.4 million in contracts awarded to three textile companies threatened the previous week with debarment from federal contracts because of violations of federal regulations against racial discrimination.

Dan River Mills, Burlington Industries and J. P. Stevens & Co. were awarded contracts after company executives assured David Packard, Deputy Secretary of Defense, that they would take "affirmative action" to reach equal employment goals.

Packard did not disclose the details of such action plans. He said that he had received satisfactory assurance from the companies that they would end discriminatory employment practices.

This decision appears to reverse a previous finding by the Defense Department and the Office of Federal Contract Compliance (OFCC) that the companies were not in compliance with federal regulations and were therefore ineligible for federal contracts.

The decision, originally set for January 31, was delayed a week. The delay was attributed to the efforts of Senator Strom Thurmond (R-S.C.) to prevent the debarment of the companies, all of which have plants in South Carolina.

The OFCC, charged with supervising the equal employment policies of Government contractors, objected February 10 that it had not been consulted about the settlement which was reached with the companies. The OFCC is in the Department of Labor.

The OFCC asked Packard to specify the details of the agreement and indicated that it might convene formal hearings to bar the companies involved from bidding for any future federal contracts. . . .

Senator Walter F. Mondale (D-Minn.) February 11 asked David Packard to delay award of the contracts to the three textile companies until the OFCC approved the settlement with the companies. Mondale said that he was "most disturbed . . . that these contracts were approved without even consulting OFCC" and warned Packard never again to ignore the OFCC in such matters.

Mr. President, over the weekend, the Leadership Conference on Civil Rights, through its distinguished chairman, Roy Wilkins, called upon the President to order a review of Mr. Packard's decision and to have him make public the details of the agreement with the three textile companies. I ask that the text of Mr. Wilkins' telegram to the President be included as part of my remarks at this point in the RECORD.

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

The Defense Department's award of textile contracts to J. P. Stevens & Co., Dan River Mills and Burlington Industries, three companies with long histories of job discrimination, calls for the most searching concern. The fact that the terms of the Department's agreement with these companies are undisclosed is incompatible with the public's right to know and the pledge of an "open administration." We urge you to direct a review to determine if these firms are indeed in full compliance with the executive order on non-discrimination in employment and to direct Secretary Packard to disclose what agreement he has made.

ROY WILKINS,
Chairman, Leadership Conference on Civil Rights.

Mr. HART. Mr. President, the decision of Secretary Packard is most unfortunate. The fact that the details of the agreement with the companies have not been made public is regrettable enough, but when one considers that the Federal agency responsible for coordinating the contract compliance program, the Office of Federal Contract Compliance, was not consulted about the agreement, the decision becomes even more deplorable. I hope the President will respond affirmatively to Mr. Wilkins' telegram by ordering a complete review of the action and then by making public the details of the agreement which has been reached with the three companies.

TOWARD A SOCIAL REPORT: SOCIAL MOBILITY

Mr. MONDALE. Mr. President, I invite attention once again to the bill I introduced on January 5—the Full Opportunity Act of 1969. The bill establishes a Council of Social Advisers and a Joint Committee on the Social Report, and requires the President to submit an annual Social Report to Congress. I firmly believe that the enactment of this bill will allow us to seriously begin working toward the realization of one of the most cherished of American ideals: equal opportunity for every American.

The aspect of opportunity I want to highlight today is social mobility. It is indeed ironic that while some men are mobile enough to travel to the moon others lack the mobility to travel out of their ghetto. That we know more about extraterrestrial mobility than intrasocietal mobility is today all too evident and unfortunate. We can no longer afford—in any manner—the luxury of such relative ignorance. To say "I don't know" is not a satisfactory response to the social problems which now confront us. While knowledge is not a sufficient condition for problem solving, it is a necessary condition. We need both the desire and the competence to solve these problems associated with equal opportunity. We cannot realize our ideal of equal opportunity unless we have an open society—a society which affords and stimulates rather than denies and frustrates social mobility.

Mr. President, HEW's "Toward a Social Report" points to the fact—based on systematic analysis—that "the great majority of our citizens" do have the opportunity "to improve their relative occupational status." For the great majority of our citizens there is the opportunity for social mobility. Yet what about the minority? The report reveals that there is an income gap of $1,400 between white citizens and black citizens of "comparable family background, educational attainment and occupational level." Plainly this does not describe a society in which every American has equality of opportunity regardless of family background. The report concludes:

Economic and social status—and hence social mobility—in our society still depend in a striking way on the color of a man's skin.

I am convinced, Mr. President, that once the American people fully understand these serious problems in our society, they will move swiftly and surely to remedy them. The Social Report is a start in the right direction.

Mr. President, I ask unanimous consent that the second chapter of "Toward a Social Report," euntitled "Social Mobility," be printed in the RECORD.

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

SOCIAL MOBILITY: HOW MUCH OPPORTUNITY IS THERE?—CHAPTER II

"America means opportunity." So said Ralph Waldo Emerson over a hundred years ago. Ever since our Nation began, Americans, probably more than others, have believed that the individual should have the opportunity to achieve whatever his talents can bring. They have not enjoyed complete equality of opportunity, but a belief in greater equality of opportunity has always been a part of the American creed.

Thus, any inventory of the state of American society must ask how much equality of opportunity we have, and whether there is more or less than there used to be. Complete equality of opportunity exists when the social and economic status a person has is determined by his own abilities and efforts rather than by the circumstances of his birth. If a person's family background or race, for example, affect his ability to "get ahead," then the ideal of equality of opportunity has not been realized.

An improvement throughout the society in the prospects for a high income, an advanced education, or a white collar job, however, does *not* necessarily mean greater *equality* of opportunity. Such improvements in "life chances" for the population as a whole are, of course, important, but they are largely the result of economic progress, which is considered in another chapter. Here, we focus instead on the extent to which a person's status, *relative* to that of others in his society, is determined by his ability and effort, rather than by his social origins. True equality of opportunity means that some families must fall in *relative* social or economic position if others rise. Indeed, many Americans might not want complete equality of opportunity with its extreme emphasis on individual talent, and some might question whether an aristocracy of ability is really preferable to an aristocracy of birth. A society in which the most capable people were always able to rise to positions of leadership, however fair this might seem, could prove intolerable to those who were condemned to failure because they lacked the patricular talents valued in that culture. We must, then, temper our desire for more equality of opportunity with the realization that it may also be necessary for the successful and talented to share their good fortune with those less well endowed. But, in this Chapter, these issues need not concern us unduly, for no matter how much equality of opportunity there may be in our Nation, most people want more than we now have.

To assess the degree of opportunity and measure its changes over time, we have to be able to determine a man's relative "position" in society, so that we can say whether he has risen or fallen in status. Though there is no one ideal measure of social and economic position, a man's occupation is probably the best single indicator of his socio-economic level. Other characteristics, like high income, education, social standing, community influence, and membership in prestigious organizations, can also bring high socio-economic status. The man of independent means and wide influence may have a high standing in his community even if he does not work at a job, and the man in a religious or ethnic minority may be denied access to prestigious organizations in spite of his career success. Thus, occupational mobility is not a perfect indicator of social mobility, and we cannot be sure that there is more or less equality of opportunity just because a man's occupational position is more or less dependent on his family background than at some earlier point in our history. Yet, changes in occupational mobility probably tell us as much about changes in social mobility as any other single measure we could use. All of the ingredients of a high status usually vary with occupation and are roughly measured by it. In a modern society like the United States, moreover, men are admired primarily for the work they do. Accordingly, in this Chapter, we will measure the extent of opportunity by looking at changes in occupational status from one generation to the next, asking in particular how an individual's family background bears on his chances of success. Toward the end of the Chapter, we will also consider how the color of a man's skin affects his position in our society (or at least his economic opportunities). In this first attempt toward a Social Report, it was not possible to consider other circumstances, such as sex, religion, or national origin, which may limit success in our society. The special problems facing some of these groups are also of great concern to the Nation and it is hoped that any future report can give greater attention to them.

HOW MUCH EQUALITY OF OPPORTUNITY IS THERE?

Earlier in American history, the possibility of moving to the frontier, with its lack of established social structure, was supposed to provide at least some degree of equality of opportunity. The opportunities of the unsettled frontier have vanished, and modern American society has on-going institutions, established families, and an emphasis on educational credentials that could limit equality of opportunity. A number of observers have been understandably concerned that the extent of equality of opportunity may be decreasing as the Nation's institutions become older and the demands of modern technology place those with an inadequate educational background under an ever greater disadvantage. Among sociologists there has been a debate on the question of whether class lines, as reflected by occupational mobility, have or have not been hardening in the last several decades.

In 1962, the Bureau of the Census conducted a survey of "Occupational Changes in a Generation" which has made it possible to estimate the present extent of opportunity in this country and whether or not there is more or less than there used to be. This survey asked a representative sample of American men not only about their own first occupation, income, education, and the like, but also about their father's usual occupation. A separate survey asked a cross-section of the American public what degree of status they thought attached to each occupation, and these responses were used to derive a numerical status "score" (ranging from 0 to 96) for each of 446 detailed Census occupations.[1]

As a result of these two surveys, it is possible to compare the occupational score of each man surveyed in 1962 with the score his father had, and thereby see how much influence the father's relative socio-economic position had on the ranking of his son. Since the men surveyed were of different ages, it is also possible to get some impression about whether equality of opportunity has been increasing or decreasing by comparing the father-son status relationship of the older men with that of the younger.

THE PRESENT STATE OF OPPORTUNITY

An analysis of the survey results undertaken by Professors Dudley Duncan and Peter Blau shows that the occupational achievements of the sons were *not* in any large degree explained by the socio-economic levels of their fathers. To be exact, only 16 percent of the variation in the occupational scores of the men surveyed in 1962 was explained by the father's occupational status.[2] If the data and analyses are correct, it follows that the remaining 84 percent of the variation in socio-economic status among the sons was not related to the socio-economic status of their fathers. Since there is a probability that the men whose fathers were of high socio-economic status had on the average somewhat more ability than those whose fathers had lower socio-economic status, some relationship between status of father and son might be expected even in a society with perfect equality of opportunity. Accordingly, the findings, though extremely tentative, tend to suggest that there is a considerable degree of social mobility in America.[3]

TRENDS IN OPPORTUNITY

There is also some reason to suppose that the degree of equality of opportunity has *not* been declining in recent decades. The oldest group of men surveyed were between 55 and 64 years of age in 1962 and the youngest between 25 and 34, so the oldest group of men held their first jobs about 30 years before the youngest. As Table 1 shows, the degree of relationship between the status of father and son is roughly the same for older and younger groups. The relationship appears to be slightly less for the two younger groups than for the two older groups, but it would be a mistake to attach significance to these small changes, and infer that social mobility is increasing. The conclusion should rather be that opportunity and social mobility have shown no tendency to decline.

TABLE 1.—*Degree of relationship*[1] *between father's occupation and respondent's first job for four age groups, men 25 to 64 years old*

Age (Years) in March 1962	
25 to 34	0.380
35 to 44	.377
45 to 54	.388
55 to 64	.384

[1] Correlation Coefficient.

Source: Blau and Duncan, p. 110.

It might seem that historical changes in the occupational structure, such as the increasing importance of white collar and other high status jobs, have invalidated the conclusions. But, in fact, the statistical analysis that was used abstracted from these changes, since it related the *relative*, not the absolute, occupational positions of the men in the two generations. As a result, such changes in occupational structure could not account for the findings.

There is, to be sure, the possibility of other shortcomings in the data or analysis that qualify or invalidate the conclusions. If the material wealth of the fathers of the men surveyed were known, and comparisons made with the wealth or income of the sons, the results might well have been less impressive, since material wealth is presumably easier to pass on from generation to generation than a given occupational status.

[1] The survey provided prestige ratings for 45 occupations. Census information on the income and education within each occupation was used to assign scores to all other occupations. The procedure was to assume that the relationship between the socio-economic status of an occupation and the general level of income and education in that occupation was similar to the relationship found to exist between these variables in the 45 occupations for which direct scores were available. It was also known that the relative prestige of various occupations changes very little over time, which made it possible to use the same scores to measure the occupational status of both fathers and sons.

[2] In the language of the statistician, the correlation coefficient relating the occupational scores of fathers and sons was .40.

[3] Some Americans may also wonder whether there is more or less opportunity in the United States than in other parts of the world. At least one study has shown that occupational opportunity, as here measured, is about the same in all industrialized countries. Interestingly enough, however, there is evidence that long distance social mobility—that is, the ability to go from rags to riches in a single generation—is greater in the United States than elsewhere, so there does seem to be a grain of truth in the Horatio Alger myth.

These and other qualifications notwithstanding, it is most encouraging that the relative socio-economic status of father has only a small influence on the relative socio-economic status of the son, and that this influence is not increasing.

EDUCATION AND OPPORTUNITY

What accounts for the degree of social mobility that we enjoy? And the obstacles to opportunity that remain? Here, education plays an important but uncertain role. Education is the principal route to a high status occupation, but it is not obvious whether, on balance, it promotes social mobility. As the subsequent chapter on Learning, Science, and Art shows, socio-economic status influences not only access to higher levels of education, but also the motivation and capacity to learn. In part, then, education is a "transmission belt," whereby initial advantages stemming from the family are maintained for the fortunate, whereas initial disadvantages are perpetuated for the unfortunate. On the other hand, education allows some able people from low status families to rise to a higher relative position in the society. We must assess the extent to which education limits social mobility and also the extent to which it increases it, so that we can evaluate the effect of additional education on equality of opportunity and find educational policies that will further this objective. We look first at the evidence which tends to suggest that education is the means by which parents bequeath superior status to their children.

EDUCATION AS A BARRIER TO MOBILITY

The average person born in this century received more years of schooling than his parents did. As Table 2 shows, the average white male born between 1900 and 1934 (aged 35 to 69 in 1969) spent 11 years in school whereas his father who was educated at a much earlier point in time spent only about 8 years in school. But, whenever these men were born, the education they obtained depended to some extent on the education their father received. Thus, fathers who had above-average education for their day have tended to produce sons who were well-educated relative to their own contemporaries. Specifically, for every extra year of education the family head receives, the son tends to get an additional three-tenths or four-tenths of a year of education. It is also clear from Table 2 that this relationship between the relative educational attainment of fathers and sons has not changed much since the turn of the century.

TABLE 2.—MEAN NUMBER OF SCHOOL YEARS COMPLETED BY NATIVE WHITE MALES AND BY THE HEADS OF THEIR FAMILIES OF ORIENTATION, AND AVERAGE RELATIONSHIP OF RESPONDENT'S TO HEAD'S SCHOOLING, BY AGE, FOR MEN IN THE CIVILIAN NONINSTITUTIONAL POPULATION OF THE UNITED STATES, MARCH 1962

Respondent's year of birth	Family head	Respondent	Average increase in respondent's schooling for each year completed by head
All, 1900 to 1934	7.9	11.0	0.376
1900 to 1904	7.4	9.4	.401
1905 to 1909	7.4	10.1	.398
1910 to 1914	7.5	10.6	.333
1915 to 1919	7.8	11.1	.336
1920 to 1924	8.0	11.4	.368
1925 to 1929	8.3	11.8	.337
1930 to 1934	8.7	12.0	.366

Source: Beverly Duncan, "Family Factors and School Dropout, 1920–60," Cooperative Research Project No. 2258, U.S. Office of Education (Ann Arbor, University of Michigan, 1965), tables 3–1 and 3–2. (Based on data collected by the Bureau of the Census in the current population survey and supplementary questionnaire, "Occupational Changes in a Generation," March 1962.)

Evidently, one way in which high status parents can assure the future success of their children is by providing them with a better than average education. The influence of socio-economic status on years of schooling is particularly notable where college and graduate education are concerned. This is true even after differences in academic ability have been taken into account, as can be shown by using previously unpublished data from *Project Talent*, and considering only those high school graduates who rank in the top one-fifth of the sample in academic aptitude. If the parents of these relatively able youth are from the top socio-economic quartile, 82 percent of them will go on to college in the first year after high school graduation. But if their parents come from the bottom socio-economic quartile, *only 37 percent* will go on to college in the first year after high school graduation. As Table 3 shows, even five years after high school graduation, by which the almost everyone who will ever enter college has done so, only 50 percent of these high ability but low status youth will have entered college, and by this time 95 percent of the comparable students from high status families will have entered college. High school graduates from the top socio-economic quartile who are in the third ability group are more likely to enter college than even the top ability group from the bottom socio-economic quartile.

Differences in attendance at graduate or professional schools are even more striking. Five years after high school graduation, those high school graduates in the top fifth by ability are *five times more likely to be in a graduate or professional school* if their parents were in the top socio-economic quartile than if their parents were in the bottom socio-economic quartile.

There is also, as the subsequent chapter on Learning, Science, and Art will show, a tendency for children from families of low socio-economic status to perform less well on tests than other children even when they have spent the same number of years in school. This learning differential further accentuates the differences in the initial advantages of children from low and high status families.

TABLE 3.—ENTRANCE TO COLLEGE, BY ABILITY AND SOCIOECONOMIC STATUS (WITHIN 5 YEARS AFTER HIGH SCHOOL GRADUATION)

Socioeconomic status quartile	Number of high school graduates in group	Number who enter college	Percent	Loss	Percent
Top ability group (20 percent):					
1. High	203,000	192,000	95	11,000	5
2	153,000	120,000	79	33,000	21
3	122,000	82,000	67	40,000	33
4. Low	60,000	30,000	50	30,000	50
Total	538,000	424,000	79	114,000	21
Ability group 2 (80–60 percent):					
1. High	130,000	109,000	84	21,000	16
2	143,000	90,000	63	53,000	37
3	148,000	78,000	52	70,000	48
4. Low	94,000	34,000	36	60,000	64
Total	515,000	311,000	60	204,000	40
Total (top 40 percent)	1,053,000	735,000	70	318,000	30
Ability group 3 (60–40 percent):					
1. High	94,000	65,000	69	29,000	31
2	135,000	63,000	46	72,000	54
3	159,000	55,000	34	104,000	66
4. Low	148,000	35,000	24	113,000	76
Total	536,000	218,000	41	318,000	59
Subtotal (1–3 quintiles)	1,600,000	952,000	60	648,000	40

Note: Entrance to college means degree-credit only.

Source of data: The probabilities for these tables are derived from unpublished data from Project Talent, 5-year followup survey of the 1960 12th- and 11th-grade high school students. The 1965–66 high school graduates (Digest of Educational Statistics, 1967 edition, Office of Education, U.S. Government Printing Office, table 65, "Number of public and nonpublic high school graduates, by sex and State: 1955–66") were then distributed according to the Project Talent probabilities.

HOW EDUCATION PROMOTES EQUALITY OF OPPORTUNITY

On the other side of the ledger, we know that there are many factors independent of family socio-economic status which influence educational attainment, and in turn occupational achievement. These include native mental ability, personality traits, the influence of stimulating teachers, and the like. If educational attainment depends mostly on these and similar factors, it will promote social mobility, by allowing those with ability and ambition to rise to a higher socio-economic level than their parents. If, on the other hand, education depends mainly on family status it may simply be the means by which successful parents bequeath social and economic advantages to their children.

A statistical analysis, using again the data from the survey of "Occupational Changes in a Generation," tells us something about the role which education plays in promoting social mobility. In this analysis, which is summarized graphically in Figure 1, family background is defined to include father's occupation and education, number of siblings, nativity of birth, color, region of birth, and region of residence. It is evident from Figure 2 that some part of the variation in occupational achievement is accounted for by the family background factors we have just mentioned. This is largely because individuals born in favorable circumstances (for example, in well-educated, white families in the North) come to be better educated than those born in less favorable circumstances. But, to a great extent, the educational attainment of a child is due to factors that are independent of his family background, and this education, in turn, helps him achieve a higher occupational status even if he had a disadvantaged family background. Indeed, individual differences in educational attainment that are independent of family background explain more than half of the variation in occupational scores attributable to education.

FIGURE II—1.—*Sources of variation in occupational achievement for men 20–64 years old in experienced civilian labor force, March 1962—Percentage of total variation in occupational achievement*

	Percent
Not explained by education and/or background	60.7
Education, apart from background	18.4

FIGURE II—1.—*Sources of variation in occupational achievement for men 20–64 years old in experienced civilian labor force, March 1962—Percentage of total variation in occupational achievement*—Continued

	Percent
Overlapping influence of education and background	17.1
Background,[1] apart from education	3.8
Total	100.0

[1] Background factors included: Family head's occupation, family head's education, number of siblings and sibling position, nativity, color, region of birth and region of residence.

Source: P. M. Blau and O. D. Duncan, *The American Occupational Structure*, (New York: Wiley, 1967), Appendix H.

We can then conclude that social background factors, though important determinants of educational and occupational achievements, are *not* as important as the other factors that influence educational attainment and thereby allow those of humble birth to rise to the more prestigious occupations. What might be called the democratic discovery of talent through universal education is quantitatively more important than the educational advantages children from high status families enjoy.

Education could, to be sure, do still more to equalize opportunity. If education depended less on family background than it now does then it would give children from families with a low socio-economic position a still greater opportunity to rise to a higher level. If, for example, the chance to go on to college did not depend so much on the financial resources of one's family, education would enable many more to climb up the ladder of occupational success. Though education could contribute much more to equality of opportunity, the fact that it has already contributed a good deal may explain why we expect so much of it.

OPPORTUNITY AND RACE

There is one glaring exception to the encouraging conclusion we have drawn. The same data that show abundant opportunity for most Americans also show that Negroes have much less occupational mobility than whites. This can be seen by looking at Table 4. This table shows the occupational distributions of men whose fathers were in the same occupation, and also distinguishes the occupational distributions of Negroes from all of the others surveyed in the study of "Occupational Changes in a Generation."

TABLE 4.—MOBILITY FROM FATHER'S OCCUPATION TO 1962 OCCUPATION (PERCENTAGE DISTRIBUTIONS), BY RACE, FOR CIVILIAN MEN 25 TO 64 YEARS OLD, MARCH 1962

Race and father's occupation	1962 occupation[1]						Total	
	Higher white collar	Lower white collar	Higher manual	Lower manual	Farm	Not in experienced civilian labor force	Percent	Number thousands
Negro:								
Higher white collar	10.4	9.7	19.4	53.0	0.0	7.5	100.0	134
Lower white collar	14.5	9.1	6.0	69.1	.0	7.3	100.0	55
Higher manual	8.8	6.8	11.2	64.1	2.8	6.4	100.0	251
Lower manual	8.0	7.0	11.5	63.2	1.8	8.4	100.4	973
Farm	3.1	3.0	6.4	59.8	16.2	11.6	100.0	1,389
Not reported	2.4	6.5	11.1	65.9	3.1	11.1	100.0	712
Total (percent)	5.2	5.4	9.5	62.2	7.7	10.0	100.0	
Total (number)	182	190	334	2,184	272	352		3,514
Nonnegro:								
Higher white collar	54.3	15.3	11.5	11.9	1.3	5.6	100.0	5,836
Lower white collar	45.1	18.3	13.5	14.6	1.5	7.1	100.0	2,652
Higher manual	28.1	11.8	27.9	24.0	1.0	7.3	100.0	6,512
Lower manual	21.3	11.5	22.5	36.0	1.7	6.9	100.0	8,798
Farm	16.5	7.0	19.8	28.8	20.4	7.5	100.0	9,991
Not reported	26.0	10.3	21.0	32.5	3.9	6.4	100.0	2,666
Total (percent)	28.6	11.3	20.2	26.2	6.8	6.9	100.0	
Total (number)	10,414	4,130	7,359	9,560	2,475	2,517		36,455

[1] Combinations of census major occupation groups. Higher white collar: professional and kindred workers, and managers, officials, and proprietors, except farm. Lower white collar: sales, clerical, and kindred workers. Higher manual: craftsmen, foremen, and kindred workers. Lower manual: operatives and kindred workers, service workers, and laborers, except farm. Farm: farmers and farm managers, farm laborers and foremen. Classification by "father's occupation" includes some men reporting on the occupation of a family head other than the father.

Source: Unpublished tables, survey of "Occupational Changes in a Generation."

The table reveals a striking result: Most Negro men, *regardless of their fathers' occupations*, were working at unskilled or semiskilled jobs. Even if their fathers were in professional, managerial, or proprietary positions, they were usually operatives, service workers, or laborers. Growing up in a family of high socio-economic status was only a slight advantage for the Negro man. By contrast, the majority of white men with higher white collar backgrounds remained at their father's level and almost half of the white men whose fathers were in clerical or sales work and almost two-fifths of those with a farm or blue collar background moved up into the more prestigious professional and managerial group. But the Negroes from similar origins did not. The Negro man originating at the lower levels is likely to stay there, the white man to move up. The Negro originating at the higher levels is likely to move down; the white man seldom does. The contrast is stark.

As we saw earlier in the chapter, education is an important source of occupational opportunity. Because most Americans can realize their highest ambitions through education, it is often assumed that Negroes can similarly overcome the handicaps of poverty and race. But this has not been so in the past. To be sure, even in minority groups, better educated individuals tend to occupy more desirable occupational positions than do the less educated. Yet, the returns on an investment in education are much lower for Negroes than for the general population. Indeed, for a Negro, educational attainment may simply mean exposure to more severe and visible discrimination than is experienced by the dropout or the unschooled.

Thus, in addition to the handicap of being born in a family with few economic or other resources, the average Negro also appears to have less opportunity because of his race alone. Let us examine the relative importance of each of the different types of barriers to success for Negroes.

Figure 2 shows that the average Negro male completed 2.3 fewer years of school than the average white male, that his occupational score is 23.8 points lower, and that his income is $3,790 lower. Much of the shortfall in the relative achievement of Negroes can be attributed to specific causes. One year of the educational gap arises from the fact that Negroes come from disadvantaged families while an additional 0.1 year is the result of the fact that Negroes tend to be born into larger families where resources must be spread among more children. But even with the allowance of 1.1 years of schooling traceable to these disadvantages, there remains an unexplained gap of 1.2 years. Evidently, this must be caused by something other than the initial socio-economic differences between blacks and whites. Perhaps it is the Negro's knowledge that he will be discriminated against whatever his education.

If we look at the *occupational gap* of 23.8 points, we see that 6.6 points can be ascribed to initial Negro-white differences in family socio-economic levels and an additional 0.6 to differences in family size. The residual educational gap, already identified, carries over into occupational achievement, lowering the Negro score relative to the white by 4.8 points on the average. There remains a gap, not otherwise accounted for, of 11.8 points. This discrepancy derives from the fact that Negro men with the same schooling and the same family background as a comparable group of white men will have jobs of appreciably lower status. It is surely attributable in part to racial discrimination in hiring, promotion, and other job-related opportunities.

All of the factors mentioned are converted into an *income gap* totaling $3,790. Substantial components of this are due to socio-economic status and family size ($1,010), lower educational attainment ($520), and job discrimination ($830), so that disadvantages detectable at earlier stages clearly have an important impact in lowering Negro income compared to white income. But there remains a gap of $1,430 not otherwise accounted for, suggesting that Negro men, relative to a group of white men of comparable family background, educational attainment, and occupational level, still receive much lower wages and salaries. The specific magnitudes obtained in calculations of this kind are not to be taken as firm estimates. Nevertheless, the substantial discrepancies existing between Negro and white attainment suggest that the Negro has severely limited opportunity, not only because his social and economic background place him at a disadvantage, but also because he faces racial discrimination in the school system and in the job market.

What can we conclude about social mobility in America? We have seen that there is opportunity for the great majority of our citizens to improve their relative occupational status through their own efforts. Yet, we are far from achieving true equality of opportunity. Economic and social status in our society still depend in a striking way on the color of a man's skin. Until we can eliminate this barrier to full participation, we will not have been faithful to our historic ideals.

FIGURE 2.—DIFFERENCES IN MEANS BETWEEN WHITE (W) AND NEGRO (N) WITH RESPECT TO EDUCATIONAL ATTAINMENT, OCCUPATIONAL STATUS, AND INCOME, WITH COMPONENTS OF DIFFERENCES GENERATED BY CUMULATIVE EFFECTS IN A MODEL OF THE SOCIOECONOMIC LIFE CYCLE, FOR NATIVE MEN, 25 TO 64 YEARS OLD, WITH NONFARM BACKGROUND AND IN THE EXPERIENCED CIVILIAN LABOR FORCE, MARCH 1962

Years of school completed		1962 occupation score		1961 income (dollars)		Component[1]
(W) 11.7	1.0	(W) 43.5	6.6	(W) 7,070	940	(A) [Family]
10.7	0.1	36.9	0.6	6,130	70	(B) [Siblings]
10.6	1.2	36.3	4.8	6,060	520	(C) [Education]
(N) 9.4		31.5	11.8	5,540	830	(D) [Occupation]
		(N) 19.7		4,710	1,430	(E) [Income]
				(N) 3,280		
	2.3		23.8		3,790	(T) [Total]

[1] Difference due to: (A) Socioeconomic level of family of origin (head's education and occupation); (B) number of siblings, net of family origin level; (C) education, net of siblings and family origin level; (D) occupation, net of education, siblings, and family origin level; (E) income, net of occupation, education, siblings, and family origin level; (T) total difference, (W) minus (N) equal sum of components (A) through (E).

Source: O. D. Duncan, "Inheritance of Poverty or Inheritance of Race?" (Unpublished.)

REPORT ON THE DEMAND FOR PERSONNEL AND TRAINING IN THE FIELD OF AGING

Mr. KENNEDY. Mr. President, Secretary Wilbur Cohen of the Department of Health, Education, and Welfare, before he left office, submitted to Congress a report entitled, "The Demand for Personnel and Training in the Field of Aging." He had been directed to make this report by Public Law 90–42, the "Older Americans Act Amendments of 1967." Under provision inserted at my request, the Secretary was directed: "to undertake, directly or by grant or contract, a study and evaluation of the immediate and foreseeable need for trained personnel to carry out programs related to the objectives of the Older Americans Act and of the availability and adequacy of the educational and training resources for persons preparing to work in such programs."

As chairman of the Subcommittee on Federal, State, and Community Services in the Senate Special Committee on Aging, I have been impressed with the importance of having an adequate number of personnel trained to work in programs for older Americans, if we are eventually to solve the problems and take advantage of the opportunities of this age group. At hearings conducted by our subcommittee, witnesses have testified that the shortage of trained personnel has handicapped efforts to provide services needed by our older compatriots.

The report submitted by Secretary Cohen was prepared on contract by the Surveys and Research Corp. The report's conclusion is that there is "an urgent and increasing need for personnel" to serve in the field of aging. In addition, it states that "a projection of future demand . . . would place requirements for trained workers in 1980 at a level two and three times above that of 1968." Twenty-three recommendations are made for relieving present shortages and preventing future shortages of personnel trained to serve in aging programs.

This report provides much food for thought in congressional consideration of this problem in the months ahead. I ask unanimous consent that a summary of this report be printed at this point in the RECORD.

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

THE DEMAND FOR PERSONNEL AND TRAINING IN THE FIELD OF AGING

SUMMARY AND RECOMMENDATIONS

The study reported in the following pages was undertaken in response to a directive from the Congress. Cognizant of the critical need for trained manpower to serve the needs of older persons, Congress included in the Older Americans Act Amendments of 1967 an authorization to the Secretary of Health, Education, and Welfare to "undertake, directly or by grant or contract, a study and evaluation of the immediate and foreseeable need for trained personnel to carry out programs related to the objectives of this Act [the Older Americans Act of 1965], and of the availability and adequacy of the educational and training resources for persons preparing to work in such programs." On behalf of the Secretary, the Administration on Aging contracted with Surveys & Research Corporation to undertake the necessary research and to prepare a report of its findings and recommendations. Concurrently, the Administration on Aging made grants to the National Association of Housing and Redevelopment Officials and the National Recreation and Park Association for studies of personnel needs in the specific fields of retirement housing and recreation for the aging. Summary data from these two studies, as well as new data for employees in State and Federal programs collected by Surveys & Research Corporation as part of its task, have been incorporated in the present report. For the most part, however, limitations of time and resources compelled the study staff to restrict its operations to information already in existence. Despite such shortcomings, the data presented in the report reveal in significant measure the major dimensions of current and future needs.

The need for trained personnel in aging

National concern for the older population has risen rapidly over the past 30 years, reflecting the phenomenal growth in the number of older people, and technological and social changes which have altered the place and roles of older adults in the economy and in society. Congress, State legislatures, and scores of national and community agencies and organizations have responded with the creation of numerous programs, facilities, and services designed to meet the needs of the older population in the areas of income maintenance, preservation of health, provision of suitable housing, and finding new activities and roles for the retirement years.

The new programs require large cadres of personnel trained in a variety of professional fields and for supporting subprofessional and technical tasks. They must bring to their tasks, it is generally recognized, not only professional and technical skills, but also a knowledge of the processes of aging, and of the special characteristics and needs of older people. Although some progress has been made in developing appropriate training programs it is far behind the expanding need. As a result most if not all service programs are faced with critical shortages of trained personnel. The outlook is for little improvement in this regard unless drastic changes are made in the scope and character of the training effort.

At least a third of a million professional and technical workers are employed in programs serving older people exclusively or primarily. In all likelihood, fewer than 10 to 20 percent of these have had formal preparation for work with older people. A protection of future demand, if necessarily a gross one, would place requirements for trained workers in 1980 at a level two and three times above that of 1968. A few examples in specific occupational areas will illustrate trends in demand.

Teachers in Universities and Professional Schools

The report indicates a need to double the support for students preparing for teaching and research in aging in universities and professional schools within the next five years. Translated into training staff requirements, such a recommendation implies a substantial increase in the number of teachers. No data are available to estimate the need for teachers in gerontology in community colleges and vocational schools but it will have to be of major proportions if subprofessional and service personnel are to be trained in anything like adequate numbers.

Federal and State Personnel in Planning and Administration

Federal and State personnel engaged in planning, administering, and coordinating programs under the Older Americans Act—key personnel in the field—now number about 300, not counting approximately 80 vacant positions. Projected minimal needs for 1970 and 1980 are 600 and 1,100–1,200 respectively. These figures are exclusive of the supply of and demand for trained personnel for local community planning and leadership.

Management Personnel in Retirement Housing

Management personnel in governmentally assisted housing projects designed for occupancy by older people currently number about 4,900. Few have had specialized preparation for working with older people. Estimated requirements for such personnnel in 1970 range from 8,000 to 13,000. Corresponding figures for 1980 are from 32,000 to 43,000.

Personnel for Nursing and Personal Care Homes

An even more compelling need for trained personnel exists in the field of nursing and personal care homes if these facilities are to provide adequate medical care, restorative services, and stimulating activity programs. Some 24,000 persons are employed in administrative capacities in such homes at the present time, most of whom will require special training if they are to meet licensing requirements now being developed in response to the Social Security Act Amendments of 1967. A special analysis made for the present report points to the strong likelihood of a doubling and tripling in the number of beds in use by 1980, with a need for corresponding increases in the number of trained personnel. The number of registered nurses and licensed practical nurses required, for example, may rise from the current 70,000 to about 200,000–300,000. Substantial increments will also be called for in the number of physical therapists, occupational ther-

apists, dietitians, pharmacists, nurse-aides, and others employed in nursing and personal care homes.

Personnel for Community and Home Delivered Services

Home medical care programs and the provision of social services to older people through social agencies appear destined for major expansion. As these programs grow in number and size, they will make demands for personnel. The need for social workers, social work aides, and community aides trained to serve older people in public welfare agencies, long-term care facilities, information-referral services, retirement housing projects, and in other facilities, largely unfulfilled, runs into many thousands.

Recreation Personnel

The field of recreation is responding to the challenge of helping middle-aged and older people find new uses for their retirement time. The report indicates that at present there is a full-time equivalent of approximately 15,000 recreation personnel working with older adults. Projected needs are for 23,000–31,000 such workers in 1970 and 26,000–76,000 in 1980.

The data cited point clearly to an urgent and increasing need for personnel to teach gerontology, basic and applied, in universities, professional schools, colleges, and community colleges; to conduct research that would both add to existing knowledge, and afford systematic evaluations of prevailing policies and programs for meeting the needs of older people; to plan and administer programs in the field of aging; and to operate the facilities and provide the many services required. Twenty-three recommendations are made in the report. These are listed below, with a brief reference in each case to the basis for the recommendation.

Recommendations to overcome data gaps

One of the most serious deficiencies turned up by the present study is the paucity of basic information on the demand for and supply of personnel in the field. The first recommendation in the report is addressed to this subject, in recognition of the fact that such information is fundamental to efforts to recruit personnel and to provide training opportunities.

Recommendation 1: That AoA establish a *Manpower Data Center* responsible for assembling and publishing on a continuing basis data on manpower supply, utilization, and demand in the field of aging. The Manpower Data Center should make use of all data resources available in Federal agencies (e.g. Bureau of the Census; the Bureau of Labor Statistics), and be empowered to conduct, directly or by contract, both census type and/or sample studies in the procurement of needed manpower data. Adequate funds and staff should be allocated for the effective operation of the proposed Manpower Data Center.

Educational and training programs can be designed only with the aid of detailed information regarding the precise nature of the positions to be filled, the specific tasks to be performed in such positions, and the educational and experience qualifications required for performing them. This is the subject of the second recommendation.

Recommendation 2: That AoA, in cooperation with designated units in other Federal agencies and with the professional and trade associations concerned, undertake a systematic analysis and review at regular intervals of the duties and responsibilities of all significant positions in programs serving older persons and of the requirements for employment in such positions.

Recommendations designed to strengthen training programs

The report presents evidence that personnel needs in the field of aging are of serious proportion. The achievement of an adequate supply of skilled personnel to serve the older population will require a greatly augmented program of: Curriculum development, teacher training, trainee recruitment, and involvement by educational institutions in the design and organization of training programs in the field of aging at all levels of training: doctoral, master's baccalaureate, vocational, and short-term.

Chapter III of the report deals with training needs and sets forth recommendations relevant to each of these levels.

Programs Leading to the Doctorate in Aging

The basic purpose of doctoral level training programs in aging is to enlarge the supply of teachers in colleges, universities, and professional schools, research workers, and of top level administrators and planners in the field. Although the number of people in these groups is likely to remain relatively small, they will always account for most of the new knowledge in the field, supply most of the teachers, and, in large measure, provide leadership in program planning and strategy.

Currently, there is a distressing gap between the number of trainees for the doctoral degree and the need for teachers and other high level personnel in the field. Recommendations 3 through 5 address themselves to the problem of increasing the supply of personnel at this level.

Recommendation 3: To increase the supply of faculty members engaged in teaching graduate students working for a doctoral degree in the basic sciences and in professional fields with a concentration in aging, AOA, NICHD, NIMH, and other Federal agencies should encourage universities to provide teacher preparation training at the doctoral and postdoctoral levels, including support of summer institutes designed specifically for such teachers. These efforts should be extended to include training opportunities for students at the doctoral level who seek to prepare for top level administrative and planning positions.

Recommendation 4: Federal support for all doctoral degree programs in aging be increased each year, beginning in Fiscal Year 1970, until it reaches the level required to meet the needs of the field.[1]

Recommendation 5: The dollar amount of Federal stipends in doctoral degree programs be raised to attract more candidates, particularly from among practitioners, supervisors, and administrators in the field; and in recognition of the likelihood that they will have dependents, such stipends should include supplements for dependents.

Programs Leading to the Master's Degree in Aging

There is broad agreement that master's degree programs in applied social gerontology and in a number of critically important professional fields with a specialization in aging, are essential to the delivery of high quality services to older people. Personnel trained at this level are in great demand for program planning and administration, for directing a variety of facilities for older people, for providing direct services, supervising semiprofessional and technical personnel engaged in the provision of services, and for teaching in vocational education programs. Recommendations 6 through 8 are addressed to the problem of recruiting and training the thousands of professional workers needed at the master's degree level.

Recommendation 6: AoA steps up its efforts, as rapidly as resources permit, to stimulate universities and professional schools to introduce aging as a subject field for study and research at the master's degree level; to promote aging as a specialty in social work, public administration, recreation, health care administration, adult education, home economics, architecture, hotel and institutional management, and other relevant fields; to develop field training opportunities (with funding for internship positions) in aging programs. Evaluative studies of existing programs need to be undertaken, and new curriculum models developed as necessary.

Recommendation 7: AoA and other Federal agencies, State agencies, and community agencies provide sabbaticals or other paid leaves of absence to enable personnel to enroll in graduate level programs that will increase their competencies for work in aging. The same agencies should offer paid internships and other field work experiences to enhance the quality of training for students enrolled in graduate level educational programs in aging.

Recommendation 8: Federal agencies with master's degree traineeships undertake a joint effort to:

1. Increase the number of traineeships;
2. Raise the dollar amount of the stipend to more realistic levels; and
3. Standardize stipend amounts among programs, while allowing differences related to level of training and number of dependents.[2]

Programs Leading to the Baccalaureate Degree

Among educators in the field of aging there is consensus that exposure of undergraduates to courses in the field of aging would be conductive to a better understanding of aging as a human and social fact of life, and could awaken an interest in some young people in a career in the field of aging. There is a growing demand for at least a rudimentary professional education at the undergraduate level to relieve critical personnel shortages. The report offers two recommendations in this area.

Recommendation 9: AoA increase the support of colleges and universities with baccalaureate degree programs with a health, social work, recreation, public administration, or other concentration in a field related to aging, and study the experience of such institutions with a view to making recommendations concerning the inclusion of aging as a potential concentration major or career line for graduates. The possibility of developing an undergraduate concentration in gerontology as such, cross-disciplinary in its scope, with support from relevant funding agencies needs to be explored more fully.

Recommendation 10: AoA encourage colleges and schools of education to provide short-term training in gerontology to primary and secondary school teachers who, in turn, may incorporate appropriate material into courses in the social studies, health studies, and in other parts of the curriculum. Such efforts should be evaluated carefully with respect to the effects on teachers and pupils and with regard to including content on aging into career preparation for teaching at the primary and secondary school levels.

Full-time Vocational Education in Aging

The report points up the need for additional numbers of semiprofessional and technical personnel in occupations serving older people. Recommendations 11, 12, and 13, look toward an increase in the activity and

[1] In a report prepared for the National Institute of Child Health and Human Development earlier this year, the Gerontological Society, Inc., recommended that funds for training should be doubled over the next five years. (*A Survey of Training Needs and Mechanisms in Gerontology*, Final Report, Submitted by the Project Division, Gerontological Society, Inc., 110 South Central, St. Louis, Missouri 63105. Prepared under Contract PH 43065–647 and submitted March 15, 1968, P. 48.)

[2] HEW's Grant Administration Manual was amended May 3, 1968 to standardize stipend amounts among training programs financed by the Department effective July 1, 1968. Differences in stipends after July 1 are related primarily to level and year of training, number of dependents, and professional experience.

capability of community colleges and vocational education programs at this level.

Recommendation 11: AoA, directly or by grant, and in cooperation with interested Federal agencies, develop curricula suitable for use in vocational education facilities designed to prepare trainees for employment as community aides, senior center aides, housing, and other program aides in aging programs, and for incorporation into existing training programs of a more general character.

Recommendation 12: The Office of Education and the Department of Labor (MDTA) along with AoA stimulate State and local vocational schools and junior and community colleges to offer courses and to recruit students for training in technical occupations essential to the provision of services for the older population. Special effort, supported by stipends, should be made to recruit older people, military service retirees, housewives, and other persons in their early or middle years seeking a first-time career or a new career in subprofessional or technical positions in aging.

Recommendation 13: A teacher training program be developed, at the master's degree level, to augment the supply of teachers engaged in the training of aides and other subprofessional personnel for employment in agencies serving older people. This entails a cooperative effort with the agencies, universities, and professional associations in the disciplines affected.

Continuing Education Programs in Aging

Short courses on aging are playing a significant role in introducing sizable numbers of new practitioners and volunteers into the field, in providing gerontological content, and in upgrading and updating the skills of practitioners already employed in occupations serving the aged. The principal limitations of short courses are: (1) the small scale on which they are now conducted and the consequent failure to reach many who might be interested in them; (2) the shortage of teachers and of curriculum models; and (3) inadequate funding support for expansion and recruitment. The potential of the short course mechanism in helping to meet current need is so great that four recommendations are devoted to it.

Recommendation 14: Federal spending for short courses and institutes be increased sharply from the FY 1968 level of approximately $1 million to levels required to implement Recommendations 15, 16, and 17.

Recommendation 15: AoA, in cooperation with other Federal agencies—including the Office of Education, the Public Health Service, the Office of Economic Opportunity, the Department of Labor (MDTA) and other units of the Social and Rehabilitation Service—develop and provide directly or by grant and contract, opportunities for training personnel, including middle-aged and older persons, to serve as aides and technicians in the wide range of programs for older people. This effort should include:

1. Development and testing of model short courses by Federal agencies, colleges, universities, and professional organizations;

2. Strong efforts to encourage widespread offering of such courses by educational and other appropriate agencies;

3. Greater utilization of funds available under Titles III, IV, and V of the Older Americans Act, the Vocational Education Act, the Manpower Training and Development Act, Title I of the Higher Education Act, relevant provisions of the Public Health Service Act and of the Social Security Act, and other appropriate funding programs in support of short courses in aging;

4. Experiment and innovation in the use of field experience as a training device; and

5. Testing the effectiveness of various devices for attracting trainees to short courses, including payment of stipends.

Recommendation 16: In view of the rapid expansion of social, recreation, health, housing, and other services and programs for older people, AoA proceed as outlined in Recommendation 15 to develop and foster short term training for currently employed professional and paraprofessional personnel in order to increase the supply of such persons qualified to serve the older population as rapidly as possible. The Federal agencies involved should staff up with specialists in aging to strengthen their capability in this area.

Recommendation 17: Until the supply of teachers coming out of the doctoral programs (see Recommendations 3 to 5) meets the needs and demands for such personnel, AoA in cooperation with universities develop and underwrite the cost of summer training institutes for short course teachers, to be conducted at selected universities throughout the country, making use of gerontologically-oriented faculty involved in the master's and doctoral programs referred to above. Attendance at such summer institutes would be encouraged among practitioners in agencies serving older people, as well as among interested faculty of community colleges, four-year colleges and universities.

Underpinning the training effort

The report makes a number of additional recommendations designed to underpin the training effort. These concern the improvement of institutional settings for training in aging, closer coordination and cooperation of Federal activity in the encouragement and support of training, interchange of personnel in aging, and recruitment to the field.

University Centers for Training, Research, and Service in Aging

A dozen or more universities across the country have established multidisciplinary institutes of gerontology or centers for training, research, and service in aging. Such centers increase the visibility of the field of aging; often afford the only opportunity students and faculty may have for exposure to the broad interdisciplinary aspects of the field of gerontology; constitute a focal point for research and training; and can provide many significant services to State and other agencies serving older people. A major hindrance to their development has been the lack of general purpose financial support from the Federal government, which limits its aid to funding specific research and training projects. Moreover, there has been little joint encouragement or funding of such centers by the several Federal granting agencies in the field of aging. Recommendations 18, 19, and 20 are designed to overcome these problems.

Recommendation 18: Under authority of Titles IV and V of the Older Americans Act, AoA should make general purpose grants to universities for the support of institutes of gerontology or centers for training, research, and service in aging. Such grants should help support developmental activities in research and training; preparation of curricula, model courses, and teaching materials; career and short-course training in broadly specified areas of aging; a range of research on specified topics or problems; the operation of demonstration projects and programs; and consultation services. An institute or a center will require from one-half to one million dollars the first year, and from two and a half to four million dollars the fifth year.

Recommendation 19: Federal agencies providing support for training and research in aging—AoA, the Rehabilitation Services Administration and other units of the Social and Rehabilitation Service, the National Institute of Child Health and Human Development, and the National Institute of Mental Health—be encouraged to engage in joint funding of such centers and institutes.

Recommendation 20: AoA be authorized and allotted funds to support the construction of university centers for training, research, and related purposes in aging. In addition, AoA, the Public Health Service, the Office of Education, the Department of Housing and Urban Development, and other Federal agencies, as appropriate to their objectives and programs, should be authorized to provide financial assistance for the construction of model multiservice senior centers, housing projects, and personal care and nursing homes to be operated in conjunction with training and research programs in universities and professional schools. Authorization to AoA should include provision for subsidizing the operation of such facilities, to the extent necessary.

Recruitment of Personnel to the Field of Aging

Throughout the report there are numerous references to the urgency of recruiting large numbers of persons—young, mid-career, and older people—for vocational, semiprofessional, and professional training in occupations that serve the older population. There is need for an immediate, major, and continuing effort to call attention to the needs and opportunities for personnel in the wide-ranging aspects of the field and at all levels of skill and training. Such effort should include the preparation of information bulletins, folders, and booklets for use by secondary school and college vocational counselors and for distribution in schools, public and private employment and counseling agencies, military discharge posts, meetings of professional organizations including teachers' meetings, national voluntary organizations, and community agencies.

Recommendation 21: AoA expand markedly its public information program to call the attention of all elements of the population to the urgent need for personnel and the availability of positions in programs serving older people, and to the career and short course training opportunities open to those who seek to prepare for such positions.

Federal Agency Cooperation

Four agencies in the Department of Health, Education, and Welfare, as of 1968, make grants for training in aging, namely, Administration on Aging (AoA), National Institute of Child Health and Human Development (NICHD), National Institute of Mental Health (NIMH), and the Bureau of Health Manpower of the Public Health Service. Other Federal agencies (Rehabilitation Services Administration and Office of Education in the Department of Health, Education, and Welfare; Department of Labor; Office of Economic Opportunity), administer training programs focused on occupations or skills levels without reference to age group served; these programs do however yield trainees employed in aging programs.

The various Federal agency programs cited are complementary rather than competitive. Several of the foregoing recommendations point toward continuing and expanded involvement of all of these agencies in the support of training, and urge the need for close cooperation to achieve maximum efficiency in the joint training effort, comprehensive coverage of the field, and elimination of existing gaps. Recommendation 22 calls for AoA to provide leadership in achieving these goals.

Recommendation 22: AoA take the leadership in effecting closer cooperation among Federally supported training programs in the field of aging through an exchange of information among Federal funding agencies, defined understandings concerning division of effort, joint exploration of gaps in training coverage, and joint planning to overcome training program gaps and deficiencies.

Interchange of Federal, State, and Local Employees

Many if not most of the programs providing services to older people in the United States involve relationships among Federal, State, and local government agencies. Greater sensitivity and understanding of the needs of older people, and better program planning and coordination designed to meet these

needs effectively, could be achieved if opportunities were available for a regular interchange of Federal, State, and local employees working in the field of aging. The following recommendation is addressed to this issue.

Recommendation 23: Mechanisms should be provided for the periodic interchange of personnel among Federal, State and local agencies serving older persons, to promote improved program coordination and planning, and to broaden the experience of key staff personnel.

ACHIEVEMENTS OF THE BLIND AND EXPANSION OF WORK OPPORTUNITIES TO BE STRESSED AT WASHINGTON CONFERENCE ON THE EMPLOYMENT OF THE BLIND

Mr. RANDOLPH. Mr. President, tomorrow, Wednesday, February 26, several Federal agencies are sponsoring a 1-day conference on employment of the blind. This meeting is being held in the auditorium of the Smithsonian Museum of Natural History.

As an original author of the Randolph-Sheppard Act which established the existing vending stand program for blind operators, I am gratified to call attention to this conference. I commend the Federal agencies and other organizations participating in this worthy endeavor. The purpose of the meeting is to explain, extend, and expand employment opportunities of qualified and efficient persons who are blind.

Real accomplishments are made by blind persons who have been given the opportunity for productive employment. Their records of service are substantial. As a Nation, we have endeavored to break down the barriers to employing the handicapped and we have provided progress. But much remains to be done. I am confident that the Washington Conference on the Employment of the Blind will contribute significantly to the development of new job programs.

Mr. President, at the end of fiscal year 1968 there were 2,920 vending stands in the United States under the management of 3,259 blind persons. The total gross sales from these stands were in excess of $78.9 million. Our goal is employment opportunities for 5,000 blind persons by fiscal year 1970. It is my belief that the Randolph-Sheppard program is tangible evidence of what can be accomplished in affording job opportunities for the blind. We must build on such records. Achievements of the blind as productive citizens is a fine force in our society.

Mr. President, I ask unanimous consent that the program for the conference be printed in the RECORD.

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

WASHINGTON CONFERENCE ON THE EMPLOYMENT OF THE BLIND

PURPOSE

To explain, extend and expand employment opportunities of qualified and efficient persons who are blind.

Nicholas Oganovic, Conference Chairman, Executive Director, U.S. Civil Service Commission.

Albert J. Schaffer, Assistant Conference Chairman, Personnel Director, Internal Revenue Service.

SPEAKERS

Mr. Joseph Hunt, Commissioner, Rehabilitation Services Administration, HEW.

Miss Mary Switzer, Administrator, Social and Rehabilitation Service, HEW.

Mr. Edward Walker, WRC Radio National Broadcasting Company.

Mr. B. Frank White, IRS Regional Commissioner (Southwest).

Mr. Robert S. Bray, Chief, Division for the Blind and Physically Handicapped, Library of Congress.

Dr. Douglas MacFarland, Chief, Division of the Services for the Blind, HEW.

Mr. Edward Rose, Director of Selective Placement, CSC.

SPONSORS

Library of Congress.

U.S. Treasury Department, Internal Revenue Service.

U.S. Department of Health, Education, and Welfare, Social and Rehabilitation Service, Rehabilitation Services Administration, Division of Services to the Blind.

Veteran's Administration.

U.S. Civil Service Commission.

WRC Radio, National Broadcasting Company.

ADJOURNMENT TO FRIDAY, FEBRUARY 28, 1969

Mr. KENNEDY. Mr. President, in accordance with the previous order, I ask unanimous consent that the Senate stand in adjournment until 12 o'clock noon on Friday, February 28, 1969.

There being no objection, the Senate (at 3 o'clock p.m.) adjourned until Friday, February 28, 1969, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate February 21, 1969, under authority of the order of February 19, 1969:

DEPARTMENT OF COMMERCE

Kenneth N. Davis, Jr., of New York, to be an Assistant Secretary of Commerce.

James T. Lynn, of Ohio, to be General Counsel of the Department of Commerce.

Andrew E. Gibson, of New Jersey, to be Maritime Administrator, Department of Commerce.

U.S. TRAVEL SERVICE

C. Langhorne Washburn, of the District of Columbia, to be the Director of the U.S. Travel Service.

CORPORATION FOR PUBLIC BROADCASTING

Albert L. Cole, of Connecticut, to be a member of the Board of Directors of the Corporation for Public Broadcasting for the remainder of the term expiring March 26, 1974, vice Milton S. Eisenhower, resigned.

DEPARTMENT OF COMMERCE

Robert A. Podesta, of Illinois, to be an Assistant Secretary of Commerce.

COASTAL PLAINS REGIONAL COMMISSION

G. Fred Steele, Jr., of North Carolina, to be Federal Cochairman of the Coastal Plains Regional Commission.

FOUR CORNERS REGIONAL COMMISSION

W. Donald Brewer, of Colorado, to be Federal Cochairman of the Four Corners Regional Commission.

DEPARTMENT OF THE ARMY

Eugene M. Becker, of New York, to be an Assistant Secretary of the Army.

Executive nominations received by the Senate February 24, 1969, under authority of the order of February 19, 1969:

DEPARTMENT OF AGRICULTURE

Richard E. Lyng, of California, to be an Assistant Secretary of Agriculture.

FARM CREDIT ADMINISTRATION

The following-named persons to be members of the Federal Farm Credit Board, Farm Credit Administration, for terms expiring March 31, 1975:

T. Carroll Atkinson, Jr., of South Carolina, vice Lorin T. Bice, term expiring.

James H. Dean, of Kansas, vice Kenneth Anderson, term expiring.

IN THE AIR FORCE

The following officers for appointment in the Air Force Reserve to the grade indicated, under the provisions of chapter 35 and sections 8373 and 8376, title 10 of the United States Code:

To be major generals

Brig. Gen. Joe M. Kilgore, [redacted] Air Force Reserve.

Brig. Gen. Rollin B. Moore, Jr., [redacted] Air Force Reserve.

Brig. Gen. Gwynn H. Robinson, [redacted] Air Force Reserve.

Brig. Gen. John H. Stembler, [redacted], Air Force Reserve.

To be brigadier generals

Col. William H. Bauer, [redacted], Air Force Reserve.

Col. Gerald A. Hart, [redacted], Air Force Reserve.

Col. Ralph G. Hoxie, [redacted], Air Force Reserve.

Col. Michael J. Jackson, [redacted] Air Force Reserve.

Col. Frank S. Perego, [redacted] Air Force Reserve.

Col. Duncan N. P. Pritchett, [redacted], Air Force Reserve.

Col. Robert W. Valimont, [redacted], Air Force Reserve.

Col. Alfred Verhulst, [redacted], Air Force Reserve.

The following officers for appointment as Reserve commissioned officers in the U.S. Air Force to the grade indicated, under the provisions of sections 8218, 8351, 8363, and 8392, title 10 of the United States Code:

To be major general

Brig. Gen. George W. Edmonds, [redacted] California Air National Guard.

To be brigadier generals

Col. Ralph W. Adams, Sr., [redacted], Alabama Air National Guard.

Col. Rollin M. Batten, Jr., [redacted], Nebraska Air National Guard.

Col. Nowell O. Didear, [redacted], Texas Air National Guard.

Col. William C. Smith, [redacted], Tennessee Air National Guard.

Executive nominations received by the Senate February 25, 1969:

LAW ENFORCEMENT ASSISTANCE

Charles H. Rogovin, of Massachusetts, to be Administrator of Law Enforcement Assistance.

Richard W. Velde, of Virginia, to be an Associate Administrator of Law Enforcement Assistance.

CONFIRMATION

Executive nomination confirmed by the Senate February 25, 1969:

U.S. DISTRICT JUDGE

James F. Battin, of Montana, to be U.S. district judge for the district of Montana.

WITHDRAWAL

Executive nomination withdrawn from the Senate February 21, 1969:

DEPARTMENT OF THE ARMY

Eugene M. Becker, of Illinois, to be an Assistant Secretary of the Army, which was sent to the Senate on February 19, 1969.