United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 91st CONGRESS, FIRST SESSION

SENATE—*Friday, March 7, 1969*

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

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

Eternal Father, who hast called men to serve Thee in the councils of the Nation as before the altars of God, invest all Members of this body with a solemn sense of divine vocation. Spare us from growing careless in thought, callous in conscience, or neglectful in discipline lest we crowd Thee from our lives. While we honor Thee in public may we open our innermost being to Thy light and truth. Help us to be good men that we may be good leaders of a good nation striving to know and to do Thy will on earth.

In Thy holy name. Amen.

THE JOURNAL

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

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

MESSAGES FROM THE PRESIDENT RECEIVED DURING ADJOURNMENT

Under authority of the order of the Senate of March 4, 1969, the Secretary of the Senate, on March 6, 1969, received messages in writing from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations received on March 6, 1969, see the end of proceedings of today, March 7, 1969.)

EXECUTIVE REPORTS OF COMMITTEES SUBMITTED DURING ADJOURNMENT

Under authority of the order of the Senate of March 4, 1969, the following favorable executive reports of nominations and a treaty were submitted:

On March 5, 1969:

By Mr. YARBOROUGH, from the Committee on Labor and Public Welfare:

James C. Counts, of California, to be Federal Mediation and Conciliation Director.

On March 6, 1969:

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

Lt. Gen. Harry Jacob Lenley, Jr., Army of the United States (major general, U.S. Army) for appointment as Senior U.S. Army member of the Military Staff Committee of the United Nations;

Lt. Gen. Ferdinand Joseph Chesarek, Army of the United States (major general, U.S. Army), for promotion to general;

Maj. Gen. William Eugene DePuy, Army of the United States (brigadier general, U.S. Army), for promotion to lieutenant general; and

Rear Adm. Edwin B. Hooper, U.S. Navy, for commands and other duties determined by the President, for appointment to the grade of vice admiral while so serving.

By Mr. FULBRIGHT, from the Committee on Foreign Relations, without reservation, together with the supplemental views of Mr. DODD:

Executive H, 90th Congress, second session, Treaty on the Nonproliferation of Nuclear Weapons, signed in Washington on July 1, 1968 (Ex. Rept. No. 91–1).

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations 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 submitting sundry nominations which were referred to the appropriate committees.

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

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Bartlett, one of its reading clerks, informed the Senate that, pursuant to the provisions of section 1, Public Law 689, 84th Congress, as amended, the Speaker had appointed Mr. HAYS, Chairman, Mr. RODINO, Mr. RIVERS, Mr. CLARK, Mr. BROOKS, Mr. ARENDS, Mr. BATES, Mr. FINDLEY, and Mr. QUIE as members of the U.S. Group of the North Atlantic Assembly, on the part of the House.

The message also informed the Senate that, pursuant to the provisions of section 1, Public Law 86–420, the Speaker had appointed Mr. STEIGER of Arizona as a member of the U.S. delegation of the Mexico-United States Interparliamentary Group, to fill the existing vacancy thereon.

The message further informed the Senate that, pursuant to Public Law 301 of the 78th Congress, the chairman of the Merchant Marine and Fisheries Committee had appointed Mr. DOWNING, Mr. MURPHY of New York, and Mr. MOSHER as members of the Board of Visitors to the U.S. Merchant Marine Academy, on the part of the House; and Mr. GARMATZ, ex officio member.

The message announced that the House had passed a bill (H.R. 497) to amend section 301 of the Manpower Development and Training Act of 1962, as amended, in which it requested the concurrence of the Senate.

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE 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 nominations on the Executive Calendar, beginning with "New Reports."

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

The VICE PRESIDENT. The nominations on the Executive Calendar, beginning with "New Reports," will be stated.

DEPARTMENT OF COMMERCE

The bill clerk read the nomination of Robert A. Podesta, of Illinois, to be an Assistant Secretary of Commerce.

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

CALIFORNIA DEBRIS COMMISSION

The bill clerk read the nomination of Col. George D. Fink, Corps of Engineers, U.S. Army, to be a member of the California Debris Commission.

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

DEPARTMENT OF LABOR

The bill clerk read the nomination of Geoffrey H. Moore, of New Jersey, to be Commissioner of Labor Statistics.

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

FEDERAL MEDIATION AND CONCILIATION SERVICE

The bill clerk read the nomination of James C. Counts, of California, to be Federal Mediation and Conciliation Director.

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

U.S. ARMY

The bill clerk proceeded to read sundry nominations in the U.S. Army.

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

The VICE PRESIDENT. Without objection, the nominations are considered and confirmed en bloc.

U.S. NAVY

The bill clerk proceeded to read sundry nominations in the U.S. Navy.

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

The VICE PRESIDENT. Without objection, the nominations are considered and confirmed en bloc.

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

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

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

Mr. MANSFIELD. I yield.

Mr. ELLENDER. When does the Senator anticipate taking up the nomination of James V. Smith to be Administrator of the Farmers Home Administration?

I think it should be taken up, Mr. President. We have waited long enough.

Mr. MANSFIELD. It has only been on the calendar this week, I believe. I assure the Senator that I shall do my best to see if it can be brought up shortly.

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.

LEGISLATIVE PROGRAM

Mr. MANSFIELD. Mr. President, for the information of the Senate, I wish to state that it is the intention of the leadership to lay before the Senate, before the conclusion of its business today, Executive H, 90th Congress, second session, the Treaty on the Nonproliferation of Nuclear Weapons; that it will be the pending business when the Senate convenes on Monday; and that debate on the treaty will start on Monday.

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

Mr. MANSFIELD. I yield.

Mr. TOWER. Will there be a controlled-time situation on the discussion of the treaty?

Mr. MANSFIELD. I would be delighted if there were, but I think we should go a day or so before facing up to that. If there is an agreement on both sides, or all sides, as to that, I will meet them more than half way.

Mr. TOWER. I thank the distinguished majority leader.

ORDER FOR ADJOURNMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 o'clock noon, Monday next.

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

(Subsequently the above order was modified to provide for a recess, instead of an adjournment.)

EXECUTIVE COMMUNICATIONS, ETC.

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

REPORT ON ESTABLISHING A NATIONWIDE SCHOOL DESEGREGATION PROGRAM

A letter from the Secretary of Health, Education, and Welfare, transmitting, pursuant to law, a report on the Department's actions to develop a school desegregation program in the North that is equal in size and scope to its program in the South (with an accompanying report); to the Committee on Appropriations.

REPORT OF OFFICE OF EMERGENCY PREPAREDNESS

A letter from the Director, Office of Emergency Preparedness, Executive Office of the President, transmitting, pursuant to law, a copy of the statistical supplement, stockpile report for the period ended December 31, 1968 (with an accompanying report); to the Committee on Armed Services.

REPORT ON PROCUREMENT RECEIPTS FOR MEDICAL STOCKPILE OF CIVIL DEFENSE EMERGENCY SUPPLIES AND EQUIPMENT

A letter from the Secretary of Health, Education, and Welfare, reporting, pursuant to law, on actual procurement receipts for medical stockpile of civil defense emergency supplies and equipment purposes, for the quarter ended December 31, 1968; to the Committee on Armed Services.

REPORT ON MILITARY CONSTRUCTION CONTRACTS AWARDED ON OTHER THAN A COMPETITIVE BID BASIS

A letter from the Director, Contractor Administration, Naval Facilities Engineering Command, Department of the Navy, transmitting, pursuant to law, a report on military construction contracts awarded on other than a competitive bid basis to the lowest responsible bidder for the period July 1, 1968, to December 31, 1968 (with an accompanying report); to the Committee on Armed Services.

REPORT OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on practices followed in adjusting Federal grants awarded for construction of academic facilities, Office of Education, Department of Health, Education, and Welfare, dated March 4, 1969 (with an accompanying report); to the Committee on Government Operations.

REPORT OF U.S. INFORMATION AGENCY

A letter from the Director, U.S. Information Agency, transmitting, pursuant to law, a report on the disposal of foreign excess property of the Agency for the fiscal year 1968 (with an accompanying report); to the Committee on Government Operations.

REPORT OF BOY SCOUTS OF AMERICA

A letter from the chief scout executive, Boy Scouts of America, transmitting, pursuant to law, the 59th annual report of the Boy Scouts of America (with an accompanying report); to the Committee on Labor and Public Welfare.

PROPOSED LEGISLATION CONCERNING APPOINTMENTS AND PROMOTIONS IN THE POST OFFICE DEPARTMENT AND POSTAL FIELD SERVICE

A letter from the Postmaster General, transmitting a draft of proposed legislation to provide that appointments and promotions in the Post Office Department and postal field service be made on the basis of merit and fitness (with accompanying papers); to the Committee on Post Office and Civil Service.

REPORT OF NEW ENGLAND REGIONAL COMMISSION

A letter from the Federal Cochairman, New England Regional Commission, transmitting, pursuant to law, a report on the activities of the Commission during the fiscal year 1968 (with an accompanying report); to the Committee on Public Works.

PETITIONS AND MEMORIALS

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

By the VICE PRESIDENT:

The petition of Percival E. Jackson, of Brookville, Long Island, N.Y., praying for a review and revision of the Military Code; to the Committee on Armed Services.

Four resolutions of the Legislature of the Commonwealth of Massachusetts; to the Committee on Finance:

"Resolutions memorializing Congress to pass legislation amending the Internal Revenue Code to permit homeowners to deduct up to $500 a year for the maintenance, preservation, and rehabilitation of their homes

"Whereas, The existing stock of residential property in the cities and towns of America provides the core of the residential resources of our Country; and

"Whereas, The creation of new housing can never provide more than a small percentage of the units available in the existing housing stock; and

"Whereas, The preservation of this priceless natural and economic resource must be the keystone of national housing policy; therefore be it

"*Resolved,* That the Massachusetts House of Representatives respectfully urges the Congress of the United States to amend the Internal Revenue Code to permit homeowners to deduct up to five hundred dollars a year for the maintenance, preservation and rehabilitation of their homes; and be it further

"*Resolved,* That copies of these resolutions be transmitted by the Secretary of the Commonwealth to the President of the United States, to the presiding officer of each branch of Congress and to the members thereof from this Commonwealth.

"House of Representatives, adopted, February 13, 1969.

"WALLACE C. MILLS,
"Clerk.

"Attest:

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

"Resolution memorializing Congress to enact legislation granting tax incentives to those business which will locate in the slums and to those which give training necessary for the employment of the disadvantaged in or from slum areas

"Whereas, One out of every three residents living in our city slums has a serious employment problem; and

"Whereas, The continuing shift of the more affluent population, businesses and industries from the central cities to the suburbs is intensifying the employment problems of the poor who remain in central cities; and

"Whereas, Strong measures are needed now to stem the flight of business and industry from the central city areas and to encourage private enterprise to offer opportunities for training to the nation's disadvantaged; therefore be it

"Resolved, That the Massachusetts House of Representatives respectfully urges the Congress to enact legislation granting tax incentives to those businesses which will locate in the slums and to those which give training necessary for the employment of the disadvantaged in or from slum areas; and be it further

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

"House of Representatives, adopted, February 13, 1969.

"WALLACE C. MILLS,
"Clerk.

"Attest:

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

"Resolution memorializing the Congress of the United States to enact legislation increasing the amounts of minimum monthly payments under the Social Security Act

"Whereas, The cost of the necessities of life in this country has risen to an all time high; and

"Whereas, A substantial portion of the people of this nation depend to a large extent, if not entirely, upon the monthly payments received by them under the Social Security Act; and

"Whereas, The current minimum monthly payments under said program have now become grossly inadequate for their needs; and

"Whereas, An increase of such minimum payments to one hundred and fifty dollars per month per person and two hundred and fifty dollars per month per married couple would tend to relieve such conditions; now, therefore, be it

"Resolved, That the General Court of Massachusetts respectfully urges the Congress of the United States to enact legislation increasing the minimum monthly payments under the Social Security Act to one hundred and fifty dollars per month per person and two hundred and fifty dollars per month per married couple; and be it further

"Resolved, That copies of these resolutions be transmitted forthwith by the Secretary of the Commonwealth to the President of the United States, the presiding officer of each branch of the Congress and to the members thereof from this commonwealth.

"Senate, adopted, February 12, 1969.

"NORMAN L. PIDGEON,
"Clerk.

"House of Representatives, adopted in concurrence, February 19, 1969.

"WALLACE C. MILLS,
"Clerk.

"Attest:

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

"Resolution memorializing the Congress of the United States to enact legislation removing the restriction on the amount of income a person may earn while receiving social security benefits

"Whereas, Under present law a person receiving social security benefits is not permitted to earn more than sixteen hundred and eighty dollars in any one year without a decrease in payments received by him; and

"Whereas, Many of the persons receiving such payments are almost totally dependent upon them for their living expenses; and

"Whereas, The cost of living has increased substantially so that the benefits referred to are now totally inadequate; and

"Whereas, The removal of the restriction on the amount of income that a person may earn while receiving social security benefits will enable such person to retain his self respect; now, therefore, be it

"Resolved, That the General Court of Massachusetts respectfully urges the Congress of the United States to enact legislation removing the restrictions on the amount of income a person may earn while receiving social security benefits; and be it further

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

"Senate, adopted, February 12, 1969.

"NORMAN L. PIDGEON,
"Clerk.

"House of Representatives, adopted in concurrence, February 19, 1969.

"WALLACE C. MILLS,
"Clerk.

"Attest:

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

A resolution adopted by the Syndicate of Puerto Rico's Labor Leaders, San Juan, P.R., praying for the pardoning of a group of imprisoned Puerto Rican political leaders; to the Committee on the Judiciary.

The petition of Willa V. Walker, of Leavenworth, Kans., praying for a redress of grievances; to the Committee on the Judiciary.

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

"Resolution memorializing Congress to amend the Health Professional Educational Assistance Act

"Whereas, There is a lack of well trained medical professionals in this country; and

"Whereas, This problem is particularly critical in central city areas; and

"Whereas, There is definite need for action to meet the problem of the lack of well trained medical professionals in central city areas; therefore be it

"Resolved, That the Massachusetts House of Representatives respectfully urges the Congress of the United States to amend the Health Professional Educational Assistance Act to provide one hundred per cent reduction of loans for graduates who practice in poor, urban areas; and be it further

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

"House of Representatives, adopted, February 13, 1969.

"WALLACE C. MILLS,
"Clerk.

"Attest:

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

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SPARKMAN, from the Committee on Banking and Currency, without amendment:

S.J. Res. 37. Joint resolution to extend the time for the making of a final report by the Commission To Study Mortgage Interest Rates (Rept. No. 91-92).

By Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, without amendment:

S. Res. 98. Resolution authorizing the printing of the report entitled "Mineral and Water Resources of Utah" as a Senate document (Rept. No. 91-91).

EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

The following favorable reports of nominations were submitted:

By Mr. ELLENDER, from the Committee on Agriculture and Forestry:

T. Carroll Atkinson, Jr., of South Carolina, and James D. Dean, of Kansas, to be members of the Federal Farm Credit Board, Farm Credit Administration.

By Mr. SPARKMAN, from the Committee on Banking and Currency:

Betty Higby, of Colorado, to be Superintendent of the Mint of the United States at Denver.

CHANGE OF REFERENCE

Mr. TALMADGE. Mr. President, S. 414 was introduced on January 21, 1969, the legislative day of January 10, which is a bill to subject interest income on loans sold out of the agricultural credit insurance fund to Federal income taxes.

This bill was referred to the Committee on Agriculture and Forestry.

Since it relates to the treatment of income for tax purposes, at the request of the Committee on Agriculture and Forestry I ask that the Committee on Agriculture and Forestry be discharged and that the bill be referred to the Committee on Finance.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

BILLS AND JOINT RESOLUTIONS INTRODUCED

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

By Mr. COTTON:

S. 1372. A bill for the relief of Tommaso Mangold; to the Committee on the Judiciary.

By Mr. COTTON (for himself, Mr. MAGNUSON, Mr. PASTORE, Mr. MANSFIELD, and Mr. DIRKSEN):

S. 1373. A bill to amend the Federal Aviation Act of 1958; to the Committee on Commerce.

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

S. 1374. A bill to authorize the Secretary of Agriculture and the Secretary of the Interior to cooperate with States, local agencies, and individuals in the planning and carrying out of practices for water yield improvement, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. WILLIAMS of Delaware:

S. 1375. A bill to establish a free guide service for the U.S. Capitol Building; to the Committee on Rules and Administration.

By Mr. TOWER:

S. 1376. A bill to amend chapter 73 of title

10, United States Code, relating to annuities based on retired or retainer pay; to the Committee on Armed Services.

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

By Mr. TOWER (for himself and Mr. PELL):

S. 1377. A bill to establish a commission to study the usage, customs, and laws relating to the flag of the United States; to the Committee on the Judiciary.

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

By Mr. TOWER:

S. 1378. A bill to amend the Internal Revenue Code of 1954 to provide a 15-year period for carryover of losses arising from expropriation of property by governments of foreign countries; and

S. 1379. A bill to amend section 107 of the Internal Revenue Code of 1954 relating to exclusion of rental allowances by ministers of the gospel; to the Committee on Finance.

S. 1380. A bill to redesignate the position of hearing examiner as administrative trial judge; to the Committee on the Judiciary.

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

By Mr. TOWER (for himself and Mr. BAKER):

S. 1381. A bill for the relief of Mr. Carl Johnstone, Jr.; to the Committee on the Judiciary.

By Mr. MILLER:

S. 1382. A bill to amend the Internal Revenue Code of 1954 to permit the inclusion of insurance proceeds for destruction or damage to crops in the year following the year in which the damage occurred under certain conditions; 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. BENNETT:

S. 1383. A bill for the relief of Manuel Nelson Gonzalez and his wife, Norma Silvia Gonzalez, and their minor children, Norma Ingrid Gonzalez and Nelson Antonio Gonzalez; to the Committee on the Judiciary.

By Mr. BENNETT (for himself, Mr. BAKER, Mr. CURTIS, Mr. DIRKSEN, Mr. DOLE, Mr. EASTLAND, Mr. FANNIN, Mr. HANSEN, Mr. HATFIELD, Mr. HOLLAND, Mr. HRUSKA, Mr. JORDAN of Idaho, Mr. MCCLELLAN, Mr. MURPHY, Mr. STENNIS, Mr. THURMOND, Mr. TOWER, and Mr. WILLIAMS of Delaware):

S. 1384. A bill to protect the freedom of choice of Federal employees in employee-management relations; to the Committee on Post Office and Civil Service.

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

By Mr. PERCY:

S. 1385. A bill for the relief of Myong-Sok Chu;

S. 1386. A bill for the relief of Guiseppe Giaimo; and

S. 1387. A bill for the relief of Dr. Andres Obedoza Botuyan and his wife, Irene Furaganan Botuyan; to the Committee on the Judiciary.

By Mr. THURMOND (for himself, Mr. BENNETT, Mr. DOLE, Mr. MILLER, Mr. PEARSON, Mr. RANDOLPH, and Mr. YARBOROUGH):

S. 1388. A bill to require a health warning on the labels of bottles containing certain alcoholic beverages; to the Committee on Commerce.

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

By Mr. SCOTT:

S. 1389. A bill for the relief of Alex G. W. Miller; and

S. 1390. A bill for the relief of Angelo Caruso; to the Committee on the Judiciary.

By Mr. ERVIN:

S. 1391. A bill for the relief of certain Kaw Indians; to the Committee on the Judiciary.

By Mr. INOUYE:

S. 1392. A bill for the relief of Li Wang Kwong, Wong Yau On, Lam Ah Fuk, Poon Tak and Ho Yeh Sze; to the Committee on the Judiciary.

By Mr. SPARKMAN (for himself and Mr. BENNETT) (by request):

S. 1393. A bill to require all insured banks to clear checks at par; to the Committee on Banking and Currency.

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

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

S. 1394. A bill to establish a graduated system of reserve requirements for member banks of the Federal Reserve System; to the Committee on Banking and Currency.

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

By Mr. DODD:

S. 1395. A bill for the relief of Francisco Ribeiro Gomes; to the Committee on the Judiciary.

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

S. 1396. A bill to amend section 5(d)(2) of Public Law 874, Eighty-first Congress, to permit payments of that Act to be considered as local resources for the purpose ascertaining the ability of a local educational agency to provide a minimum education; to the Committee on Labor and Public Welfare.

By Mr. EAGLETON:

S. 1397. A bill for the relief of John Richard Wallington; to the Committee on the Judiciary.

By Mr. MAGNUSON (for himself, Mr. ALLOTT and Mr. DOMINICK) (by request):

S. 1398. A bill to amend section 5(2)(a) of the Interstate Commerce Act, relating to acquisition of carriers, to add a requirement that any acquiring person not a carrier must be enagaged primarily in the business of transportation or a related business; to the Committee on Commerce.

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

By Mr. MAGNUSON (for himself, Mr. JACKSON, Mr. MONTOYA, and Mr. DOMINICK):

S. 1399. A bill to amend the Federal Aviation Act of 1958 in order to provide for certain requirements with respect to the installation of downed aircraft rescue transmitters on civil aircraft; to the Committee on Commerce.

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

By Mr. MAGNUSON (for himself and Mr. COTTON) (by request):

S. 1400. A bil to amend title II of the Merchant Marine Act, 1936, to create an independent Federal Maritime Administration, and for other purposes; to the Committee on Commerce.

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

By Mr. FANNIN (for himself, Mr. GRIFFIN, Mr. BENNETT, Mr. ERVIN, Mr. HANSEN, Mr. HATFIELD, Mr. HOLLAND, Mr. THURMOND, Mr. GOLDWATER and Mr. STEVENS):

S. 1401. A bill relating to the authority of the States to control, regulate, and manage fish and wildlife within their territorial boundaries; to the Committee on Commerce.

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

By Mr. RIBICOFF:

S. 1402. A bill to amend title XVIII of the Social Security Act to provide payment for optometrists' services under the program of supplementary medical insurance benefits for the aged; to the Committee on Finance.

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

By Mr. WILLIAMS of New Jersey:

S. 1403. A bill to amend the Internal Revenue Code of 1954 so as to increase the amount of the deduction for each personal exemption to $900, to remove the limitations on the deduction of medical expenses, to allow a deduction for expenses of transportation to and from work, and for other purposes; to the Committee on Finance.

S. 1404. A bill for the relief of Yun Sung Tam;

S. 1405. A bill for the relief of Cheung Chan;

S. 1406. A bill for the relief of Luk Samg Tsang;

S. 1407. A bill for the relief of Lun Pui Tsui;

S. 1408. A bill for the relief of Pokan Fong;

S. 1409. A bill for the relief of Yat Sang Chau;

S. 1410. A bill for the relief of Tung Shing Ho;

S. 1411. A bill for the relief of Shui Chung Man;

S. 1412. A bill for the relief of Lee Qua Wong;

S. 1413. A bill for the relief of Fai Yuen Wong;

S. 1414. A bill for the relief of Ping Wah Cheng;

S. 1415. A bill for the relief of Tin Kang Kong;

S. 1416. A bill for the relief of Tung Ming Cheung; and

S. 1417. A bill for the relief of Ting Cheong Liu; to the Committee on the Judiciary.

By Mr. SCOTT:

S. 1418. A bill for the relief of Carleton R. McQuown; to the Committee on the Judiciary.

By Mr. BIBLE:

S. 1419. A bill to require an act of Congress for public land withdrawals in excess of 5,000 acres in the aggregate for any project or facility of any department or agency of the Government; 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. BIBLE (by request):

S. 1420. A bill to require the Postmaster General to seek special reduced rates of international postage for postal cards sent by amateur radio operators; to the Committee on Post Office and Civil Service.

By Mr. PROUTY:

S. 1421. A bill to amend the District of Columbia Legal Aid Act; to the Committee on the District of Columbia.

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

By Mr. SPONG:

S. 1422. A bill for the relief of Donal E. McGonegal; to the Committee on the Judiciary.

By Mr. JAVITS (for himself and Mr. HART):

S. 1423. A bill to amend the Act of October 3, 1965; to the Committee on the Judiciary.

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

By Mr. NELSON:

S. 1424. A bill to amend the Fair Packaging and Labeling Act to require the disclosure by retail distributors of unit retail prices of

packaged consumer commodities, and for other purposes; to the Committee on Commerce.

S. 1425. A bill for the relief of Pao Fen Lee;

S. 1426. A bill for the relief of Ta Shai Zee (Teh Tsang Hsu);

S. 1427. A bill for the relief of Tak Kuan Chan;

S. 1428. A bill for the relief of Hok Ming Ko;

S. 1429. A bill for the relief of Teh Hsing Huang;

S. 1430. A bill for the relief of Sik Cho Ng; and

S. 1431. A bill for the relief of Chiu Weng; to the Committee on the Judiciary.

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

By Mr. BYRD of West Virginia:

S. 1432. A bill to change the definition of ammunition for purposes of chapter 44 of title 18 of the United States Code; to the Committee on the Judiciary.

By Mr. SCHWEIKER (for himself, Mr. BAYH, Mr. COOK, Mr. COOPER, Mr. CRANSTON, Mr. DOLE, Mr. MATHIAS, Mr. PACKWOOD, Mr. PERCY, Mr. SCOTT, and Mr. JORDAN of Idaho):

S. 1433. A bill to amend the Military Selective Service Act of 1967; to the Committee on Armed Services.

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

By Mr. BYRD of West Virginia:

S. 1434. A bill to amend title II of the Social Security Act so as to provide for an increase in the benefits payable thereunder; to the Committee on Finance.

By Mr. FONG:

S. 1435. A bill for the relief of Fat Hing Hui;

S. 1436. A bill for the relief of Kok Jan Foo;

S. 1437. A bill for the relief of Emilio Ramelb, his wife, Felipa Ramelb, and her son, Ernesto Aceret;

S. 1438. A bill for the relief of Yau Ming Chinn (Gon Ming Loo); and

S. 1439. A bill for the relief of Hyun Ok Shin; to the Committee on the Judiciary.

By Mr. DIRKSEN (for himself and Mr. PERCY):

S. 1440. A bill for the creation of the Lincoln Homestead National Recreation Area, and for other purposes; and

S. 1441. A bill providing for the designation of the gravesite and the ancestral home of Jane Addams in Cedarville, Ill., as national historical landmarks; to the Committee on Interior and Insular Affairs.

By Mr. MOSS:

S. 1442. A bill to amend section 131 of title 23 of the United States Code, relating to control of outdoor advertising along Federal-aid highways, in order to authorize one or more pilot programs for the purpose of such section; to the Committee on Public Works.

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

By Mr. CANNON:

S. 1443. A bill to amend the Internal Revenue Code of 1954 to increase the amount of the deduction for each personal exemption to $1,000; to the Committee on Finance.

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

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

S. 1444. A bill to amend the Internal Revenue Code of 1954 to allow a credit against the occupational tax on coin-operated gaming devices for similar taxes presently imposed by a State where the operation of such devices is legal; to the Committee on Finance.

S. 1445. A bill to provide for the construction of a Veterans' Administration hospital in the State of Nevada; to the Committee on Labor and Public Welfare.

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

By Mr. MOSS (for himself, Mr. CASE, Mr. DODD, Mr. HART, Mr. METCALF, and Mr. YARBOROUGH):

S. 1446. A bill to establish a Department of Natural Resources; to the Committee on Government Operations.

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

By Mr. DIRKSEN:

S.J. Res. 70. Joint resolution to provide that the nuclear accelerator to be constructed at Weston, Ill., shall be named the "Enrico Fermi Nuclear Accelerator" in memory of the late Dr. Enrico Fermi; to the Joint Committee on Atomic Energy.

By Mr. CURTIS:

S.J. Res. 71. Joint resolution proposing an amendment to the Constitution of the United States providing for the election of the President and Vice President, and Members of Congress; to the Committee on the Judiciary.

By Mr. HATFIELD:

S.J. Res. 72. Joint resolution proposing an amendment to the Constitution of the United States relating to the nomination and election of the President and Vice President of the United States; to the Committee on the Judiciary.

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

S. 1374—INTRODUCTION OF BILL TO BE KNOWN AS THE PACIFIC SOUTHWEST WATER YIELD IMPROVEMENT ACT

Mr. FANNIN. Mr. President, on behalf of myself and Senator GOLDWATER I introduce, for appropriate reference, a bill to authorize the Secretary of Agriculture and the Secretary of the Interior to cooperate with States, local agencies, and individuals in planning and carrying practices for water yield improvement.

Mr. President, the bill would authorize $150 million to improve water yield and other renewable resources in the States of Arizona, California, Colorado, Nevada, New Mexico, and Utah. It would make the production of water a major function of our public lands. This would be accomplished by means of a partnership between the Federal Goverment and other entities interested in bringing public land watersheds to their full potential. This would includes States, municipalities, irrigation districts, and onsite beneficiaries, such as Indian tribes. The multiple use principle would be adhered to in the program.

It has been positively shown, that the watershed areas of the West urgently need attention if they are to continue to efficiently serve the individuals and industries which need the products of the watershed.

The provisions of this bill will be of considerable value in enhancing the watershed program already begun. I hope this proposal will be favorably considered. It promises to return in benefits many times the amounts of the expenditure contemplated.

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

The bill (S. 1374) to authorize the Secretary of Agriculture and the Secretary of the Interior to cooperate with States, local agencies, and individuals in the planning and carrying out of practices for water-yield improvement, and for other purposes, introduced by Mr. FANNIN (for himself and Mr. GOLDWATER), was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

S. 1376—INTRODUCTION OF A BILL TO IMPROVE DEATH BENEFITS FOR BENEFICIARIES OF RETIRED RESERVISTS

Mr. TOWER. Mr. President, I introduce, for appropriate reference a measure which would correct what I consider to be an unfair situation regarding retirement benefits for retired reservists and their wives. Under present law, the career reservist cannot receive retirement pay before age 60. It is not uncommon for reservists who have qualified for retirement to die before reaching entitlement age. The reservist dedicates 1 night a week for a minimum of 20 years, mostly in an unpaid status. He often performs 2 weeks active duty, and may give up 2 weeks vacation to do it. In my estimation, there is a distinct unfairness in having the citizen-soldier satisfy all retirement requirements and then have to wait for his 60th birthday before receiving any benefits. The legislation which I introduce would seek to correct this situation.

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

The bill (S. 1376) to amend chapter 73 of title 10, United States Code, relating to annuities based on retired or retainer pay, introduced by Mr. TOWER, was received, read twice by its title, and referred to the Committee on Armed Services.

S. 1377—INTRODUCTION OF A MEASURE ESTABLISHING A PRESIDENTIAL FLAG COMMISSION

Mr. TOWER. Mr. President, I introduce, on behalf of myself and the Senator from Rhode Island (Mr. PELL), for appropriate reference, a measure which calls for the establishment of a Presidential commission to study the usage, customs, and laws relating to the flag of the United States and to make specific recommendations in this regard. This commission shall be composed of 10 members to be appointed by the President as follows: First, two Members of the Senate from different political parties; second, two Members of the House of Representatives from different political parties; third, one member from the Department of Defense, and, fourth, five members from private life who have a special interest in or knowledge of the flag of the United States.

Mr. President, the laws of this country concerning the proper use and display of the flag are virtually nonexistent and what few we do have are confusing. This commission would serve a great purpose in establishing what is the proper method of displaying the flag and this legislation would prevent desecration of our national emblem.

One of my major concerns in introducing this legislation is to clear up the confusion that exists because there is no one standard set of regulations controlling the use of our flag. Many organizations have adopted their own flag codes, which in many instances vary widely one from the other. If we could but clear up this problem, we could once and for all have a viable flag code.

Mr. President, it is only fitting that the emblem under which so many millions of Americans have lived and for whom so many have given their lives be properly honored and its desecration prohibited. I think that it is imperative that this year we adopt a suitable flag code. We are currently approaching the 200th anniversary of our Nation, the time has come to honor the flag in the proper manner.

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

The bill (S. 1377) to establish a commission to study the usage, customs, and laws relating to the flag of the United States, introduced by Mr. TOWER (for himself and Mr. PELL) was received, read twice by its title, and referred to the Committee on Commerce.

S. 1378—INTRODUCTION OF BILL TO ALLOW CARRYOVER OF CERTAIN LOSSES UNDER THE INTERNAL REVENUE CODE

Mr. TOWER. Mr. President, the legislation I introduce today would make changes in the Internal Revenue Code of 1954. The 10-year net operating loss carryover for foreign expropriation losses provided by section 172(b)(1)(D), is insufficient to permit those businesses, whose productive assets have been expropriated by the host country, to recover such losses. This section was originally enacted in 1964 due to the Congress belief that losses incurred by expropriation are usually so large that the 3-year carryback and the 5-year carryover would be insufficient to recoup these losses.

If a business has substantial productive assets and operations in nations other than that which expropriated its properties, then the 10-year recovery period is generally long enough to permit the company to recover its losses through its operations that continue to generate revenue throughout the world. However, if the operations of the company were centralized in the country that expropriated its productive assets, then the company must start anew in another country.

The income for the business in this situation would, in all probability, be considerably less for the first few years of new operation. In this situation the company could not take advantage of the 10-year carryover period until several years had passed. Thus, the effective carryover period is considerably less than 10 years.

Congress wisely enacted section 172(b)(1)(D) because it realized that a longer period of time was needed to recover losses caused by expropriation. My amendment would lengthen the period of time for recovery to 15 years in order to give these businesses that are centralized in expropriating countries a more reasonable length of time to relocate, develop new lines of activity, and begin earning income in order that they may fully realize the benefits that Congress intended to confer when it originally enacted this legislation.

I believe the introduction of my bill will give us the opportunity to view the matter of carryover objectively. Perhaps this will be the best way to approach this subject through committee hearings and competent witnesses.

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

The bill (S. 1378) to amend the Internal Revenue Code of 1954 to provide a 15-year period for carryover of losses arising from expropriation of property by governments of foreign countries, introduced by Mr. TOWER, was received, read twice by its title, and referred to the Committee on Finance.

S. 1379—INTRODUCTION OF BILL TO AMEND IRS CODE EXCLUDING MINISTERS' ALLOWANCES

Mr. TOWER. Mr. President, the subject of tax reform has recently received some much needed attention. I would like to bring to the attention of the Senate one example of the inequities which exist in our tax code.

I refer specifically to the IRS provisions relating to the exclusion of rental allowances by ministers of the gospel. Recognized ministers of certain churches or religious organizations cannot qualify for the minister's housing allowance under IRS ruling due to the specific wording of the regulation relating to the church's policy lacking central authority or formal ordination. This situation results in an inequity to those meeting the spirit, but not the letter of the law.

The purpose of the legislation which I introduce is to broaden the eligibility requirements. For instance—because of an October 15, 1962, ruling—Public Law 62–171—in the Internal Revenue Bulletin—ministers of the Church of Christ who teach in Abilene Christian College, Abilene, Tex., and other Christian colleges are left out entirely and are not recognized as eligible for the minister's housing exclusion.

Due to the rather autonomous structuring and decentralized bureaucracy of the Christian Church, many teaching ministers do not qualify for exclusion from taxation the rental allowances paid them as part of their compensation. My bill amends the term "integral agency" of section 107 of Internal Revenue Code of 1954 to include those teaching ministers in schools, colleges, or universities which are identified with a church or church denomination as long as the members of the governing body and faculty are required to be members of the said church or denomination.

This new qualifying provision is strict enough to limit consideration to institutions of higher learning actually related to a religious denomination: for all the members of the governing body and faculty are required to be members of the said church. My bill is also broad enough to provide allowances to teaching ministers at religious-affiliated colleges regardless of the nature of their formal ties with the particular denomination. The colleges must be affiliated with a denomination, but the manner of affiliation should not—and will not—prohibit due tax allowances if my bill is enacted.

The code of internal revenue should truly allow all teaching ministers tax credits for rental allowances as a part of their teaching compensation. This has not been possible in the past; enaction of this legislation will remedy this longtime inequity.

The VICE PRESIDENT. The bill will not be received and appropriately referred.

The bill (S. 1379) to amend section 107 of the Internal Revenue Code of 1954 relating to exclusion of rental allowances by ministers of the gospel; introduced by Mr. TOWER, was received, read twice by its title, and referred to the Committee on Finance.

S. 1380—INTRODUCTION OF A MEASURE TO REDESIGNATE THE POSITION OF HEARING EXAMINERS AS ADMINISTRATIVE TRIAL JUDGE

Mr. TOWER. Mr. President, late in the last session of Congress I submitted legislation which would have redesignated "hearing examiners" in administrative agencies as "administrative trial judges." As sometimes happens, the Congress adjourned before full and adequate consideration could be given this measure. Consequently, I desire to reintroduce it at this time.

Perhaps the change I seek may appear trivial upon cursory examination, but a closer study of the situation which prompts me to introduce this measure will demonstrate the true significance of this redesignation. Members of the Federal Bar Association, the American Bar Association, and the Federal Trial Examiners Conference have told me that this simple change in nomenclature would greatly assist the recruitment of qualified attorneys to fill what are essentially judicial positions with Government agencies. The added prestige associated with the title "administrative trial judge" could very well be the deciding factor which would persuade a qualified applicant to serve with our Government. Furthermore, the dedicated people now serving in this capacity deserve adequate recognition of their position.

This change has one other merit: one of extreme importance in this age of spiraling costs and inflation. It will add little or no expense to the budget. I think that all of us will agree that a measure which increases the effectiveness of the operation of governmental agencies without substantially increasing the cost of the services they provide is too rare a thing to be overlooked. I therefore, urge my colleagues to give careful consideration to this bill, an opportunity which was denied them during the last session.

I ask unanimous consent that this bill may be printed in its entirety at this point in the RECORD.

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

and, without objection, the bill will be printed in the RECORD.

The bill (S. 1380) to redesignate the position of hearing examiner as administrative trial judge, introduced by Mr. TOWER, 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. 1380

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) sections 556(b)(3), 559, 1305, 3105, 3344, and 5362 of title 5, United States Code, are amended by striking out the phrase "hearing examiners" wherever it appears and inserting in lieu thereof the words "administrative trial judges".

(b) Sections 554(a)(2), 4301(2)(E), 5108(a), 5335(a)(B), and 7521 of such title are amended by striking out the phrase "hearing examiner" wherever it appears and inserting in lieu thereof the words "administrative trial judge".

(c)(1) The analysis of chapter 13 of such title, immediately preceding section 1301, is amended by striking out the item:

"1305. Hearing examiners."

and inserting in lieu thereof the following:

"1305. Administrative trial judges.".

(2) The analysis of chapter 33 of such title, immediately preceding section 3301, is amended by striking out the item:

"3344. Details; hearing examiners."

and inserting in lieu thereof the following:

"3344. Details; administrative trial judges.".

(3) The analysis of chapter 53 of such title, immediately preceding section 5301, is amended by striking out the item:

"5362. Hearing examiners."

and inserting in lieu thereof the following:

"5362. Administrative trial judges.".

(d)(1) The analysis of chapter 75 of such title, immediately preceding section 7501, is amended by striking out

"SUBCHAPTER III—HEARING EXAMINERS"

and inserting in lieu thereof

"SUBCHAPTER III—ADMINISTRATIVE TRIAL JUDGES".

(2) The heading of subchapter III of such chapter, immediately preceding section 7521, is amended by striking out

"SUBCHAPTER III—HEARING EXAMINERS"

and inserting in lieu thereof

"SUBCHAPTER III—ADMINISTRATIVE TRIAL JUDGES".

SEC. 2. Section 509(1) of title 28, United States Code, is amended by striking out the phrase "hearing examiners" and inserting in lieu thereof the words "administrative trial judges".

SEC. 3. Whenever reference is made in any Act of Congress (other than this Act), regulation, document, or record of the United States to the position of hearing examiner or trial examiner such reference shall be held to be a reference to the position of administrative trial judge.

SEC. 4. The provisions of this Act shall not affect the tenure of any person holding the position of hearing examiner or trial examiner on the date of the enactment of this Act.

S. 1384—INTRODUCTION OF BILL—FEDERAL EMPLOYEES FREEDOM OF CHOICE ACT OF 1969

Mr. BENNETT. Mr. President, I rise to introduce the Federal Employees Freedom of Choice Act of 1969. I am joined in cosponsoring this bill by the following Senators:

Mr. BAKER, Mr. CURTIS, Mr. DIRKSEN, Mr. DOLE, Mr. EASTLAND, Mr. FANNIN, Mr. HANSEN, Mr. HATFIELD, Mr. HOLLAND, Mr. HRUSKA, Mr. JORDAN of Idaho, Mr. MCCLELLAN, Mr. MURPHY, Mr. STENNIS, Mr. THURMOND, Mr. TOWER, and Mr. WILLIAMS of Delaware.

A brief explanation as to why the bill is necessary will be helpful. In 1962, the late President Kennedy issued Executive Order No. 10988, which guaranteed to Federal employees the right to join a Government employee union. It also guaranteed the right of an employee to refrain from joining a union if he chose to do so.

Last year that Executive order was subjected to an in-depth review by a Labor Management Review Commission, headed by then Secretary of Labor W. Willard Wirtz. There were numerous reports in the press that the Commission would recommend to President Johnson that Executive Order No. 10988 be changed and the right to refrain provision be eliminated. Should this ever occur, Federal employees who are part of the world's finest merit system would have to join a union to retain their jobs.

After long consideration by the Commission, Secretary Wirtz wrote me stating the Commission had decided against recommending to the President that the right to refrain provision be eliminated. I was pleased with this development. It indicated that President Johnson viewed the matter the same as President Kennedy. The position of these two Presidents is similar to the Republican platform upon which President Nixon campaigned. That platform called for a guarantee of the right to refrain by Federal employees.

While I welcome the positions of the last three Presidents of the United States, I remain strongly convinced that voluntary unionism among U.S. Government employees must be guaranteed by law and not just by Executive order. We are talking about a basic freedom, and therefore it should not be subject to the policies or ideas of any given President. The guarantees to join a union and to refrain from joining a union should be placed on the law books in order to preserve their performance. I should point out that this freedom of choice bill in no way prevents Government employee unions, nor does it prevent or even discourage Federal employees from joining a union. It simply guarantees to them the right to make a choice. To me that is the fundamental concept of free government.

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

The bill (S. 1384) to protect the freedom of choice of Federal employees in employee-management relations, introduced by Mr. BENNETT (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Post Office and Civil Service.

S. 1393 AND S. 1394—INTRODUCTION OF BILLS RELATING TO MEMBER BANKS OF THE FEDERAL RESERVE SYSTEM

Mr. SPARKMAN. Mr. President, for myself and for the senior Senator from Utah (Mr. BENNETT), I introduce two bills so that they may be properly referred.

The first of these which the senior Senator from Utah and I introduce, by request, is a bill to require all insured banks to clear checks at par. In some areas of the United States, many of the commercial banks that are not members of the Federal Reserve System make charges for the payment of checks drawn on themselves when the checks are presented by mail. These charges are generally known as "exchange charges" and the banks that impose such charges are referred to as "nonpar banks" because they do not pay at par, that is, at face value, all checks drawn on them. This legislation is being requested by the Federal Reserve Board. For the RECORD, I introduced the same bill (by request) in the 90th Congress. However, no action was taken upon it, and we introduce the bill, by request, again today in order that the proposition will be before the Senate in this Congress.

The second bill which the senior Senator from Utah and I introduce is a bill to establish a guaranteed system of reserve requirements for member banks of the Federal Reserve System. Last Congress, I introduced a bill, S. 1298, by request, which would have established a graduated system of reserve requirements for all insured banks, and would have authorized Federal Reserve banks to extend credit to all insured banks. No action was taken on that measure during the 90th Congress. The bill that Senator BENNETT and I introduce today differs from S. 1298, in that it would establish a graduated reserve requirement for only member banks of the Federal Reserve System rather than for all insured banks.

Mr. President, I ask unanimous consent that the two bills be printed in the RECORD.

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

The bills, introduced by Mr. SPARKMAN (for himself and Mr. BENNETT), were received, read twice by their titles, referred to the Committee on Banking and Currency, and ordered to be printed in the RECORD, as follows:

S. 1393

A bill to require all insured banks to clear checks at par

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 18 of the Federal Deposit Insurance Act (12 U.S.C. 1828) is amended by adding the following subsection:

"(k) No insured bank shall pay any check drawn on it at less than its face amount or make any charge, by exchange or otherwise, against a person in his capacity as payee or indorsee for the payment of such checks and remission of the proceeds thereof. For each violation of this subsection, the offending bank shall be subject to a penalty of not more than $100, which the Corporation may recover for its use."

SEC. 2. The first paragraph of section 13 of the Federal Reserve Act (12 U.S.C. 342) is amended by striking ": *Provided further,* That nothing in this or any other section of this Act shall be construed as prohibiting a member or nonmember bank from making reasonable charges, to be determined and regulated by the Board of Governors of the

Federal Reserve System, but in no case to exceed 10 cents per $100 or fraction thereof, based on the total of checks and drafts presented at any one time, for collection or payment of checks and drafts and remission therefor by exchange or otherwise; but no such charges shall be made against the Federal reserve banks".

SEC. 3. The amendments made by this Act shall become effective one year after the date of the enactment of this Act.

S. 1394

A bill to establish a graduated system of reserve requirements for member banks of the Federal Reserve System

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 19(b) of the Federal Reserve Act (12 U.S.C. 461) is amended to read as follows:

"(b) Every member bank shall maintain reserves against its deposits in such ratios and according to such reasonable basis or bases as shall be determined by the Board within the following limitations:

"(1) the required reserve ratio or ratios for deposits other than demand deposits shall be not less than 3 per centum nor more than 10 per centum;

"(2) the required reserve ratio or ratios for demand deposits not exceeding $5,000,000 shall be not less than 7 per centum nor more than 14 per centum;

"(3) the required reserve ratio or ratios for demand deposits exceeding $5,000,000 and not exceeding $100,000,000 shall be not less than 8 per centum nor more than 20 per centum;

"(4) the required reserve ratio or ratios for demand deposits exceeding $100,000,000 shall be not less than 10 per centum nor more than 22 per centum; and

"(5) the $5,000,000 figure may be increased by the Board to not more than $10,000,000 or decreased to not less than $2,500,000, and the $100,000,000 figure may be increased to not more than $500,000,000 or decreased to not less than $50,000,000."

SEC. 2. Section 11(e) of the Federal Reserve Act (12 U.S.C. 248(e)) is repealed.

S. 1398—INTRODUCTION OF BILL RELATING TO ACQUISITION OF CARRIERS SUBJECT TO ICC AUTHORITY

Mr. MAGNUSON. Mr. President, I introduce by request for myself, and the Senators from Colorado (Messrs. ALLOTT and DOMINICK) for appropriate reference a bill to amend section 5(2)(a) of the Interstate Commerce Act relating to acquisition of carriers.

This bill, which is identical to a measure already introduced in the House of Representatives by the chairman of the House Commerce Committee (Mr. STAGGERS), would add a new requirement that any acquiring person that is not a carrier must be engaged primarily in the business of transportation or a business which is economically necessary for or incidental to the business of transportation in order to acquire a carrier subject to the provisions of section 5(2)(a) of the act.

Mr. President, this measure represents a possible solution to a problem now affecting many industries involving the acquisition of a company which is required to be operated in the public interest. Individuals or business entities which have not previously engaged in the regulated industry involved may be ill-equipped or unable to continue the appropriate operation of the company involved in the public interest. This bill would enhance the authority of the ICC to protect the public from any acquisition detrimental to the public interest.

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

The bill (S. 1398) to amend section 5(2)(a) of the Interstate Commerce Act, relating to acquisition of carriers, to add a requirement that any acquiring person not a carrier must be engaged primarily in the business of transportation or a related business, introduced by Mr. MAGNUSON (for himself, Mr. ALLOTT, and Mr. DOMINICK), by request, was received, read twice by its title, and referred to the Committee on Commerce.

Mr. ALLOTT. Mr. President, on behalf of my colleague, Mr. DOMINICK, and myself, I am delighted to join with the distinguished chairman of the Commerce Committee in sponsoring this legislation. This bill, which has a similar counterpart over in the other body, appears to me to be a most necessary and reasonable legislative effort to plug a possible legal loophole with regard to the acquisition of an individual common carrier. As Senators are aware, for nearly 30 years the public interest with regard to mergers and the acquisition of contol of carriers has been protected by the provisions of the Interstate Commerce Act. The one area which remained outside the purview of the statute, however, and which is the subject of legitimate Federal concern had to do with the question of the acquisition of a single carrier by an individual entity or person as defined in this act.

As Senators are aware, prior to the time my junior colleague was hospitalized at Bethesda Naval Hospital, he expressed considerable interest in the question of the growing conglomerate merger movement. In remarks delivered to the Senate on February 18, 1969, Senator DOMINICK pointed out the possibilities of abuse which are inherent in allowing purely paper entities to acquire control of certain common carriers where they do not display any of the necessary expertise requisite for the proper management of such carriers.

It seems manifestly clear to me, Mr. President, that there is a potential area of public concern when impersonal conglomerates which are not primarily in the business of transportation or a related business activity, nor possessed of any of the expertise incidental thereto, are allowed to acquire, through manipulation or otherwise, a common carrier unless the ICC is afforded the legislative opportunity to assure the protection of the public interest. The legislative avenue taken today will assure that the legitimate public interest is being protected in this area without imposing undue or unnecessary Federal control over the free enterprise system.

On behalf of my colleague I want to commend the senior Senator from Washington for asserting his considerable leadership and support of this legislative endeavor to protect the public interest, and to assure him of our continued support in urging its final enactment.

S. 1399—INTRODUCTION OF BILL RELATING TO DOWNED AIRCRAFT RESCUE TRANSMITTERS

Mr. MAGNUSON. Mr. President, I introduce, for appropriate reference, a bill to amend the Federal Aviation Act of 1958 in order to provide for certain requirements for the installation of downed aircraft rescue transmitters on civil aircraft.

Mr. President, this legislation represents an attempt to respond affirmatively and expeditiously to a serious defect in our air safety program which now threatens the safety of increasingly large numbers of U.S. citizens. The problem to which I refer is the very serious one attending efforts to locate downed aircraft.

There is at this time urgent need for the Congress to give thoughtful attention to this matter of significant national concern. More than 100,000 aircraft of all sizes and descriptions are traveling across the skies of this great Nation each day. Millions of people each year are crossing large bodies of water and rugged mountainous terrain so remote and treacherous that no human being could long survive there. As long as man has flown aircraft and become lost, we have relied on human sight and skill to find and rescue them. The present air search and rescue methods are often costly, dangerous, and unreliable. Many of these searches have been successful, but hundreds of them have not, and many lives have been lost because of these failures.

It is imperative, therefore, that action be taken. We must provide a means of accomplishing an air search which incorporates modern concepts.

Perhaps one of the most costly and disappointing air search failures occurred in my own State of Washington. On May 17, 1965, a single-engine seaplane carrying a talented and promising young Seattle city councilman, Mr. Wing Luke, was lost. Also aboard the plane was Mr. Sidney Gerber, a very prominent member of the Seattle community. The pilot's last words by radio reported the plane's position at an altitude of 5,000 feet over Lake Wenatchee. The plane was apparently about to begin crossing the rugged Cascade Mountains which separate eastern and western Washington. Weather at the time was very poor, winds were in excess of 70 miles per hour at 5,000 feet and snow was falling in many sections of the Cascade Mountain Range. When the aircraft did not arrive in Seattle on Sunday afternoon, the pilot's wife requested the Washington State Aeronautics Commission to initiate a search for the missing plane. For 14 consecutive days and nights, professional search and rescue leaders directed the efforts of thousands of volunteer searchers. Hundreds of civil and military aircraft flew a record number of hours and exhausted all available State search and rescue funds. To reinforce the State's effort, Federal military assistance was authorized and their participation alone accounted for the most extensive air search and rescue effort in the annals of Washington State aviation history. A flight of four U.S. Navy

jet aircraft specially equipped for high altitude aerial photography was employed. Their efforts provided over 9,000 5-by-5-inch negatives of the northern Cascade range. Each negative was then individually evaluated by experts. It is estimated that the total cost of all participating local, State, and Federal forces totaled nearly $1 million. Despite all the expertise, all the effort, and all the cost expended in this search, the plane was not found until 3½ years later when it was by chance spotted from the air. There was no emergency transmitting equipment on board this plane.

Compare the most recent successful air search in Washington State which was conducted on March 17, 1969. A young student pilot was hopelessly lost following an emergency landing at an elevation of 4,000 feet in deep snow with subzero temperatures. One of the State's search aircraft equipped with new very-high-frequency direction-finding equipment was directed to the last known position of the downed aircraft. Within 30 minutes the search aircraft had positively established the location of the missing plane by homing in on a radio signal transmitted from the downed aircraft. It is of utmost importance to note that the people aboard the search aircraft established the location of the downed aircraft without actual visual contact. For the first time in the State of Washington a successful air search was completed solely through use of electronic equipment.

I have referred only to examples from my own State of Washington. However, I hasten to add that no State in our Nation is without similar experiences. We are all aware of the recent tragedy in the State of California where an entire family managed to survive for more than 30 days and yet perished because they were not visible from the air.

Records show a substantial number of aircraft and persons missing for many years without being located, particularly in the Western United States mountainous area and the Alaska mountainous area. To illustrate the extent of the problem in the Western region, 31 aircraft have been listed as missing and have not been located during the 10-year period between 1957 and 1967. Fifty-seven persons were reported to be on board these aircraft. Occasionally, long-lost aircraft are happened upon, with evidence indicating that the occupants survived the crash and later perished as a result of exposure, starvation, or injuries sustained in the crash. Many of these fatalities can be avoided if a means for rapid location of the crash site is available.

Study of survival situations, particularly in respect to overwater search, has established that 50 percent of all persons who are retrieved alive from downed aircraft situations are recovered within the first 12 hours of going down. Twenty-five percent more are recovered in the next 12 hours—or a total of 75 percent within 24 hours. The probability of recovery dwindles rapidly thereafter. The history of inland search and rescue indicates that downed aircraft searches expend an average of more than 30 sorties for each aircraft searched for. A sortie entails the dispatch of a flight of searching aircraft; number of aircraft on a mission will vary. A sortie lasts an average of 2 hours. Adverse weather conditions usually prevail when search is initiated limiting the mission flight time. Most search missions, under present conditions, without utilization of rescue-aid equipment by the downed aircraft occupants extend for many days, with low probability of success.

We tend to think of these disasters as occurring in areas remote from the population centers. Shockingly, however, there have been several incidents involving downed aircraft near cities or short distances from airport runways which have remained undetected for several hours or even days.

These tragedies cannot be allowed to continue unabated. Lives lost to those persons aboard unlocated aircraft is reason enough for the Federal Government to take immediate action. But this is by no means the only factor involved. Those persons who take to aircraft in search of missing planes place their lives in some jeopardy. In addition, the high cost of utilizing large numbers of aircraft and large amounts of man-hours is reaching the point where it is prohibitive. How much better it would be if we could send out one plane in the certainty that that one aircraft could in most cases find the missing plane.

The very nature of today's modern, high-speed, long-range aircraft dictates that all of them must be equipped with a reliable downed-aircraft rescue transmitter. Adequate devices are now being manufactured, and mass production should reduce the prices substantially so as to put them within the means of all aircraft owners.

Further, this device could transmit on a frequency of 121.5 megacycles, which is a long-established international distress frequency. It is my understanding that all aircraft radios are equipped with this frequency.

The FAA has recently announced that its flight inspection aircraft which fly nearly 10 million miles each year will now constantly monitor emergency radio frequencies during routine flights. This service will greatly assist in pinpointing signals from crash locator and emergency position indicating beacons, and is an additional indication of the importance of finding downed aircraft quickly.

The bill which I introduce today is a simple one. It will insure that all aircraft used for air transportation and air commerce will eventually be equipped with a downed aircraft rescue transmitter—DART. First of all, the bill would require that all manufacturers install the downed aircraft rescue transmitter—DART—in all new aircraft constructed 6 months after the date of the bill's enactment. Second, the bill would require all existing aircraft for hire to have the device installed within 2 years after the date of passage.

Third, all general aviation aircraft would be required to have the device installed within 5 years after the date of enactment.

I want to emphasize that I do not necessarily consider this legislative language to be inviolable. I intend to remain flexible, hopeful that we will develop the best possible legislative course.

Mr. President, the urgency of this problem calls for early congressional attention. Insofar as that is within my power to control, there will be prompt and, I hope, favorable consideration of this legislation.

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. 1399) to amend the Federal Aviation Act of 1958 in order to provide for certain requirements with respect to the installation of downed aircraft rescue transmitters on civil aircraft, introduced by Mr. MAGNUSON (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, as follows:

S. 1399

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 601 of the Federal Aviation Act of 1958 is amended by inserting at the end thereof a new subsection as follows:

"DOWNED AIRCRAFT RESCUE TRANSMITTERS

"(d) Minimum standards pursuant to this section shall include a requirement that downed aircraft rescue transmitters shall be installed—

"(1) on any aircraft for use in air commerce, the manufacture of which is completed, or which is imported into the United States, after six months following the date of enactment of this subsection;

"(2) on any aircraft used in air transportation after two years following such date; and

"(3) on any aircraft used in air commerce after five years following such date."

S. 1400—INTRODUCTION OF BILL RELATING TO ESTABLISHMENT OF THE MARITIME ADMINISTRATION AS AN INDEPENDENT AGENCY

Mr. MAGNUSON. Mr. President, I introduce for appropriate reference a bill to amend title II of the Merchant Marine Act of 1936 to create an independent Federal Maritime Administration.

This bill is identical to a measure enacted by Congress last year but vetoed by President Johnson. The previous administration maintained that the proper administrative location of the Maritime Administration was within the Department of Transportation. However, in the previous Congress the Senate Commerce Committee held hearings over a period of some 5 months on the issue of an independent maritime agency and other issues concerning the present state and future of the U.S. merchant marine. We found that the U.S. merchant fleet was in critical condition, its future in doubt, and remedial action of a major nature essential if the United States were to remain a leading seafaring nation. Late in the second session of the previous Congress the Senate Commerce Committee favorably reported without dissent legislation to create an independent Mari-

time Administration. In large measure our action stemmed from the conviction that the Department of Transportation could not provide the necessary leadership in developing the revitalization program that our fleet so desperately required.

There is no question that the merchant marine requires special attention. It cannot at this juncture be viewed merely as another mode of transportation subject to the general problems we face in the field of transportation, but rather it must be viewed as an essential industry in serious trouble requiring special remedial action. It is my present belief that the necessary attention is more apt to be received if an independent Maritime Administration is created.

Briefly, the bill I am introducing provides as follows:

The act would be cited as the "Federal Maritime Act of 1969."

It would establish an independent Federal Maritime Administration with a Federal Maritime Administrator at its head, who shall be appointed by the President by and with the advice and consent of the Senate, for a term of 4 years, to be compensated as provided by level III of the executive schedule.

The bill establishes within the Federal Maritime Administration a Maritime Board, composed of three members. These would be the Federal Maritime Administrator, who shall be Chairman of the Board, and two additional members appointed by the President by and with the advice and consent of the Senate. Not more than two members shall be from the same political party. The two additional Board members appointed by the President shall be compensated at the rate provided by level IV of the executive schedule.

Provisions are made with regard to the expiration dates of the initial appointments; for the filling of vacancies; and for continuous service upon expiration of a term until a successor shall have been appointed and qualified. No appointed member shall engage in any other business, vocation, or employment.

Under the bill, all functions, powers, and duties of the Secretary of Commerce and other offices and officers of the Department of Commerce under the Merchant Marine Act of 1936 and other specifically enumerated laws and provisions of law are transferred to and vested in (a) the Administrator. Provision is made for a Deputy Maritime Administrator empowered to serve as Acting Administrator during the absence or disability of the Administrator, provided that he shall at no time sit as a member or acting member of the Maritime Board; and (b) the Maritime Board.

Generally speaking, the functions, powers, and duties transferred under this bill are those presently exercised by the Secretary of Commerce under Reorganization Plan No. 7 of 1961.

Provision is made to permit the board by published order or rule to delegate to the Administrator, any office or officer within the administration, an individual member of the board, a hearing examiner, or an employee or employee board, any function of the board to expedite the board's business. Safeguard is provided by retention of the discretionary right in the board to review any action taken pursuant to delegated functions. The vote of one member of the board shall be sufficient to bring any such action before the board for review.

Decisions of the board made pursuant to the exercise of its functions, powers, and duties shall be administratively final, with appeals to be taken directly to the courts as authorized by law.

The bill makes it unlawful for any member, officer, or employee of either the Administration or the board to have any business, pecuniary or official relationship with any person with whom they may have business relations. The Administrator and members of the board are to be appointed with due regard for their fitness for office and can be removed only for neglect of duty or malfeasance in office. Provisions are made for the transfer of personnel and property to the Administration and the board; for the repeal of the appropriate provisions of existing reorganization plans and to make it clear that nothing in this legislation will affect the Federal Maritime Commission or any of its functions.

The bill requires the board to submit to the President and to the Congress within 1 year after enactment a report surveying the condition of the American merchant marine, evaluating the effectiveness of existing law, and making appropriate recommendations.

Finally, the bill provides that the act is to take effect on the 60th day after enactment.

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

The bill (S. 1400) to amend title II of the Merchant Marine Act, 1936, to create an independent Federal Maritime Administration, and for other purposes, introduced by Mr. MAGNUSON (for himself and Mr. COTTON), by request, was received, read twice by its title, and referred to the Committee on Commerce.

S. 1401—INTRODUCTION OF BILL RELATING TO FISH AND WILDLIFE

Mr. FANNIN. Mr. President, on behalf of myself and Senators GRIFFIN, BENNETT, ERVIN, HANSEN, HATFIELD, HOLLAND, THURMOND, GOLDWATER, and STEVENS, I introduce for appropriate reference a bill to confirm in the States the control over and authority to regulate the resident species of fish and wildlife on Federal lands within their boundaries.

I introduced this same bill in the last Congress and it received extensive hearings before the Senate Commerce Committee.

I am hopeful that further hearings can be held soon so that this subject, which has plagued the orderly administration of State wildlife conservation programs, can be resolved.

I ask unanimous consent that my remarks on the floor of the Senate last year upon introduction of this bill be included at this point in the RECORD in explanation of the provisions of the proposed legislation.

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

The bill (S. 1401) relating to the authority of the States to control, regulate, and manage fish and wildlife within their territorial boundaries, introduced by Mr. FANNIN (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Commerce.

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

CONSERVATION OF OUR FISH AND GAME

Mr. FANNIN. Mr. President, on March 21, 1968, I introduced a bill confirming the authority of the States to control, regulate, and manage fish and wildlife within their territorial boundaries.

At this time I would like to explain its purpose. This proposed legislation would end the Federal-State dispute, over the ownership of fish and wildlife on Federal lands and, with certain exceptions, reaffirm the States' ownership of these resident species. My bill restates the established law that Federal ownership of land does not carry with it Federal ownership of the resident species of fish and game on that land.

Not in issue here and therefore exempted from the bill are first, hunting and fishing rights of Indians and Alaskan natives protected under treaty or Federal statute; second, the authority of the Federal Government to control and regulate fish and wildlife under treaty or on lands to which a State has ceded exclusive jurisdiction; or, third, the right of the Federal Government under article IV, section 3, clause 2 of the U.S. Constitution to protect its lands from damage by wildlife. Nor will my bill infringe upon existing Federal laws, such as the Rare and Endangered Species Act and the Bald Eagle Act, enacted for the protection of certain species of wildlife. My bill in no way dilutes the authority of the Federal Government to restrict or prohibit hunting and fishing on its lands in the interest of public safety or protection of its property.

This bill does meet, however, a very specific issue. The Federal Government, through the Department of the Interior, is claiming ownership of all resident species of fish and wildlife found on Federal lands. This assertion is without constitutional authority and defies the long precedent of the U.S. Supreme Court, other Federal and State court decisions which clearly establishes that resident species of fish and wildlife located within the boundaries of a State, whether on Federal, State, or private land, are owned by that respective State in trust for its citizens. The legal arguments are presented in two briefs submitted by the International Association of Game, Fish, and Conservation Commissioners and the Solicitor of the Department of the Interior, copies of which I ask unanimous consent to have printed in the RECORD following my remarks.

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

(See exhibit 1.)

Mr. FANNIN. Essentially, the Solicitor argues that the Federal Government possesses unquestioned jurisdiction over resident fish and wildlife by virtue of the property and supremacy clauses of the U.S. Constitution and that any Federal rules and regulations promulgated in exercise of this alleged jurisdiction are subject only to the test of reasonableness and appropriateness. The flaw in this analysis is the lack of constitutional authority to claim ownership of resident species of fish and game just because they happen to be located on Federal lands. It is elemental constitutional law that Federal authority over anything arises only from enumerated powers in the Constitution. And although those powers has been given elastic proportions by the U.S. Supreme Court, the property clause in the Con-

stitution has never and cannot now be so stretched by a department of the Federal Government.

It is true that the property clause does empower the Federal Government to control, and in fact eradicate, wildlife when these species are damaging or destroying Federal land. The U.S. Supreme Court so held in *U.S.* v. *Hunt* (278 U.S. 96, (1928)). To that extent, but, I emphasize, to that extent only, the Federal Government can exercise control over resident species of fish and wildlife. Protection of Federal property is one thing but the claim of Federal ownership and control over all game just because they happen to be found on Federal lands is an entirely different question.

The authority of the States in this field has been clearly defined throughout the years since initially spelled out by the U.S. Supreme Court in 1896. *Geer* v. *Conn.* (161, U.S. 519).

Congress did attempt to assume control over migratory waterfowl early in this century but the statute was struck down by the Federal courts as an unconstitutional exercise of Federal power. *U.S.* v. *Shauver* (214 Fed. Rep. 154); and *U.S.* v. *McCullagh* (2211 Fed. Rep. 288). Only after consumation of a treaty between the United States and Great Britain was Congress empowered to so legislate, and a careful reading of Justice Holmes decision in the case of *Missouri* v. *Holland* (252 U.S. 416), which upheld this later Migratory Bird Treaty Act, evidences that absent the treaty the statute would have lacked constitutional life.

I do not wish, however, to leave the impression that this is merely a legal dispute. It is much more. For unless Congress acts to pass this bill, we will see the demise of many State wildlife conservation programs, the possible establishment of a Federal hunting and fishing license, and the senseless fracturing of uniform fish and game management within the borders of each State. If the Interior's position is permitted to stand, it is not hard to imagine what would happen, for example, in the State of Arizona, where over 70 percent of our land is in some form of Federal ownership or control. The sound conservation practices of Arizona's Game and Fish Department could well be eviscerated and replaced by a myriad of different hunting and fishing regulations issued by the Department of Agriculture, the National Park Service, the Bureau of Land Management, the Bureau of Sport Fisheries, the U.S. Air Force, the U.S. Army, or any other Federal department, agency, or bureau encouraged by Interior's position to assume like powers.

Mr. President, the wise management of fish and game, particularly within those States with large Federal land holdings, depends on cooperation, not competition, between the State and Federal Governments. Over the years, the States, through their fine International Association of Game, Fish, and Conservation Commissioners, have tried unsuccessfully to reach accord with the Department of the Interior. The obstacle has been the Solicitor's opinion of 1964 and the rigid insistence of the Department of the Interior on the validity of that wide ranging opinion.

Relying on that opinion, the Department of the Interior has now acted to enforce it. In December of last year, the superintendent of Carlsbad National Park, N. Mex., initiated a program in the park to kill some 50 deer over a 2-year period in order to study the contents of their stomachs. The Park Service admitted the deer were not posing a present threat to the park lands, and that the purpose of the killings was to gather information for future studies. The State of New Mexico requested that in accordance with New Mexico law all personnel involved in the killing of these deer acquire the necessary State permit. The Park Service refused, claiming that this was a Federal project on Federal lands and therefore not subject to State law. The State of New Mexico filed suit in Federal district court to enjoin the Park Service, who by then had killed 15 deer in violation of State law. On March 12, 1968, the court enjoined the defendants from further killing of deer for the purpose of conducting the research study.

This decision, even if affirmed on appeal, however, cannot settle the overall dispute between the State and Federal Governments, for the trial judge decided the case on the narrow grounds of statutory construction, thereby avoiding the substantive question of constitutional authority. The text of the court's opinion will follow my remarks.

The proposed legislation I have introduced is in no way a criticism of those conservationists and wildlife biologists working for the Bureau of Sport Fisheries and Wildlife. Their efforts within the proper limits of Federal responsibility, particularly the preservation and propogation of endangered species and migratory waterfowl, mirror the dedication of our contemporary wildlife conservationists.

But the actions of the National Park Service in New Mexico should leave little doubt about the consequences of permitting this dispute to continue. At stake here is an irreplaceable resource threatened by administrative flexing of the Federal Government. The bill I have introduced will put an end to this controversy and permit the States to continue their fine efforts toward uniform fish and game conservation.

I urge the support of my colleagues for this bill.

Mr. President, I express my thanks and appreciation to the distinguished Senator from South Carolina for permitting me to present this statement at this time.

"EXHIBIT 1

"BRIEF OF THE LEGAL COMMITTEE, INTERNATIONAL ASSOCIATION OF GAME, FISH AND CONSERVATION COMMISSIONERS IN OPPOSITION TO MEMORANDUM OPINION NO. 36672 ISSUED BY SOLICITOR FOR THE DEPARTMENT OF THE INTERIOR

"Re: Authority of the Secretary of the Interior to manage and control resident species of wildlife which inhabit wildlife refuges, game ranges, wildlife ranges, and other Federally-owned property under the administration of the Secretary.

"1. STATEMENT OF QUESTION INVOLVED

"The Solicitor for the United States Department of the Interior has recently issued an opinion on the subject of 'authority of the Secretary of Interior to manage and control resident species of wildlife which inhabit wildlife refuges, game ranges, wildlife ranges, and other Federally-owned property under the administration of the Secretary.'

"The specific question asked by the United States Fish and Wildlife Service is:

" 'Does the Secretary of the Interior have the *authority to promulgate regulations which control the hunting and fishing activities of the general public on land within the refuge system,* when such regulations are more restrictive than State fish and game laws?'

"This question, as submitted to the Solicitor, grew out of the position taken by various State fish and game departments and the ad hoc committee of the International Association of Game, Fish and Conservation Commissioners. As set forth in the Solicitor's opinion, this position is:

" 'That the Secretary may issue *only* hunting and fishing regulations for resident species of wildlife that incorporate completely State law, because all resident species of wildlife, other than migratory birds, are subject to the *exclusive* jurisdiction and control of the several States, and the States have some semblance of title to the resident species of wildlife.'

"The Solicitor affirmatively answered the specific question asked by the United States Fish and Wildlife Service, and concluded:

" 'It is our conclusion that the Secretary has ample legal authority to make hunting and fishing regulations for particular areas within the National Wildlife Refuge System that prohibit activities authorized and permitted by State law. The regulation of the wildlife populations on Federally-owned land is an appropriate and necessary function of the Federal government when the regulations are designed to protect and conserve the wildlife as well as the land.'

"But the most ominous contention made by the Solicitor is to be found in the following all-inclusive statement (page 5) of his opinion:

" 'From the foregoing authorities it is apparent that the United States constitutionally empowered as it is, may gain a proprietary interest in land within a State and, in the exercise of this proprietary interest, has constitutional power to enact laws and regulations controlling and protecting that land, including the persons, inanimate articles of value, and resident species of wildlife situated on such land, and that this authority is superior to that of a State.'

"It is the considered opinion of the legal committee of the International Association of Game, Fish and Conservation Commissioners that the Solicitor's opinion is erroneous.

"II. EFFECT OF SOLICITOR'S OPINION ON STATES' CONSERVATION PROGRAMS

"If the opinion of the Solicitor prevails, the States will suffer serious consequences with respect to their conservation programs. A tabulation annexed hereto indicates the extensive ownership of lands by the Federal government within the States. If the courts uphold the sweeping contention made in the Solicitor's opinion, the States would lose their regulatory power over resident game and fish on Federally-owned lands within their jurisdiction and also a considerable revenue derived from licenses since such licensing power would be displaced by Federal licensing structure as a result.

"III. HISTORICAL DOCTRINE—STATE OWNERSHIP OF GAME AND FISH

"The historical dictrine of ownership of game and fish by the several States is still basically the law of the land, as decided in *Geer* v. *Connecticut,* 161 U.S. 519 (1896).

"It must be conceded in this day that whatever doubts may have existed as to the ownership of game and fish by the several States, that doubt was finally put at rest by the United States Supreme Court decision in the *Geer* case. The issue here was whether a statute passed by the Connecticut legislature prohibiting the transportation of game outside State boundaries violated the Commerce Clause of the Constitution. The Supreme Court went to great lengths researching the law which had been extant in many countries and through several centuries of history. The conclusion was that the States had inherited from the Crown and Parliament of England all the rights, both of property and sovereignty, which were exercised in England over game and fish.

"In the majority opinion of Mr. Justice White, this transfer of sovereignty and proprietary right over game and fish is succinctly stated:

" 'Undoubtedly this attribute of government to control the taking of animals *ferae naturae,* which was thus recognized and enforced by the common law of England, was vested in the colonial governments, where not denied by their charters, or in conflict with grants of the royal prerogative. It is also certain that the power which the colonies thus possessed passed to the States with the separation from the mother country, and remains in them at the present day, in so far as its exercise may be not incom-

patible with, or restrained by the rights conveyed to the Federal government by the Constitution.'

"In discussing the issue involved, namely, whether a State violated the Commerce Clause in prohibiting the transportation of game outside its borders, Mr. Justice White made the following salient observations:

" 'The foregoing analysis of the principles upon which alone rests the right of an individual to acquire a qualified ownership in game, and the power of the State, deduced therefrom, to control such ownership for the common benefit, clearly demonstrates the validity of the statute of the State of Connecticut here in controversy. The sole consequence of the provision forbidding the transportation of game, killed within the State, beyond the State, is to confine the use of such game to those who own it, the people of that State. The proposition that the State may not forbid carrying it beyond her limits involves, therefore, the contention that a State cannot allow its own people the enjoyment of the benefits of the property belonging to them in common, without at the same time permitting the citizens of other States to participate in that which they do not own. It was said in the discussion at bar, although it be conceded that the State has an absolute right to control and regulate the killing of game as its judgment deems best in the interest of its people, inasmuch as the State has here chosen to allow the people within her borders to take game, to dispose of it, and thus cause it to become an object of State commerce, as a resulting necessity such property has become the subject of interstate commerce, and is hence controlled by the provisions of article 1, section 8, of the Constitution of the United States. But the errors which this argument involves are manifest. It presupposes that where the killing of game and its sale within the State is allowed, that it thereby becomes commerce in the legal meaning of that word. In view of the authority of the State to affix conditions to the killing and sale of game, predicated is this power on the peculiar nature of such property and its common ownership by all the citizens of the State, it may well be doubted whether commerce is created by an authority given by a State to reduce game within its borders to possession, provided such game be not taken, when killed without the jurisdiction of the State. The common ownership imports the right to keep the property, if the sovereign so chooses, always within its jurisdiction for every purpose. The qualification which forbids its removal from the State necessarily entered into and formed part of every transaction on the subject, and deprived the mere sale or exchange of these articles of that element of freedom of contract and of full ownership which is an essential attribute of commerce. Passing, however, as we do, the decision of this question, and granting that the dealing in game killed within the State, under the provision in question, created internal State commerce, it does not follow that such internal commerce became necessarily the subject-matter of interstate commerce, and therefore under the control of the Constitution of the United States. The distinction between internal and external commerce and interstate commerce is marked, and has always been recognized by this court.'

"That the United States government is not the owner of game and fish, despite its superior treaty-making power, was decided in *Sickman* v. *United States* (1950), 184 F 2d. 616. In this case, plaintiff landowners located adjacent to a game preserve brought action under the Federal Tort Claims Act to recover damages to their crops claimed to have been destroyed by migratory waterfowl. The landowners alleged that the United States by having wild geese in its possession and control is responsible for any depredations which such geese may commit; and that the United States, when geese are in this country, is the owner of said geese, or is trustee for the high contracting parties to the treaties governing these migratory birds, and by reason of said trust owes the duty to protect innocent persons from damage which they may cause.

"As to the ownership claim, the Court said:

" 'In the oral argument before this court, plaintiffs' counsel insisted that the United States government was the owner of the wild geese, at least while they were within the geographical confines of this nation. If counsel's theory is correct, presumably as such geese passed the Canadian boundary on their northern flight, and the Rio Grande River if they flew that far south, their ownership passed then to the governments of Canada and Mexico respectively. Plaintiffs' theory as to the ownership of migratory wild fowl which have not been reduced to possession is without merit and cannot be sustained. * * *

" 'The United States, *considered as a private person*, did not have any ownership, control or possession of these wild geese which imposed liability for their trespasses. * * *'

"IV. U.S. SUPREME COURT DECISIONS MODIFYING STATE OWNERSHIP DOCTRINE

"The doctrine of State ownership of game and fish has been only slightly modified by the United States Supreme Court in three cases. These are:

"(1) *Missouri* v. *Holland*, 252 U.S. 416 (64 L. Ed. 641), held that the treaty-making power of the United States is supreme and thus the Migratory Bird Treaty and the Migratory Bird Treaty Act passed pursuant thereto are the supreme laws of the land. Previously there had been an act of Congress regulating migratory birds which had been declared unconstitutional in *United States* v. *Shauver*, 214 Fed. 154, and *United States* v. *McCullagh*, 221 Fed. 288. This decision was based on the concept that the States owned migratory birds and that they could not be the subject of Congressional exercise of power. However, since the treaty-making power vested in the United States is part of the Supremacy Clause, the Supreme Court speaking through Justice Holmes held that a treaty on the subject of migratory birds supervenes all Federal and State constitutions and laws and creates rights superior to those previously exercised either by the States or their citizens. There is nothing in this decision which otherwise negates the holding in the *Geer* case that the States are owners of resident game and fish.

"(2) *Toomer* v. *Witsell*, 334 U.S. 385, (92 L. Ed. 1460), held that when a State permits and encourages fish to enter the stream of interstate commerce, it cannot discriminate by imposing licensing fees and taxes on nonresidents greater than those imposed on residents. This case involved the constitutionality of South Carolina statutes governing commercial shrimp fishing in the three-mile maritime belt off the coast of that State. The statutes in question permitted transportation of shrimp out of South Carolina but imposed a tax considerably higher than that paid by a resident of the State. They also imposed a fee on the shrimp boat—$25 if owned by a resident, and $2500 if owned by a non-resident.

"Chief Justice Vinson in distinguishing this situation from that in *McCready* v. *Virginia*, 94 U.S. 391 (24 L. Ed. 248), pointed out that the *McCready* case related to a non-migratory fish species. It was also observed in the opinion that although the *Geer* case involved a statute prohibiting the transportation of game out of the State, these statutes of South Carolina not only permitted the shrimp to be placed in interstate commerce but even encouraged the citizens of South Carolina to do so.

"In applying the Commerce Clause the Court said (p. 402):

" 'The whole ownership theory, in fact, is now generally regarded as but a fiction expressive in legal shorthand of the importance to its people that a State have power to preserve and regulate the exploitation of an important resource. And there is no necessary conflict between that vital policy consideration and the constitutional command that the State exercise that power, like its other powers, so as not to discriminate without reason against citizens of other States.'

"Thus the fullest import of this decision is that even though a State may have plenary authority over its game and fish, it cannot avoid or circumvent the command of the Commerce Clause when it permits its game and fish to be placed in the stream of interstate commerce.

"(3) *Takahashi* v. *Fish and Game Commission*, 334 U.S. 410, (92 L. Ed. 1478), held that a State could not discriminate in the granting of fishing licenses as between aliens and citizens since under the Federal Constitution the power to regulate the activities of aliens is vested in the Congress.

"Torao Takahashi, an alien of Japanese origin, was denied a license to engage in commercial fishing in the coastal waters of the State of California under a statute passed in 1943 prohibiting the issuance of such licenses to aliens ineligible for United States citizenship. Japanese fell within the class. Having been denied a license, Takahashi filed an action in mandamus in the State court to compel the Commission to issue him a license. The Supreme Court of California, 30 Cal. (2d) 719, 185 P. (2d) 805, validated the statute chiefly on the ground that California had a proprietary interest in the fish found in the three-mile belt and thus could bar aliens from participating in the taking of this species of State property.

"Justice Black, writing the majority opinion, referred to *Truax* v. *Raich*, 239 U.S. 33, which involved the validity of an Arizona law militating against employers hiring alien employees. He stated:

" 'This court, in upholding Raich's contention that the Arizona law was invalid, declared that Raich, having been lawfully admitted into the country under federal law, had a federal privilege to enter and abide in "any State in the Union" and thereafter under the Fourteenth Amendment to enjoy the equal protection of the laws of the state in which he abided; that this privilege to enter in and abide in any state carried with it the "right to work for a living in the common occupations of the community," a denial of which right would make of the Amendment "a barren form of words." '

"The holding in this case of course must be limited to the issue involved, namely, whether a State can discriminate against an alien who apparently was making his livelihood from fishing in the waters of that State. The holding merely is to the effect that even though the State may have plenary authority over its resources such as game and fish, it cannot in the exercise of that authority deny aliens the same rights that it accords to its citizens because under the Federal Constitution the rights and immunities of aliens is a subject which has been vested in the Congress.

"This again in no way upset or militated against the basic doctrine that the States not only are the owners of but exercise plenary authority over game and fish located within their boundaries.

"Consequently, it is still the law of the land as can be garnered from decisions of both State and Federal courts that irrespective of the ownership of the land itself, the States still possess the primary proprietary and sovereign power to regulate and control the resident games and fish within their respective boundaries.

"V. ANALYSIS OF SOLICITOR'S OPINION

"A. Bases of Solicitor's contention

"The Solicitor premises Federal power in the Congress to authorize the Secretary of

the Interior to make the limited hunting and fishing regulations here specified upon:

"1. Article IV, Sec. 3, clause 2 of the Federal Constitution, which provides:

" 'The Congress shall have the Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States * * *.'

"2. The authority of the Federal government to acquire lands within a State by eminent domain for purposes within the ambit of its constitutional powers.

"3. Article VI, clause 2 of the Federal Constitution, which provides:

" 'This Constitution, and the laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; * * *.'

"4. The sovereign proprietary interest of the United States as a landowner.

"Based upon the cases cited, the Solicitor concludes:

" '* * * it is apparent that the United States constitutionally empowered as it is, may gain a proprietary interest in land within a State and, *in the exercise of this proprietary interest*, has constitutional power to enact laws and regulations controlling and protecting that land, including * * * resident species of wildlife situated on such land, and that this authority is superior to that of a state.'

"B. Analysis of cases cited by Solicitor

"It is the purpose here to analyze critically the cases cited in the Solicitor's opinion, as well as others, to test the validity of the Solicitor's interpretation of the scope of Federal power under Art. IV, Sec. 3, clause 2 of the Federal Constitution to include the regulation by the United States of resident species of game upon Federally-owned lands.

None of the cases cited expressly support the Solicitor's broad conclusion.

"1. *Hunt* v. *United States*, 278, U.S. 96 (1928)

"This case involves the killing of deer on the Grand Canyon National Game Preserve by the District Forester under the direction of the Secretary of Agriculture. It arose because officers of the State of Arizona threatened to arrest and prosecute any person attempting to kill or possess or transport such deer for violation of the game laws of Arizona. Three persons who had killed deer under the authority of the United States officials were arrested. The United States brought suit against the Governor and Game Warden of the State of Arizona to enjoin them from continuing or threatening such proceedings. From a lower court decree in favor of the United States, the Governor and Game Warden appealed to the United States Supreme Court.

"The Kaibab National Forest and the Grand Canyon National Game Preserve covered practically the same area in the State of Arizona. They were created by proclamations of the President under authority of Congress.

"The Supreme Court found that the evidence made clear that the deer had injured the lands in the reserves by overbrowsing upon and killing young trees, shrubs, bushes, and forage plants; that thousands of deer had died because of insufficient forage; and that the direction given by the Secretary of Agriculture to kill large numbers of the deer and ship the carcasses outside the reserve limits was necessary to protect from injury *the lands* of the United States within the reserve. The Court specifically mentioned the fact that observance of the State game laws 'would have so restricted the number of deer to be killed as to render futile the attempt *to protect the reserves.*' (Emphasis supplied.)

"The Court said:

" 'The direction given by the Secretary of Agriculture was within the authority conferred upon him by act of Congress. And the power of the United States *to thus protect its lands and property* does not admit of doubt (citing the Camfield case, the Utah Power and Light case, the McKelvey case and the Alford case), the game laws or any other statute of the state to the contrary notwithstanding."

"The Supreme Court did not disturb or review a provision in the decree of the lower court that it 'should not be construed to permit *the licensing* of hunters to kill deer within the reserve in violation of the state game laws.' The decree of the lower court was modified by requiring all carcasses of deer and parts shipped outside the boundaries of the reserves to be marked to show that the deer were killed under the authority of the United States officials within the limits of the reserves.

"2. *Camfield* v. *United States*, 167 U.S. 518 (1897)

"Before analyzing the portion of the Solicitor's opinion which touches upon the constitutional powers of Congress to acquire, presumably without cession, the lands within the National Wildlife Refuge System for the various purposes of wildlife conservation, (1) we shall examine the early and often cited case of *Camfield* v. *United States*, 167 U.S. 518 (1897), from which the Solicitor has quoted as follows:

"(1) The portion of the opinion referred to is that which reads: 'There can be no doubt that the Federal Government may acquire lands within a State for purposes within the ambit of its constitutional powers, and that it may do so by virtue of the power of eminent domain. *Fort Leavenworth R.R.* v. *Lowe* 114 U.S. 525, 531 (1885). In the exercise of this power the United States has acquired land for many purposes, including wildlife refuges, game ranges, preserves, parks, and reservations, to name a few.

" 'The general Government doubtless has a power *over its own property* analogous to the police power of the several States, and the extent to which it may go in the exercise of such power is measured by the exigencies of the particular case.' (Emphasis supplied.)

"This quotation, while accurate, is taken out of context and does not accurately reflect the Court's own word of limitation contained in that opinion.

"The *Camfield* case involved the construction and application of an act of Congress to prevent unlawful occupancy of public lands by making unlawful all fencing of public lands by persons having no claim of title. Defendants had fenced their own alternate odd numbered sections of land so as to enclose 20,000 acres of public land. The United States proceeded under this act to compel defendants to remove their fences. With respect to public domain land, the Court there said:

" 'While the lands in question are all within the state of Colorado, the Government has with respect to its own lands, the rights of an ordinary proprietor, to maintain its possession and to prosecute trespassers. It may deal with such lands precisely as a private individual may deal with his farming property. It may sell or withhold from sale. It may grant them in aid of railways or other public enterprises. It may open them to preemption or homestead settlement but it would be recreant to its duties as a trustee for the people of the United States to permit any individual or private corporation to *monopolize them for private gain*, and *thereby practically drive intending settlers from the market.* * * *' (Emphasis supplied.)

"The Court there held the statute before it applicable to defendants' lands, and said:

" 'Considering the obvious purposes of this structure (fencing the specific odd numbered sections) and *the necessities* of preventing the inclosure of public lands, we think the fence is clearly a nuisance, and that it is within the constitutional power of Congress to order its abatement, notwithstanding such action may involve an entry upon the lands of a *private individual*. The government doubtless has a power over its own property analogous to the police power of the several States, and the extent it may go in the exercise of such power is measured by the exigencies of the particular case. *If it be found necessary for the protection of the public, or of intending settlers, to forbid all inclosures of public lands, the government may do so,* though the alternate sections of private lands are thereby rendered less available for pasturage. * * *

" 'While we do not undertake to say that Congress has the unlimited power to legislate against nuisances within a state, which it would have within a territory, we do not think the admission of a territory as a state deprives it of the power of legislating *for the protection of the public lands*, though it may thereby involve the exercise of what is ordinarily known as the police power, *so long as such power is directed solely to its own protection*. A different rule would place the public domain of the United States completely at the mercy of state legislation. (Emphasis supplied.)

"3. *Utah Power and Light Co.* v. *United States* 243 U.S. 389 (1917)

"The Solicitor quotes the following from the *Utah Power and Light Co.* case:

" 'True, for many purposes a State has civil and criminal jurisdiction over lands within its limits belonging to the United States, but this jurisdiction does not extend to any matter that is not consistent *with full power in the United States* to protect its lands, to *control their use*, and to prescribe in what manner others may acquire rights in them.' (Emphasis supplied.)

"From this quotation the Solicitor seems to read into that case a determination that the ownership of land by the United States carries with it plenary power 'to control the use of its land.' There is the implication that this power extends to establishing a refuge for game other than such as is the subject of treaty. (2) It is submitted that this case must be read within the framework of the facts and claims of the parties.

"(2) See U.S. Attorney General Opinion, Vol. XXIII, page 589 (Nov. 29, 1901) attached hereto.

"The *Utah Power and Light Co.* case involved suits brought by the United States to enjoin the continued occupancy and use, without permission, of certain lands in forest reservations in Utah as sites for works employed in generating electric power. Almost all of the lands in the reservation belonged to the United States and before reservation by executive order with the express sanction of Congress were public lands subject to disposal under the general land laws.

"The defendants (among them the Utah Power and Light Company) contended that their claims to the right to occupy such land must be tested by the laws of the State in which the lands were situated rather than by legislation of Congress.

"Defendants also claimed that some of the regulations promulgated by the Secretary of the Interior under the Congressional act empowering the Secretary to make general regulations to permit the use of rights of way through public lands, forest reservations and others go beyond what is appropriate for the protection of the interest of the United States and are unconstitutional, unauthorized and unreasonable.

"To this the Court said:

" 'If any of the regulations go beyond what Congress can authorize, or beyond what is authorized, those regulations are void and may be disregarded; but not so of such as are thought merely to be illiberal, inequitable, or not conducive to the best results.'

"It should be noted that the Court sup-

ported only the position of the government that under Congressional authorization it had the constitutional power to protect government lands against trespass and injury. This is the right of every property owner whether public or private. There is no support in this case for the unfounded proposition in the Solicitor's opinion that this holding accords to the United States government rights in the game and fish on such lands—rights which belong to the States and cannot be taken away from them by mere ownership of lands even by the United States.

"4. *United States* v. *Alford*, 274 U.S. 264, 267 (1927)

"The Solicitor has made the following statement, citing in support thereof the cases of *United States* v. *Alford* and *Camfield* v. *United States*, supra:

" 'The authority of the proprietary interest is so substantial that it has been protected by holding enforceable Congressional statutes forbidding the acts on land adjoining Federally-owned lands that might endanger the latter.'

"Although this statement may be true, nevertheless the *Alford* case fails to support the proposition that by mere ownership of lands with its concomitant right to protect such lands against injury, the government of the United States ipso facto become the regulatory owner of resident game and fish.

"5. *Chalk* v. *United States*, 114 F 2d 207 (4th Cir., 1940)

"The Solicitor's opinion concludes with the following declaration:

" 'The basic constitutional authority appertaining to the proprietary interest in land owned by the United States has sustained the killing of game on Federally-owned land by Federal officials while acting within the scope of their authority, although acting in violation of the game laws of the State in which the land was located. *Hunt* v. *United States*, 278 U.S. 96 (1928); *Chalk* v. *United States*, 114 F 2d 207 (4th Cir., 1940).

" 'From the foregoing authorities it is apparent that the United States contitutionally empowered as it is, may gain a proprietary interest in land within a State and, in the exercise of this proprietary interest, has constitutional power to enact laws and regulations controlling and protecting that land, *including* the persons, inanimate articles of value, and *resident species of wildlife situated on such land*, and that this authority is superior to that of a State.'

"We totally disagree with these broad and unqualified conclusions and we submit the cases cited do not support them.

"The *Hunt* case did not decide that there was Constitutional power under Art. IV to regulate and protect game *as a part* of the land in the exercise of Federal power to protect the land and property thereon.

"The *Chalk* case planted decision on two grounds, namely, the protection of forest land itself from damage by an overabundance of game without sufficient pasturage and upon cession of the exclusive jurisdiction over wild game on the game preserve.

"The *Chalk* case was a suit brought by the United States against the Commissioner of Game and Inland Fisheries of North Carolina and State officials under his direction and supervision to enjoin and restrain them from enforcing state-wide game laws respecting game, birds and fish on lands of the United States known as Pisgah National Forest and the Pisgah National Game Preserve.

"The case arose out of a determination by the United States Secretary of Agriculture that the deer herd in the Game Preserve was damaging and injuring the land and forest and authorizing the diminishing of the herd by hunting and trapping under conditions as the Chief of the Forest Service might find necessary.

"On authority of *Hunt* v. *United States*, supra, the Court held that the United States had the undoubted right to protect its lands and property from severe damage. But the controlling issue upon which the Court planted its decision was that the land constituting the national forest had been acquired by the United States *with the consent of the State of North Carolina; and that there had been a cession of exclusive jurisdiction over the control of wildlife in the Pisgah Game Preserve by North Carolina to the United States under a 1915 act of the North Carolina legislature* (3) which was accepted by subesquent amendments to the Weeks Act under which the game preserve was established within the boundaries of the National Forest. (4)

"(3) 'An act to give the consent of the State of North Carolina to the making by the Congress of the United States, or under its authority, of all such rules and regulations as in the opinion of the Federal Government may be needful in respect to game animals, game and non-game birds, and fish on lands, and in or on the waters thereon, acquired by the Federal Government in the western part of North Carolina for the conservation of the navigability of navigable rivers.'

"(4) The amendment prohibited the taking of wildlife on such Preserves except under rules and regulations made by the Secretary of Agriculture.

"Concerning this power, the Court stated:

" 'In addition to the inherent power of the Government to protect its property we have the power expressly ceded to the plaintiff by the State of North Carolina in the Act of 1915 * * *. In this Act the state ceded exclusive jurisdiction over the control of wildlife in the Pisgah Game Preserve to the Federal Government and such cession of jurisdiction for a limited purpose is exclusive as to that purpose, while not necessarily a cession of the right to legislate for all purposes. * * *

" '*The State of North Carolina having granted to the plaintiff exclusive jurisdiction over the wild life in the Game Preserve, the State could not, by the passage of any General Game Law, in any way affect the right of the plaintiff under the cession.*' (Emphasis supplied.)

"Again we say that these decisions in no manner support the magisterial but tenuous propositions and conclusions of the Solicitor that the United States government as the result of mere ownership of lands thereby acquires regulatory power over resident game and fish to the exclusion of the State in which the lands are located.

"VI—BASIC FALLACY OF SOLICITOR'S OPINION

"Failure to recognize the rule governing determination of rights accruing to the United States out of ownership of property (not public domain land, but property acquired by purchase or condemnation).

"The fallacy of the Solicitor's broad and sweeping conclusions stems from his failure to recognize the elementary premise that the United States, despite its awesome sovereignty, in purchasing or acquiring lands in the several States secures only those muniments of title possessed by the owner in the role of seller.

"Concededly, under the law of every State, the prior private owner did not own any rights in the game and fish found on such lands as against the State, or at most he had a very limited and qualified right in the game and fish. By purchasing or acquiring lands from such prior private owner, the United States did not and could not secure the proprietary and sovereign rights which the State possessed in the resident game and fish involved.

"That the United States government in acquiring land in the several States gets only such rights therein as are prescribed by State law is a proposition well supported by many court decisions. Among these decisions are the following:

"(1) *United States* v. *Fallbrook Public Utility District, 165, F. Supp. 806 (1958)*: In this case the United States sought to claim certain water rights arising out of government ownership of lands in California by reason of its sovereign status in spite of its prior stipulation disclaiming that for such reason it had 'rights to a greater quantity of water than a person not a sovereign would have, standing in the position of the United States.'

"The District Court in ruling on a pre-trial motion refused to allow this claim and restricted the government's claim to that made stipulation, which the Court stated to be

" 'The rights to the use of water which the United States acquired when it purchased the Rancho Santa Margarita. Such rights are the same rights, no more and no less, than the Rancho had, and hence the United States acquired the same rights as any private party who might have purchased the Rancho.'

"In the memorandum opinion, the Court said:

" 'Finally, we believe that the *stipulation accords with the law* in the matter (1) as to the rights claimed by the United States and (2) that state law controls. The stipulation recognized well-established law—that when the United States contracts or acquires property within a state, the law of that state controls what rights in the United States arise therefrom. (*United States* v. *Burinson*, 1950, 339 U.S. 87, 90, 70 S. Ct. 503, 94 L. Ed. 675; *Reading Steel Casting Co.* v. *United States*, 1925, 268 U.S. 186, 188, 45 S. Ct. 469, 69 L. Ed. 907; *United States* v. *Fox*, 1876, 94 U.S. 315, 320, 24 L. Ed. 192; *United States* v. *Nebo Oil Co.*, 5 Cir., 1951, 190 F. 2d 1003, 1010; *United States* v. *Williams*, 5 Cir., 1947, 164 F. 2d 989, 993; *Los Angeles & Salt Lake R. Co.* v. *United States*, 9 Cir., 1944, 140 F. 2d 436, 437, certiorari denied 1944, 332 U.S. 757, 64 S. Ct. 1264, 88 L. Ed. 1586; *Werner* v. *United States* D.S.C.D. Cal. 1950, 10 F.R.D. 245, 247. All that Mr. Veeder has done is to stipulate in accordance with applicable law.'

"(2) *United States* v. *Nebo Oil Co., 190 Fed. 2d 1003 (1951)*: The doctrine that the law of the State where United States property is located governs determination of specific property rights in such land was upheld in the case of *United States* v. *Nebo Oil Co.*, supra. This was a suit brought by the United States for a declaratory judgment that it was the owner of minerals in 800 acres of land in Louisiana purchased for national forest subject to the prior sale of minerals under the land under statutory prescription. The Louisiana State Supreme Court had held a subsequent Louisiana statute which made mineral rights in lands sold to the United States subject to reservation or prior sale of such rights imprescriptible applicable to sales made to the United States prior to the effective date of the Act. This opinion was based upon a holding that, under Louisiana law, laws of prescription are retrospective in operation. The Federal Circuit Court of Appeals held it was bound by the State Court's interpretation of the subsequent statute. In disposing of the United States' contention that the latter statute as construed was unconstitutional as disposing of property belonging to the United States in violation of Art. IV, Section 3, C1. 2 of the United States Constitution, the Court held that under Louisiana law the United States acquired no vested interest in the minerals protected by the Constitution.

"(3) *United States* v. *Fox (1876), 94 U.S. 315, 320:* In this case the Court held that a devise of land in New York to the United States was void under a New York statute of wills which provided that a devise of lands in that State could be made only to natural persons and to corporations created under the laws of the State which were authorized to take by devise. It also held that it was

bound by the holding of the New York Court of Appeals construing the state statute.

"In arriving at its decision, the Court said:

" 'The power of the State to regulate the tenure of real property within her limits, and the modes of its acquisition and transfer, and the rules of its descent, and the extent to which a testamentary disposition of it may be exercised by its owners, is undoubted. It is an established principle of law, everywhere recognized arising from the necessity of the case, that the *disposition of immovable property, whether by deed, descent, or any other mode, is exclusively subject to the government within whose jurisdiction of the property is situated.* McCormick v. Sullivan, 10 Wheat. 202. The power of the State in this respect follows from her sovereignty within her limits, as to all matters over which jurisdiction has not been expressly or by necessary implication transferred to the Federal government. *The title and modes of disposition of real property within the State whether inter vivos or testamentary, are not matters placed under the control of Federal authority.* Such control would be foreign to the purposes for which the Federal Government was created, and would seriously embarrass the landed interests of the State."

"The principle of *United States* v. *Fox*, supra, was reaffirmed in *United States* v. *Burnison* (1950), 339 U.S. 87.

"*(4) United States* v. *Williams, 5 Cir. (1947) 164 Fed. 2d 989; and Los Angeles & Salt Lake R. Co.* v. *United States, 9 Cir. (1944), 140 Fed. 2d 436:* State law controlled construction of the rights acquired by the United States as a purchaser at a judicial sale in *United States* v. *Williams*, supra; and in *Los Angeles & Salt Lake R. Co.* v. *United States*, supra, a deed conveying California land to the United States was interpreted by California law.

"*(5) Werner* v. *United States, D.C.S.D. Cal. (1950), 10 F.R.D. 245:* The *Werner* case involved a lease of land in California to the United States. The Court there said:

" 'Validity of the lease and option to renew in controversy here and the rights of the parties derived therefrom are governed by the law of California where the land is situated and the lease was made. (Citations)'.

"*(6) Reading Steel Casting Co.* v. *United States (1925), 286, U.S. 186:* It is a basic legal doctrine that the rights of the United States in its property are determined by the same principles as govern conveyances between individuals. Such was the holding in *Reading Steel Casting Co.* v. *United States*, supra. This case involved rights in chattels. The Court there said:

" 'The contract is to be construed and rights of the parties are to be determined by the application of the same principle as if the contract were between individuals. *Smoot's Case*, 15 Wall. 36, 47; *Manufacturing Co.* v. *United States*, 17 Wall. 592, 595; *United States* v. *Smith*, 94 U.S. 214, 217.'

"*(7) United States* v. *Smith, 94 U.S. 214, 217:* The above doctrine was also delineated in *United States* v. *Smith*, supra, where the Court through Mr. Justice Waite said:

" '* * * it was decided in *Smoot's Case*, 15 Wall. 546, that the principles which govern inquiries as to the conduct of individuals, in respect to contracts, are equally applicable where the United States is a party.'

"But the Solicitor attempts to overcome this hurdle by arrogating to the United States rights and powers beyond that of a mere individual land owner by stating:

" 'These broad powers arise out of the proprietary interest of the United States to control the use of its land *and they exceed the powers of an ordinary land owner in the respect that the interest is held by a sovereign and carries with it enforcement powers, referred to as police powers.'*

"It is clear that this statement of the Solicitor is not supported by the cases, above cited and discussed.

"VII. REGULATION OF MIGRATORY SPECIES

"In United States v. Shauver, 214 Fed. 154, 156, the proposition that the United States government had inherent sovereign powers over migratory birds was rejected by the courts. In this case the constitutionality of the Act of March 4, 1913, c. 145, 37 Stat. at L. 847, protecting migratory birds and game, was before the District Court of the Eastern District of Arkansas. It was there contended by the United States that the Congress possessed the power to regulate migratory birds and game as an 'implied attribute of sovereignty in which the national government has concurrent jurisdiction with the States."

"The court disposed of this contention as follows:

" 'A similar argument was presented to the court in Kansas v. Colorado, 206 U.S., 46, 89, 27 Sup. Ct. 655, 664 (51 L. Ed. 956), but held untenable. Mr. Justice Brewer, speaking for the court, disposed of it by saying:

" ' "But the proposition that there are legislative powers affecting the nation as a whole, which belong to, although not expressed in, the grant of powers, is in direct conflict with the doctrine that this is a government of enumerated powers. That this is such a government clearly appears from the Constitution, independently of the amendment, for otherwise there would be an instrument granting certain specified things made operative to grant other and distinct things. This natural construction of the original body of the Constitution is made absolutely certain by the tenth amendment. This amendment, which was seemingly adopted with prescience of just such a contention as the present, disclosed the wide-spread fear that the national government might, under the pressure of a supposed general welfare, attempt to exercise powers which had not been granted. With equal determination the framers intended that no such assumption should ever find justification in the organic act, and that, if in the future further powers seemed necessary, they should be granted by the people in the manner they had provided for amending that act. * * * Its principal purpose was not the distribution of power between the United States and the states, but a reservation of the people of all powers not granted." '

"Apparently the soundness of this decision was accepted by the United States officials and it was succeeded by the negotiation of the Migratory Bird Treaty and adoption of the Migratory Bird Treaty Act, both sanctioned by the Supreme Court in *Missouri* v. *Holland*, supra.

"Consequently, the rights and powers acquired by the United States when it secures title to lands by purchase or condemnation cannot be tested by any nebulous or farfetched assertion of inherent sovereignty. The true test is similar to that applicable to lands owned by a private owner, namely, the doing of those things or the taking of such action as may be necessary to preserve and protect the muniments of title which the government received from the former private owner. The extent of these muniments of title must be tested by the laws of the States in which the land is situated. Since game and fish are not part of the muniments of title, and since the United States does not have any inherent sovereignty over game and fish as such, this contention of the Solicitor must necessarily fall because it cannot be sustained by its own bootstraps.

"VIII. SCOPE OF FEDERAL POWER DEFINED

"The correct approach to the problem of the Federal government's power to regulate resident species of wildlife on Federally-owned land in the National Wildlife Refuge System is developed by the Court in *United States* v. *2,271.29 Acres, More or Less, of Land in La Crosse, Trempealeau, Vernon and Grant Counties, Wis., et al.*, 31 F 2d 617 (1928). This was a condemnation proceeding for lands in the Upper Mississippi Wild Life and Fish Refuge, provided for by Act of Congress of June 7, 1924. The Attorney General of Wisconsin appeared and contended that the legislative consent involved in the case violated the State Constitution. He argued:

" '* * * the state holds and controls navigable waters in trust for its people, and may not delegate such trust to another sovereignty, and it is under similar nondelegable obligation to its people with respect to game animals, fowl, and fish.

" '*It is not to be denied that the national government may acquire lands necessary or convenient for the exercise of its powers, within any of the states, and that neither the consent of the states nor of individuals is necessary.* Kohl v. United States, 91 U.S. 367, 23 L. Ed. 449.'

"The court found that no navigable waters were involved so that no question of unlawful abdication of the State's obligation to the people in that respect was considered

"On the question of Federal power to regulate game in connection with refuges established under the Migratory Bird Treaty Act, the court said:

" 'But it is clear, also, that the right to regulate the taking and use of game and fish is, generally speaking, in the state as an attribute of its sovereignty, subject only to valid exercise of authority under the provisions of the Federal Constitution. Geer v. Connecticut, 161 U.S. 519, 16 S. Ct. 600, 40 L. Ed. 793; Ward v. Racehorse, 163 US 504, 16 S. Ct. 1076, 41 L. Ed. 244; Kennedy v. Becker, 241 U.S. 556, 564, 36 S Ct. 705, 60 L. Ed. 1106; Carey v. South Dakota, 250 U.S 118, 120, 39 S Ct. 403, 63 L. Ed. 886

" 'In so far as the "Refuge Act" relates to migratory birds within the terms of the treaty with Great Britain (39 Stat. 1702) and the Migratory Bird Act (40 Stat. 755 (16 USCA Sec. 703 et seq.)), the state's power to consent to the acquisition of land for the purpose of conserving migratory bird life is not open to question. The national government's power to regulate the taking and use of such birds was upheld in Missouri v. Holland, 252 U.S. 416, 40 S. Ct. 382, 64 L. Ed. 641. 11 A.L.R. 984, and there can exist in the State of Wisconsin no trust or obligation to its people requiring it to refuse consent that the national government carry out the latter's constitutional powers On this branch of the case there remains only the question of the validity of the state's consent relating to game animals, birds (other than migratory), and fish.

" 'In this connection it may be well to note that the "Refuge" Act contemplates no general regulation of the game and fish within the state but merely that the United States shall acquire and own a limited tract or tracts of land to be used as a refuge and breeding place for such game. Manifestly the purpose is conservation by an approved and effective method, providing a place of limited area where such game may resort, thrive, and multiply, and to that end hunters and fishermen may be excluded under regulations of the Secretaries of Agriculture and Commerce, and prosecuted by the federal authorities in federal courts for violation of such regulations. * * *

" 'As I view the so-called "Refuge" Act, it establishes primarily a refuge for migratory birds. Congress apparently recognized the fact that, as a necessary and natural result of establishing such a refuge, nonmigratory birds, game generally, and insofar as the lands were overflowed, fish, would resort thereto and breed therein, so that incidentally the area would become a refuge for many kinds of game. Their increase in the area might or might not become inimical to the welfare of migratory birds. On the other hand, the pressure of some varieties of other game and fish, and the conservation of aquatic plants, etc., will undoubtedly be of

great value to the area as a refuge for migratory fowl. So it seems quite essential that as an incident to the maintenance of the refuge for migratory birds, those in charge have some power of regulation over the number and kinds of other game present, and also, in order that the migratory birds may be secure in their refuge that hunters and fishermen be at times excluded. Thus as an incident to the main purposes arises the necessity of regulation of game which ordinarily is subject to regulation by the state alone. *United States* v. *Shauver* (D.C.) 214 F. 154; *U.S.* v. *McCullaugh* (D.C.) 221 F. 288. This intent of Congress to give to the Secretaries of Agriculture and Commerce the right of regulation of game other than migratory birds, as an incident merely to the main purpose, is clearly and definitely indicated by the phrases "to such intent", as they are used in section 3 of the act. * * *

" 'What has been said goes far to solve the other questions raised by the challenge of the validity of the "Refuge" Act as beyond the power of Congress. *The power of Congress to establish a refuge for game, other than such as is the subject of treaty, may well be seriously doubted.* See *Missouri* v. *Holland, U.S.* v. *Shauver* and *U.S.* v. *McCullaugh, supra.* It may be assumed that it has no such power. Nevertheless it may conserve migratory birds, and do what is reasonably necessary to carry out that power.

" 'It has long been settled that Congress may select the means to carry out a federal function, without interference from the courts. Granting the power to establish a refuge for migratory birds, it follows that it is well within the power of Congress to authorize the Secretary of Agriculture to acquire lands within a state for that purpose, and to authorize the Secretaries of Agriculture and Commerce to make such regulations relating to wild life generally including nonmigratory game and fish, as becomes reasonably necessary to maintain a proper and efficient migratory bird refuge, and such other regulations as may attend the proprietary ownership of the area by the government under subsection 2, sec. 3, Art. 4 of the Constitution. Thus viewed, no lack of power in Congress to enact the "Refuge" Act is perceived.' (Emphasis supplied.)

"Although the Solicitor recognizes the general power of the States to protect fish and game within their territorial limits as an attribute of the States' sovereignty, nevertheless he infers that it is open to question whether the States' sovereign power over hunting and fishing extends to any Federally-owned land. This inference is not consistent with prior decisions of the Solicitor for the Department of the Interior, or the Attorney General of the United States.

"In an opinion by Attorney General John W. Griggs to the Secretary of State dated September 20, 1898 (Opinions of U.S. Attorney General, vol. 22, page 214 et seq.) pertaining to the power of the United States to enter into treaty stipulations with Great Britain for the regulation of the fisheries in waters of the United States and Canada along the international boundary, he said:

" 'The regulation of fisheries in navigable waters within the territorial limits of the several States, in the absence of a Federal treaty, is a subject of State rather than of Federal jurisdiction. Congress has the paramount right to regulate navigation in the navigable waters of the United States, but Congress has no authority, in the absence of treaty regulations, to pass laws to regulate or protect fisheries within the territorial jurisdiction of the States. *McCready* v. *Virginia,* 94 U.S. 391; *Lawton* v. *Steele,* 152 U.S. 133.)'

"In an opinion of the Department of the Interior dated April 15, 1931 (Vol. 53, page 349), on the applicability of State fish and game laws to lands alloted to Indians from the public domain it is said (page 361):

" '* * * and on the public domain "The power of all the States to regulate the killing of game within their borders will not be gainstaid." (*Ward* v. *Race Horse,* 163 U.S. 504).'

"In another opinion of the Department of the Interior dated February 12, 1943 (Vol. 58, page 331), the following was expressed relating to regulations of hunting and fishing on land ceded by the Shoshone and Arapahoe to the United States under treaty for disposition as provided by Congressional Act (33 Stat. 1016):

" 'But it is still necessary to determine whether the United States had any interest in the ceded lands that the State was barred from exercising its police power over them. Although the tribal councils no longer could regulate hunting and fishing on the ceded lands, such a power, it might be argued, was vested in the Secretary of the Interior as conservator of the public domain.

" 'There is no doubt, however, that the State can enforce its conservation laws on public lands. The Federal Government, to be sure, if necessary to protect its interests in such lands, may disregard State conservation laws, but in the absence of an overriding *Federal interest,* they remain applicable. Although it has been held that, under authority conferred by statute, Federal administrative officers could proceed to exterminate deer committing depredations in a national forest despite inhibitions of State conservation laws, it is implicit in this decision that the State conservation laws would normally have governed (Hunt v. United States, 278 U.S. 96). Federal jurisdiction over game in a national forest was based on an express cession of State jurisdiction in Chalk v. United States, 114 F (2d) 207 (C.C.A. 4, 1940). As said by Mr. Justice Brandeis in Omaechevarria v. Idaho, 246 U.S. 343, 346:

" '" * * * The police power of the State extends over the federal public domain, at least when there is no legislation by Congress on the subject. * * *"

" 'The crucial question in determining the applicability of State conservation laws to ceded Indian lands is whether the exercise of this jurisdiction will interfere with or embarrass the Federal Government in the execution of *the purpose for which it holds the lands.* Even if State jurisdiction over such lands be conceded, still it does not extend as the court said in the Utah Power and Light Co. v. United States, 243 U.S. 389, 404:

" '" * * * to any matter that is not consistent with full power in the United States to protect its lands, to control their use and to prescribe in what manner others may acquire rights in them."

" 'See also Fort Leavenworth R.R. Co. v. Lowe, 114 U.S. 525; Arlington Hotel Company v. Fant, 278 U.S. 439; Surplus Trading Company v. Cook, 281 U.S. 647; James v. Dravo Contracting Co., 302 U.S. 134; Stewart & Co. v. Sadrakula, 309 U.S. 94.* * *

" 'I fail to perceive, however, any overriding Federal interest which would justify regulation by the Secretary of Interior of hunting and fishing on the ceded lands.'

"IX. CONCLUSIONS

"Therefore, in view of the well-established and historical concept that all fish and wildlife found within the territorial limits of the States are the property of the several States and thus subject to their primary and sovereign control and regulation, various situations and relationships have to be considered in determining what authority the Federal government may exercise over fish and wildlife found on Federally-owned lands. These are outlined below:

"1. Lands owned by the Federal government concerning which the State has made no cession of jurisdiction

"(a) The State can regulate resident species of game and require persons to secure State licenses in order to hunt on such lands.

"(b) Within the limits of Congressional authority, the Federal government through its duly authorized agency can prohibit hunting and impose restrictions on hunting which are more restrictive in their nature than those provided by State law. This it does in the exercise of its prerogatives and rights as a proprietor of the land it owns.

"(c) When it becomes necessary to protect Federally-owned property from injury or destruction caused by depredations of resident species of wildlife, within the limits of Congressional authority the Federal agency in charge of such lands may reduce by its own agents the species involved. This the Federal government does as an ordinary proprietor of such lands for their protection against destruction by wildlife. This authority is no different from the right exercised by a private land owner, although many State laws require that he secure a permit for the killing of such wildlife.

"(d) The Federal lands referred to in the Solicitor's opinion are designated as 'wildlife refuges, game ranges, wildlife ranges and other Federally-owned property under the administration of the Secretary.' So long as there has been no cession of jurisdiction by the State to the Federal government with respect to any lands, it is of no importance what they are called or what uses the Federal government intends to make of them.

"2. Federal enclaves

"(a) In many States there exist areas known as Federal enclaves. These are areas containing Federally-owned lands concerning which there has been an unconditional cession of jurisdiction to the United States government. By this act of cession the State has relinquished its authority and jurisdiction excepting as to such matters which it might have reserved in the cession of jurisdiction. In effect, the lands of such Federal enclaves revert to their status of Federal territory. Consequently, assuming that in such unconditional cession of jurisdiction the State has not reserved the right to regulate and control hunting and fishing, the Federal government and not the State in such instance would have the authority to regulate these activities and the species of wildlife found upon such lands.

"(b) Federal enclaves of course do not encompass the entire area of any State, and consequently the State can regulate and license the possession and transportation of wildlife occurring within the territory over which it still has jurisdiction. Therefore any person who either hunts or fishes on such enclaves nevertheless must comply with State laws regulating licensing, possession and transportation of game and fish taken in the enclave upon leaving the enclave and setting foot on the area under State jurisdiction.

"3. Principles applicable to fisheries

"The principles applicable to the fisheries and fishing are different from those applicable to resident game. In some States the riparian owner is given title to the bottomland of such waters; but even in those States, such as in Michigan, the State has a paramount and perpetual trust in all of its waters for the maintenance and preservation of the fish life therein. Consequently, whenever the Federal government purchases or condemns privately owned lands riparian to a body of water, it acquires only those rights which the private owner possesses. Therefore, whatever rights and authority States exercise over such waters and the bottom lands thereunder (except such rights as the Federal government exercises under the Commerce Clause), States may continue to exercise despite Federal ownership of such riparian lands.

"The result is that the Federal government, even though it owns riparian lands, has no

authority to regulate or control in any way either the fishery or the right of fishing in waters under State jurisdiction. Of course, should the State make an unconditional cession of jurisdiction to the Federal government of an area which includes lakes or rivers without reserving its authority over the fisheries, then the State has lost its authority to regulate or manage such fisheries.

"4. The effect of treaties on wildlife and fish

"A treaty negotiated under the treaty-making power of the United States becomes the supreme law of the land and all State or Federal laws become subordinate to the provisions of such a treaty. The Migratory Bird Treaty implemented by the Migratory Bird Treaty Act supervenes any State or Federal law. The government of the United States exercises the powers granted under the treaty, not as a land owner, but as a sovereign. The provisions of treaty vesting authority in the Federal government to regulate certain species of migratory wildlife supersedes State authority and consequently any State laws in contravention of a treaty are null and void.

"At the present time there is no treaty vesting the Federal government with authority to regulate the fisheries found within the States of the United States. Thus it cannot regulate any of the fisheries, even those found within the Great Lakes."

"MEMORANDUM 36672 OF THE U.S. DEPARTMENT OF THE INTERIOR, OFFICE OF THE SOLICITOR, DECEMBER 1, 1964

"To: Assistant Secretary for Fish and Wildlife.

"From: Deputy Solicitor.

"Subject: Authority of the Secretary of the Interior to manage and control resident species of wildlife which inhabit wildlife refuges, game ranges, wildlife ranges, and other Federally-owned property under the administration of the Secretary.

"The Secretary of the Interior has promulgated general regulations, contained in Title 50 of the Code of Federal Regulations, and special regulations,[1] published annually in the Federal Register, that control the hunting and fishing activities of the general public upon those lands within the National Wildlife Refuge System (i.e., game ranges, wildlife ranges, wildlife refuges, and waterfowl production areas). These hunting and fishing regulations have taken one of two forms. Either the regulations incorporate by reference all the hunting and fishing laws of the States in which the refuge, range, or area is located, or the regulations expressly prohibit certain hunting and fishing activities which are permitted by State law. For example, if the State law authorizes the killing of two deer of either sex during a fixed season, the Secretary has either expressly adopted the State's season and bag limit for a particular refuge or has authorized only the killing of one deer of the male sex during a time period which is less than the deer hunting season prescribed by the State. The latter type of regulation is specifically designed to be more restrictive than the State hunting and fishing laws.

"During the past several years Commissioners and Directors of the various State fish and game departments have questioned the authority of the Secretary to promulgate hunting and fishing regulations for lands within the National Wildlife Refuge System, when the regulations prohibit those activities which the State fish and game laws permit. These State officials have argued that the Secretary of the Interior does not have the authority to manage and control resident species of wildlife (i.e., all species of fish and game), which inhabit Federally-owned land under the administration of the Secretary. These State fish and game departments and the Ad Hoc Committee of the International Association of Fish and Game Commissioners, through conferences and correspondence with this Department, have maintained that the Secretary may issue *only* hunting and fishing regulations for resident species of wildlife that incorporate completely State law, because all resident specie of wildlife, other than migratory birds, are subject to the *exclusive* jurisdiction and control of the several States, and the States have some semblance of title to the resident species of wildlife. Accordingly, the U.S. Fish and Wildlife Service has raised the following question: Does the Secretary of the Interior have the authority to promulgate regulations which control the hunting and fishing activities of the general public on lands within the refuge system, when such regulations are more restrictive than State fish and game laws?

"In order to analyze and answer this question it is necessary to eliminate certain collateral issues. When the States have ceded exclusive jurisdiction over land to the Federal Government, pursuant to Article I, Section 8 of the Federal Constitution and Section 355 of the Revised Statutes, as amended, 40 U.S.C. § 255 (1958), there is no question, in our opinion, that State fish and game laws have no application to the Federally-owned land. In those areas where there has been a cession of exclusive jurisdiction to the Federal Government, by definition, a State has no jurisdiction or control over the area.

"Similarly, we do not feel that it is necessary to give extensive analysis to the problem of the States controlling the hunting and fishing activities of the general public on nonfederally-owned land. There is no question that the States have control and jurisdiction over the hunting and taking of resident species of wildlife, provided that such hunting activity occurs *only* upon land which is not owned by the Federal Government. The general power of a State to protect fish and game has always been considered an attribute of the sovereign power of the State. This proposition is supported by a long line of precedents. *Geer* v. *Connecticut*, 161 U.S. 519 (1896); *Ward* v. *Race Horse*, 163 U.S. 504 (1896); *LaCoste et al.* v. *Department of Conservation of the State of Louisiana*, 263 U.S. 545, 552 (1925); *Foster Packing Company* v. *Haydel*, 278 U.S. 1, 11 (1928); *State* v. *McCoy*, 387 P. 2d 942 (1963).

"It is important to recognize that in all the above-cited cases the relationship involved was between a State and an individual, not between a State and the Federal Government. Therefore, when hunting activities occur on Federally-owned land, an entirely different analysis and approach is required, since the relationship would then involve a State and the Federal Government.

"There can be no doubt that the Federal Government may acquire lands within a State for purposes within the ambit of its constitutional powers, and that it may do so by virtue of the power of eminent domain. *Fort Leavenworth R.R.* v. *Lowe*, 114 U.S. 525, 531 (1885). In the exercise of this power the United States has acquired land for many purposes, including wildlife refuges, game ranges, preserves, parks, and reservations, to name a few. Furthermore, the property clause of the Constitution, Article IV, Section 3, states, 'The Congress shall have the Power to dispose of and *make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States* . . .'. (Emphasis added). Finally, there is the supremacy clause of the Constitution, Article VI, which reads, "This Constitution, and the laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme law of the land . . .". The powers contained in the property and supremacy clauses of the Consitution extend not only to the public domain but also to property acquired by purchase or eminent domain. *McKelvey* v. *United States*, 260 U.S. 353 (1922); *Utah Power and Light Company* v. *United States*, 243 U.S. 389 (1917). It is the exercise of this power under the property and supremacy clauses which is dispositive of the question of the authority of the Federal Government, acting through the Secretary of the Interior, to manage and control resident species of wildlife, on Federal lands under his jurisdiction, through regulations which prohibit what State law permits.

"The exercise of this constitutional authority to make rules and regulations for Federally-owned lands has often been challenged, but just as often upheld by the Courts. 'The States and the public have almost uniformly accepted this [Federal] legislation as controlling, and in instances where it has been questioned in this Court *its validity has been upheld and its supremacy over State enactments sustained.*' (Emphasis added). *Utah Power and Light Company* v. *United States*, *supra*, at 404, and cases cited therein.

" 'The general Government doubtless has a power over its own property analogous to the police power of the several States, and the extent to which it may go in the exercise of such power is measured by the exigencies of the particular case.' *Camfield* v. *United States*, 167 U.S. 518, 525 (1897).

"These broad powers arise out of the proprietary interest of the United States to control the use of its land, and they exceed the powers of an ordinary landowner in the respect that the interest is held by a Sovereign and carries with it enforcement powers, referred to as police powers. *Utah Power and Light Company* v. *United States*, *supra*, at 405.

"Even the property interest of an ordinary landowner is protected to the extent that: 'The State cannot, within constitutional limits, by the issuance of hunting licenses which purport to give a hunter the right to invade the private hunting grounds owned by another person, or by any other means, authorize one to enter another's premises, for the purpose of taking game, without the latter's permission.' 24 Am. Jur. *Game and Game Laws*, § 5. (See cases cited).

"A fortiori, the Sovereign's proprietary interest includes that of an ordinary landowner. It too may protect its holding and forbid trespass and control people on the land whether they be hunting, fishing, or just visiting. In addition, articles of value on the land—timber, hay, water, resident game and wildlife—may also be protected by control over the land and persons on the land. 'True, for many purposes a State has civil and criminal jurisdiction over lands within its limits belonging to the United States, but this jurisdiction does not extend to any matter that is not consistent with full power in the United States to protect its lands, to control their use, and to prescribe in what manner others may acquire rights in them.' *Utah Power and Light Company* v. *United States*, *supra*, at 404.

"The authority of the proprietary interest is so substantial that it has been protected by holding enforceable Congressional statutes forbidding acts on lands adjoining Federally-owned lands that might endanger the latter. *United States* v. *Alford*, 274 U.S. 264, 267 (1927); *Camfield* v. *United States*, *supra*.

"The basic constitutional authority appertaining to the proprietary interest in land

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"[1] The authority of the Secretary to promulgate special hunting and fishing regulations for particular refuges, ranges, or areas has been delegated to the Regional Directors of the Bureau of Sport Fisheries and Wildlife. See 25 F.R. 8524, 4 AM 4.9C, Administrative Manual of the Bureau of Sport Fisheries and Wildlife, as amended by 28 F.R. 12834.

owned by the United States has sustained the killing of game on Federally-owned land by Federal officials while acting within the scope of their authority, although acting in violation of the game laws of the State in which the land was located. *Hunt* v. *United States*, 278 U.S. 96 (1928); *Chalk* v. *United States*, 114 F. 207 (4th Cir. 1940). See also *Arizona* v. *California*, 283 U.S. 423 (1931) and *Johnson* v. *Maryland*, 254 U.S. 51, 56 (1920).

"From the foregoing authorities it is apparent that the United States constitutionally empowered as it is, may gain a proprietary interest in land within a State and, in the exercise of this proprietary interest, has constitutional power to enact laws and regulations controlling and protecting that land, including the persons, inanimate articles of value, and resident species of wildlife situated on such land, and that this authority is superior to that of a State.

"This broad Federal power to regulate and manage resident species of wildlife on Federally-owned land, which is derived from the Federal Constitution and the inherent powers of the Federal Government as a landowner, has been vested in the Secretary of the Interior with respect to those land and water areas which comprise the National Wildlife Refuge System by the regulatory sections of the following legislation:

"Section 4 of the Act of September 28, 1962, 76 Stat. 653, 654 (1962); 16 U.S.C. § 460k–3 (Supp. V, 1959–63).

"Section 4 of the Fish and Wildlife Coordination Act, 48 Stat. 401, 402 (1934), as amended, 16 U.S.C. §§ 661, 664 (1958).

"Section 10 of the Migratory Bird Conservation Act, 45 Stat. 1222, 1224 (1929), as amended, 16 U.S.C. §§ 661, 664 (1958).

"Section 4 of the Duck Stamp Act, 48 Stat. 451 (1934), as amended, 16 U.S.C. § 718d(b) (1958).

"Furthermore, this authoritly to regulate and manage resident species of wildlife, which has been delegated to the Secretary by the above legislation, has been supplemented by *specific* legislation for the administration of particular areas. Examples of the regulatory sections of this specific legislation are as follows:

"Bear River Migratory Bird Refuge, Section 5 of the Act of April 23, 1928, 45 Stat. 449, 16 U.S.C. § 690d (1958).

"Lea Act Refuges, Section 3 of the Act of May 18, 1948, 62 Stat. 239, 16 U.S.C. § 695b (1958).

"National Key Deer Refuge, Section 1 of the Act of August 22, 1957, 71 Stat. 412, 16 U.S.C. § 696 (1958).

"Upper Mississippi River Wildlife and Fish Refuge, Section 3 of the Act of June 7, 1924, 43 Stat. 650, 16 U.S.C. § 723 (1958).

"We interpret the regulatory sections of these statutes as containing sufficient legal authority for the Secretary to make all appropriate rules and regulations which are necessary for the effective administration of these lands within the National Wildlife Refuge System, including the authority to regulate such activities as public use, access, recreation, hunting and fishing, provided the regulations are (1) reasonable and appropriate (i.e., 'needful'); (2) not inconsistent with the statutory source of the regulatory authority; and (3) consistent with the purposes for which the area was placed under the administration of the Secretary.

"Concerning the restrictions that the regulations must not be inconsistent with the statutory source of the regulatory power, it is to be noted that the language contained in the regulatory sections of these statutes (*supra*) is broad in both scope and intent. An examination of the regulatory sections will show that sweeping, general language was used by Congress to authorize the Secretary to make rules and regulations which are necessary for the effective administration of refuge areas. This statutory source of regulatory authority is, in our opinion, sufficiently broad to permit the Secretary to prohibit all forms of public access, entry, and use of any portion of a refuge area. A fortiori, the statutory source necessarily includes the lesser power to permit the access and use of a refuge for limited purposes and upon such conditions as the Secretary may prescribe.

"'. . . we think the sound construction of the Constitution must allow to the national legislature that discretion, with respect to the means by which the powers it confers are to be carried into execution, which will enable that body to perform the high duties assigned to it, in the manner most beneficial to the people. Let the end be legitimate, let it be within the scope of the Constitution, and all means which are appropriate, which are plainly adopted to that end, which are not prohibited, but consist with the letter and spirit of the constitution, are constitutional.' *McCulloch* v. *Maryland*, 4 U.S. (4 Wheat.) 415, 431 (1819).

"Accordingly, the only meaningful legal issue to be discussed is whether the regulations governing fishing and hunting of resident species of wildlife within a refuge area are reasonable and appropriate, as well as related to the purpose for which the refuge area was acquired or established. Although these issues are primarily questions of fact, a discussion of the principles involved is in order.

"Many areas within the National Wildlife Refuge System were acquired primarily for the protection and development of the migratory bird populations; however, some areas, such as the Desert Game Range, were established for the primary purpose of protecting an endangered species. It should also be noted that the Secretary, by law, is required to protect and manage resident species of wildlife which inhabit areas primarily acquired for migratory waterfowl. 48 Stat. 451 (1934), as amended, 16 U.S.C. § 718d (1958). Regardless of the particular species of wildlife for which the refuge area was primarily acquired, the Secretary must use sound conservation principles which are designed to prevent the overpopulation of wildlife, prevent the destruction of food supplies, and protect the general ecology, in administering all refuge areas.

"In addition, the Secretary is now required to manage all areas within the National Wildlife Refuge System in such a manner as to allow various forms of recreational activity, which includes hunting and fishing, that are not inconsistent with the purposes for which the area was established. 76 Stat. 653 (1962), 16 U.S.C. § 460k (Supp. V, 1959–63). In managing areas within the refuge system, the Secretary must, out of necessity to preserve the area, control hunting and fishing pressures. Any regulation concerning hunting and fishing which has as its focal point sound conservation principles is not only reasonable and proper but is also related to the purpose for which the area was acquired. To argue otherwise is to say that the Secretary is helpless to properly manage Federally-owned land and the public use of that land.

Inevitably, out of any discussion concerning the control of resident species of wildlife it is not surprising to have the questions of title to wild animals raised by the States.

"With respect to game and wildlife generally, the Supreme Court has said that the power to control lodged in the State is to be exercised as a *trust for the benefit of the people* and not as a prerogative for the advantage of the Government, *Geer* v. *Connecticut, supra; Foster Packing Company* v. *Haydel, supra; State* v. *Rodman*, 58 Minn, 393 (1894); *Magner* v. *People*, 97 Ill. 320 (1881); *In Re Eberle*, 98 Fed. 295 (1899).

It is the law that he who claims title to game must first reduce it to possession. This proposition is supported by State court decisions too numerous to recite which enunciate that principle. These decisions extend from *Pierson* v. *Post*, 3 Caines 175 (New York, 1805), to *Koop* v. *United States*, 296 F. 2d 53 (8th Cir., 1961).

"'The statutes declaring the title to game and fish as being in the State *speak only in aid of the State's power of regulations; leaving the landowner's interest what it is.*' (Emphasis added). *McKee* v. *Gratz*, 260 U.S. 127, 135 (1922).

"It is clear that the 'ownership' of wildlife by a State is a trust interest, and not a possessory title, *McKee* v. *Gratz*, *supra*; *Missouri* v. *Holland*, 252 U.S. 416 (1920); *Sickman et al.* v. *United States*, 184 F. 2d 616 (7th Cir., 1950). Further, the Supreme Court states that as between a State and its inhabitants, the State may regulate the killing and sale of migratory birds, 'but it does not follow that its authority is exclusive of paramount powers. To put the claim of the State upon title is to lean upon a slender reed'. *Missouri* v. *Holland*, *supra*, at 434. This authority of the State to regulate the killing of wildlife is based upon a trust concept, not upon ownership of or title in the wild animals. Under basic constitutional doctrine the trust or police power (i.e., regulatory jurisdiction) of a State yields to the exercise by the national government of its powers under the property clause of the constitution.

"In this memorandum we have attempted to set out the broad authority of the Federal Government, *as a landowner*, to make needful rules and regulations for the management of its property. We have set forth some of the more pertinent legislation which delegated this broad power to the Secretary of the Interior. It is our conclusion that the Secretary has ample legal authority to make hunting and fishing regulations for particular areas within the National Wildlife Refuge System that prohibit activities authorized and permitted by State law. The regulation of the wildlife populations on Federally-owned land is an appropriate and necessary function of the Federal Government when the regulations are designed *to protect and conserve the wildlife as well as the land.*

"EDWARD WEINBERG,
"Deputy Solicitor."

"[No. 7373—Civil action in the U.S. District Court for the District of New Mexico]

"THE NEW MEXICO STATE GAME COMMISSION, PLAINTIFF, *v.* STEWART L. UDALL, SECRETARY OF THE INTERIOR; STANLEY A. CAIN, ASSISTANT SECRETARY OF THE INTERIOR; GEORGE HARTOG, JR., DIRECTOR OF NATIONAL PARK SERVICE; NEAL G. GUSE, SUPERINTENDENT OF CARLSBAD CAVERNS NATIONAL PARK; R. R. MABERY, CHIEF RANGER; AND ROBERT J. SCHUMERTH, NEAL R. BULLINGTON, WILLIAM J. WILSON, ROBERT M. TURNER, WALTER B. O'NEAL, WALTER H. KITTAM, DERRICK C. COOKE, PARK RANGERS, DEFENDANTS

"OPINION

"This is a contest between the New Mexico State Game Commission and the Secretary of the Interior and his delegates. Ostensibly, the issue presented concerns the Secretary's authority to order the destruction of wildlife in the Carlsbad Caverns National Park, in violation of New Mexico law, for the purpose of conducting a scientific research study. The broader issue presented relates to the role of the States in the activity of wildlife management. Because federal lands located in states other than New Mexico might be affected by the outcome of this dispute, a number of states have appeared an *amicus curiae*.

"Plaintiff has requested (1) a declaratory judgment pursuant to 28 U.S.C. § 2201, and (2) that the defendants be enjoined from killing any more wildlife on the park, Defendants contend that they are acting within their authority, and that this is in reality a suit, without consent, against the United States. They have responded with a motion for summary judgment.

"The parties have filed herein a stipulation of the facts, and the case is being decided on its merits and not on the defendants' motion for summary judgment. Both parties desire that the Court decide the case on the stipulation as though a trial had been held.

"When the parties signed and filed the stipulation of facts, the Court inquired whether the deer in question were to be killed to prevent injury to the park lands, or to permit a study to determine the likelihood of future depredation. The Court was informated that the Government did not intend to kill the deer because of present knowledge of depredation, but merely to gather information as the basis for a study. It has been stipulated that the State of New Mexico has offered to provide the defendants with state permits authorizing the killing of the deer, and that the defendants have refused the offer.

"As mentioned, defendants contend this is, in reality, an unconsented-to suit against the United States. In this regard, the Court is cognizant of the rule that an officer of the United States, such as the Secretary of the Interior, is immune to suit in his official capacity when the suit is, in effect, one against the United States. However, there exists an exception to the rule where there are allegations that the officer's actions exceeded his statutory authority. Actions of an official that exceed his authority are not actions of the United States, and in such case, the doctrine of sovereign immunity does not apply. *Malone* v. *Bowdoin, 369 U.S. 643; Pan American Petroleum Corp. v. Pierson, 234 F. 2d 649 (10 Cir., 1960)*; *Frost v. Garrison, 201 F. Supp. 389 (D. Wyo., 1962)*. In the instant case, plaintiff alleges that defendants are without authority to do the arts complained of, and the Court concludes that the doctrine of sovereign immunity does not preclude this action.

"In the alternative to the contention that the defendants have exceeded their authority, plaintiff alleges that any such authority found to exist is clearly unconstitutional. Should it be determined that defendants were acting within their statutory authority, and that a substantial question of constitutionality with respect to the statute, or statutes, challenged exists, the Court would initiate the convening of a three-judge panel to hear the matter. *Ex parte Poresky, 290 U.S. 30, and cases following*. However, insofar as the problem is one of statutory construction, and the constitutional question is not reached, the parties and the Court are in agreement that the case is not one appropriate for adjudication by a three-judge court.

"The parties are apparently in agreement that the United States has not acquired exclusive jurisdiction over the Carlsbad Caverns National Park. If the Federal Government possessed exclusive jurisdiction over this area, a different problem would be presented. See, for example, Chalk v. United States, 114 F. 2d 207 (4 Cir., 1940), Cert. denied, 312 U.S. 679. No evidence to the contrary having been introduced, the Court concludes that the land in question was not acquired under circumstances which authorize the United States to exercise exclusive jurisdiction, and that New Mexico has not ceded exclusive jurisdiction over the area to the Federal Government. From this conclusion, it follows that the authority of the Federal Government upon the Carlsbad National Park is not absolute. The question then remains whether Congress has provided the Secretary with the authority that he now asserts. If the asserted authority exists, State Law that is inconsistent therewith must fall.

"According to the law of the State of New Mexico, the State Game Commission is charged with the responsibility of managing, controlling, and of regulating the hunting of all resident species of wildlife within the state. The defendants are charged by federal law with the responsibility of managing and controlling federal lands in the state, including the area known as Carlsbad Caverns National Park.

"In accordance with a program planned by the National Park Service, the defendants notified the New Mexico State Game Commission that they intended to issue federal permits to persons selected by them authorizing the killing of fifty deer in the Carlsbad Caverns National Park. The killing would take place out of the New Mexico deer hunting season, and the consent and cooperation of the Game Commission would not be obtained. Thereafter, certain of the defendants were issued such permits by another of the defendants, and fifteen deer were killed. Pending a determination of their rights to continue, defendants have temporarily abandoned the program.

"The parties' stipulation includes facts already recited, and makes reference to an affidavit filed in this case by the Director of the National Park Service in describing the program which is underway on Carlsbad Caverns National Park. The Director states that the federal officers are conducting studies concerning the 'Dry Season Food Habits of Deer' within the Carlsbad Caverns National Park, and he concludes that—

"'(T)hese research programs are absolutely necessary for proper management and administration of Carlsbad Caverns National Park in order to fulfill the responsibilities and obligations of the Secretary of the Interior and his delegated agents to conserve the scenery, natural and historic objects, and wildlife of the park; and that this research project is required in order that reliable scientific information may be gathered and used as a basis for other decisions affecting the management and administration of the area for the purpose of preserving and protecting the park lands from injury or damage.'

"The responsibility of administering protecting, and developing Carlsbad Caverns National Park is placed with the National Park Service, subject to the provisions of Title 16, Sections 1 and 2–4 of the United States Code. 16 U.S.C. § 407a. By the terms of Section 1 of Title 16, the National Park Service is obligated to implement the fundamental purpose of the national parks. This fundamental purpose is to conserve the scenery and the natural and historic objects and the wildlife therein and to provide for the employment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations.' 16 U.S.C. § 1. The defendants' assert they are conforming with this directive in conducting their present study. They rely for their authority, as well, upon Section 3 of Title 16, which authorizes the Secretary to provide in his discretion for the destruction of such animals and of such plant life as may be detrimental to the use of any of said parks. . . .'

"Section 3 of Title 16 is clearly inapplicable in the present situation. No showing has been made that the deer involved are detrimental to the use of the park, and indeed, defendants make no such claims. It is the opinion of the Court that the Secretary's authority under this section must be predicated upon such a finding.

"The question remains whether the board mandate contained in Section 1 includes the authority the defendants have asserted. The Court has concluded that this section does not include such authority. Reading Section 1 of Title 16 as broadly as defendants contend it should be read would render Section 3 unnecessary, as the authority to order the destruction of wildlife "as may be detrimental to the use" of national parks would be provided without the specific authorization found in Section 3. It seems to the Court an unreasonable conclusion that Congress authorized an activity in Section 3 that was already permitted by Section 1. The conclusion that Congress intended the Secretary's authority to be proscribed by the conditions set forth in Section 3 seems the more logical to the Court.

"Defendants rely in part upon Hunt v. United States, 278 U.S. 96 (1928). It seems to the Court that the defendants' reliance is misplaced, however, for that decision is distinguishable from the present case in more than one respect. In *Hunt*, the Supreme Court permitted the destruction of deer on a national forest and game preserve by United States officials, noting (1) that the deer were in such excess numbers 'that the forage is insufficient for their subsistence' and the deer 'have greatly injured the lands in the reserves by over-browsing upon and killing valuable young trees, shrubs, bushes and forage plants,' and (2) observance with the game laws of the State 'would have so restricted the number of deer to be killed as to render futile the attempt to protect the reserves.' 278 U.S. 96, 99, 100. Neither of the recited factors is present in this case. No depredation is known to be occurring, and New Mexico has offered to cooperate with the Federal officers. Clearly, *Hunt* does not authorize the killing of deer for the purpose of conducting a study. No one doubts the Government's authority to protect its lands, and it seems to the Court that *Hunt* merely reaffirms that proposition, as does Section 3 of Title 16, U.S.C.

"Section 53–3–23 of the New Mexico Statutes provides in pertinent part as follows:

"'The state director may issue permits to any person to . . . kill . . . game . . . at any time when satisfied that such person desires the same exclusively . . . for scientific . . . purposes.'

"The Court concludes that Sections 1 and 2–4 of Title 16, U.S.C., do not authorize the destruction of wildlife upon the park for the purposes outlined in the Director's affidavit. The Court further concludes that enforcement of Section 53–3–23. New Mexico Statutes Annotated, quoted above, will not interfere with the Secretary's task as defined in 16 U.S.C. § 1. For these reasons, defendants must comply with Section 53–3–23, N.M.S.A., if they intend to pursue this study further.

"This Court has jurisdiction to enjoin acts of officials which are unsupported by statutory authority. Leedom v. Kyne, 358 U.S. 184; Frost v. Garrison (D. Wyo., 1962) 201 F. Supp. 389; Harper 1. Jones (10 Cir. 1952), 195 F. 2d 705, and cases cited therein. Accordingly, it is the opinion of the Court that the defendants should be restrained and enjoined from the further killing of wildlife within the boundaries of Carlsbad Caverns National Park for the purpose of conducting a research study, unless they first secure authority for their acts by compliance with State Law.

"This opinion shall constitute the Court's findings of fact and conclusions of law, as required by Rule 52(a) of the Federal Rules of Civil Procedure.

"At Albuquerque, this 12th day of March, 1968.

"H. VEARLE PAYNE,
"U.S. District Judge."

S. 1402—INTRODUCTION OF BILL TO AMEND THE MEDICARE ACT

Mr. RIBICOFF. Mr. President, I introduce, for appropriate reference, a bill to amend title XVIII of the Social Security Act. This bill will provide payment for the services of optometrists under the program of supplementary medical insurance benefits available to the aged.

This bill is a simple amendment to the historic Medicare Act enacted over 3½ years ago. It is designed to eliminate a small loophole in medicare and will neither add nor subtract from the basic medicare benefits. The sole purpose of

the amendment is to eliminate the present requirement that a patient of an optometrist must first have certification from a medical doctor before obtaining the special services of an optometrist which are available under the provisions of title XVIII.

When the Senate passed medicare it was our clear intent that the law would not alter the organization or form of health practices in the United States. The patient's free choice of a doctor or a hospital would not be impaired in any way. The only change was to affect who would pay the bills.

Under the present application of the law, however, a problem has arisen affecting optometrists and those who rely on them for eye care. Of course, routine eye examinations and the cost of glasses are not covered by medicare. There are eye care services, however, which may properly be performed by optometrists under appropriate State laws. These services are covered and paid for by medicare—but only when countersigned by a medical doctor. This requirement of an extra referral is unfair to both the patient and the optometrist.

It is unfortunate that this situation has occurred. I do not believe it was the intent of Congress to require a title XVIII beneficiary to secure the prior approval of a physician in order to receive the services of the optometrist of his choice.

More than 60 million Americans turn to optometrists for eye care services. The great majority of our citizens over 65 have vision problems, and at least 75 percent of them rely on optometrists for diagnosis and care which does not require surgery or drugs.

Medical doctors are allowed to practice optometry. But optometric care and medical vision care are not the same. Both are highly specialized skills. The two complement each other and provide a balanced approach to professional eye care. It is inconceivable that either should be excluded from the basic or supplemental health provisions of medicare.

As long ago as 1966, Dr. Phillip R. Lee, former Assistant Secretary of the Department of Health, Education, and Welfare for Health and Scientific Affairs said in a letter to the Honorable HENRY HELSTOSKI, of New Jersey:

> The profession of optometry is accepted by the Department as a legitimate and essential health profession which is performing highly useful functions in promoting solutions to the eye health needs of this Nation.
>
> The Department agrees that the American public should continue to have freedom of choice in the selection of a practitioner to care for vision problems.

It appears to me that the time has come to straighten out this discrepancy and to allow full recognition under medicare of the valuable contributions made by optometrists to the well-being of our citizens.

Mr. President, this week has been proclaimed "National Save Your Vision Week" by the President of the United States. It is fitting, therefore, to recognize the substantial contributions of our Nation's optometrists toward preserving the eyesight of all of our citizens and particularly those over 65.

Last year the Senate passed a similar bill which I introduced. Unfortunately, the House of Representatives failed to take action and the amendment was dropped in conference. I hope that once again the Senate will see the merit in this legislation and that we can eliminate this unfair discrimination from the law.

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

The bill (S. 1402) to amend title XVIII of the Social Security Act to provide payment for optometrists' services under the program of supplementary medical insurance benefits for the aged, introduced by Mr. RIBICOFF, was received, read twice by its title, and referred to the Committee on Finance.

S. 1421—INTRODUCTION OF BILL TO AMEND THE DISTRICT OF COLUMBIA LEGAL AID ACT

Mr. PROUTY. Mr. President, today I am introducing a bill to amend the District of Columbia Legal Aid Act.

The 86th Congress in 1960 created the District of Columbia Legal Aid Agency to provide legal representation of indigents in judicial proceedings in the District of Columbia. This Agency is the public defender for indigents in the District. The statute provides that the Board of Trustees of the Agency shall appoint a Director of the Agency who shall receive compensation of $16,000 per annum. In turn, the Director was authorized to employ professional and office staff at salaries following the salary scale for employees of similar qualifications and seniority in the office of the U.S. attorney for the District of Columbia.

The $16,000 limit on the Director's salary which may have been realistic in 1960 is no longer realistic. The Director must supervise a large, full-time staff of attorneys, investigators, and clerical help. He is also expected to do a sizable share of the Agency's trial work, invariably handling important felony cases. A senior trial attorney might well qualify for a salary of $20,000 and the Trustees could indeed authorize such a salary because the statute provides that the Trustees should follow the salary scale for employees of similar qualifications and seniority in the Office of the U.S. Attorney. Morale and management difficulties, however, are invited if any employee is paid more than the boss.

The restriction on the Director's salary prevents the trustees from paying little more than the going rate for new law school graduates. The 1960 statute should be amended to permit the trustees to pay reasonable salaries to all employees, retaining the valuable proviso that salaries be kept in the range of those paid for comparable undertakings in the office of the U.S. attorney.

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

The bill (S. 1421) to amend the District of Columbia Legal Aid Act, introduced by Mr. PROUTY, was received, read twice by its title, and referred to the Committee on the District of Columbia.

S. 1424—INTRODUCTION OF BILL RELATING TO IMPROVING THE TRUTH-IN-PACKAGING ACT

Mr. NELSON. Mr. President, I am introducing legislation today to relieve American housewives of the burden of having to be mathematicians when they go to the supermarket. This bill will finally give housewives a real opportunity for comparative shopping—to be able to determine which product actually is the least expensive.

Recent consumer studies have shown that the Truth-in-Labeling Act has failed to eliminate deception and confusion in the marketplace.

Despite the intent of Congress in 1966 to remove deceptively packaged products from supermarkets and stores, consumers today still must be mathematicians before they can select the best bargain from among the vast variety of odd-sized packages on the market.

It is virtually impossible for housewives to compare prices when they are confronted by 32 different choices of pancake mix in 13 different sized packages at 21 different prices.

My proposal will amend the 1966 Fair Packaging and Labeling Act to require the price per unit to be placed on the label of consumer commodities, including food, household goods, drugs, and cosmetics.

For example, a 60-cent package of pancake mix, containing 42 ounces, would be priced not only at 60 cents but also at 23 cents per pound. Products would be priced on a per ounce or pound basis for solid commodities, per ounce, pint, or quart for fluids, and per unit for items like napkins.

This legislation is vitally needed by our housewives because the Fair Packaging and Labeling Act of 1966 is not really giving the aid to consumers that Congress had hoped. Congress and the proponents of that act placed in it a provision that every consumer commodity be labeled both in terms of ounces, and, if applicable, in pounds for weight units. Similar requirements apply for volume packages as well as by liquid measure. Thus, on consumer packages today, a package contains a label stating its weight of 1 pound 7 ounces and also a total weight of 23 ounces.

It was hoped in 1966 that the act would enable consumers to make better comparisons of packages than had been possible with only one form of weight stated on the package. In urging passage of the Fair Packaging and Labeling Act in 1966, President Johnson pointed out that:

> Practices have arisen that cause confusion and conceal information even when there is no deliberate intention to deceive. The housewife often needs a scale, a yardstick, and a slide rule to make a rational choice.
>
> She has enough to do without performing complicated mathematics in the stores. An accurate and informative package and label need not add to the producer's cost. It will add to the welfare of the American consumer.

However, the results of two California consumer tests, conducted before and after the Truth-in-Packaging Act, have

indicated that housewives are no better able today to select the most economical buys among everyday grocery items than they were 6 years ago.

In 1962, five college-educated housewives were asked to purchase a total of 70 items based on the lowest unit cost. The women made 36 correct choices and 34 incorrect ones.

In an identical test made after the Truth-in-Packaging Act, the women made 38 incorrect selections, four more than in 1962, and only 32 correct choices.

This research clearly shows that additional legislation is needed to end confusion in the marketplace. Every consumer should have the right to judge products on their merits alone and not be mislead by deceptively priced packages.

This requirement for per unit pricing would not be new to American supermarkets. It has long been a practice to print the per pound price on packages of meat, fish, and poultry.

If shoppers are expected to make intelligent decisions in their buying, they should be able to compare prices on products without having a calculating machine in their shopping carts.

I ask unanimous consent that an article on "What's Happened to Truth in Packaging?" which appeared in the January 1969 issue of Consumer Reports magazine, be placed in the CONGRESSIONAL RECORD at this time along with the text of the bill I have introduced today.

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

The bill (S. 1424) to amend the Fair Packaging and Labeling Act to require the disclosure by retail distributors of unit retail prices of packaged consumer commodities, and for other purposes, introduced by Mr. NELSON, was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

S. 1424

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 4 of the Fair Packaging and Labeling Act (15 U.S.C. 1453) is amended by adding at the end thereof the following new subsection:

"(c) No person engaged in business in the sale at retail of any packaged consumer commodity which has been distributed in commerce, or the distribution of which affects commerce, shall sell, offer for sale, or display for sale any package containing any such commodity unless such person theretofore shall have placed upon such package a retail price mark. Such retail price mark shall be prepared and placed upon or affixed to the principal display panel of the label appearing upon such package in such manner and form as the promulgating authority named in section 5(a) shall prescribe by regulations, and shall contain information effective to disclose plainly to purchasers and prospective purchasers (1) the retail price of the entire contents of such package, and (2) the unit retail price of such contents determined in such manner as such promulgating authority shall prescribe by regulations.".

(b) Section 10 of that Act (15 U.S.C. 1459) is amended by adding at the end thereof the following new subsection:

"(g) The term 'unit retail price', when used in relation to the contents of a package of any consumer commodity, means the retail price of the contents of that package expressed in terms of the retail price of such contents per single whole unit of weight, volume, or measure—

"(1) in which the net quantity of contents of such package is stated upon the label appearing on such package; or

"(2) if the net quantity of the contents of such package is so stated in terms of more than one such unit of weight, volume, or measure, the unit thereof prescribed by regulations which shall be promulgated by the authority named in section 5(a).".

SEC. 2. Section 7(a) of that Act (15 U.S.C. 1456(a)) is amended by striking out the words "or delivered for introduction in commerce", and inserting in lieu thereof a comma and the following: "delivered for introduction in commerce, or sold at retail, offered for sale at retail, or displayed for sale at retail,".

SEC. 3. The amendments made by this Act shall take effect on the first day of the seventh month beginning after the date of enactment of this Act.

The article presented by Mr. Nelson is as follows:

[From Consumers Report, January 1969]

WHAT'S HAPPENED TO TRUTH IN PACKAGING?

"We can't compare prices," housewives complained during the long fight for a truth-in-packaging bill. Can prices be compared now, two years after the Federal Fair Packaging and Labeling Act was signed into law?

The troublemaker has been the odd-sized package, which almost completely superseded the pound, the pint and the quart as basic pricing units for household commodities. All manner of peculiar package sizes boggled the mind, often with deception intended. Manufacturers instituted the practice of "packaging to price"—taking covert price increases by cutting quantity. A 150-sheet box of tissues quietly dropped in quantity to 125, say, or a 16-ounce can of vegetables to 14½ ounces—with no reduction in price.

Down the long self-service aisles, the package has done the selling. Some consumers may have found cart-shopping more convenient and efficient than waiting while the corner grocer pulled down a package from a ceiling-high pile with his long-handled clamp. But the grocer at least knew his prices per pound—and would tell you. The odd-sized package defied you to find out for yourself. Somewhere—anywhere—on the surface of the can, bag, box, carton, or bottle a statement of net quantity lurked. Somewhere else, usually, was a price, often smudged and indecipherable. Once you'd managed to ferret out the pertinent data, all you had to do was engage in some modest calculating. Let's say a box of detergent was labeled "1 lb. 7 oz. net weight" and stamped "3/89."

Step 1: Convert odd-sized quantity to total ounces (1 pound 7 ounces equals 23 ounces).

Step 2: Convert multiple price into price per package (3 for 89¢ comes to about 30¢ a package) or price per total ounces (3 times 23 equals 69 ounces for 89¢).

Step 3: Divide price by quantity to get price per ounce (30¢ divided by 23 ounces or 89¢ divided by 69 ounces equals about 1.3¢ per ounce).

Step 4: Convert price per ounce to price per pound or pint, frequently a more realistic measure of effect on the purse (16 times 1.3¢ equals about 21¢ per pound).

Step 5: Repeat process for the several competing brands and sizes of the same product.

Step 6: Make whatever quality judgments you can, based on almost no label information about comparative quality.

Step 7: Make a selection based on price, quality judgment and brand preference.

THE PROWLING COMPUTER

"A woman in a store is a mechanism, a prowling computer," said Scott Paper Co. when arguing against truth-in-packaging legislation. To be a successful comparison shopper, one really *did* have to be some kind of calculating machine. But few women are.

The Fair Packaging and Labeling Act, which was signed into law November 3, 1966, was intended to allow flesh-and-blood shoppers to make intelligent price comparisons. As we said at the time, the act provided "some truth-in-packaging . . . but not enough" (Consumer Reports, February 1967). The act requires statements of net quantity in standard form to appear in a well-defined place and in reasonably large type on the front or main panel of every package entering interstate commerce. (State labeling laws are being revised to conform to the Federal rules.) The quantity declaration has to be made in total ounces to eliminate one conversion step from price computations. Larger units of measure must be declared as well, if the package holds from one to four pounds or from one quart to one gallon. Example: 28 oz. net weight (1 lb. 12 oz.).

The act also has provisions that could help the Government reverse the trend to proliferating package sizes, curb deceptive claims on cents-off labels, clamp down on oversized packages (slack fill), and standardize the meaning of such package-size rubrics as "Regular," "Giant" and "King."

A big problem facing the Federal Trade Commission and the Food and Drug Administration, which were the agencies assigned to write and enforce labeling regulations, has been cripplingly small budgets. As a result they have been slow in getting started. But "Truth Day" for labels on food products did finally come last July 1, although the FDA extended the deadline one more year for thousands of brands. Nonfood labeling comes under the gun on July 1, 1969, except that as this issue went to press, no date had been set for cosmetics and nonprescription drugs.

Even with administrative action proceeding at such a crawl, the Fair Packaging and Labeling Act has had an impact. Against the kaleidoscope of 8000 ever-changing package faces on supermarket shelves, a pattern of candor is already emerging. Net quantity statements on many if not most packages have moved around to the front and, usually, the lower third of the panel. The type is growing larger, bolder and more contrasting in color. Quantity is more and more often expressed in total ounces.

There was enough apparent improvement by the end of last October to justify a look at whether the new law is, indeed, helping consumers to compare prices. So CU commissioned a study of how that "prowling computer," the housewife, is doing these days.

As a point of reference we turned to a test conducted in 1962 in Sacramento, Calif., under the aegis of the California Consumer Counsel, Helen Ewing Nelson. She had sent to a supermarket five college-educated women who shopped regularly for the family larder. Their instructions were to buy 14 specified everyday grocery items. They were told to disregard brand preferences and quality in making their choices, but to buy the package that, in their judgment, offered the largest amount of the product for the lowest unit cost. The five women had a total of 70 items to buy. Of the 70 selections they made, 34 were wrong. About half of the time, those five women—experienced shoppers well above the average educational level—were just plain unable to recognize the best price when they saw it.

How well might they be expected to do in 1968? In practical consumer terms, what had the Fair Packaging and Labeling Act accomplished in its two years of existence? We arranged for five women, with educational backgrounds and homemaking experience similar to those of the 1962 group, to take an identical test. It was directed by a nonprofit group, the Consumer Research

Foundation (headed by Mrs. Nelson, who has since returned to private life and is now on CU's Board of Directors). A list containing the same 14 everyday grocery items was handed to each of the five housewives. They were dispatched, half an hour apart and unbeknownst to each other, to the same Sacramento supermarket where the previous test had been held. Their instructions, as before: In a two-hour time limit, select the package of each item that offers the largest amount at lowest price per product unit.

The shopping list appears in the table below. Some items on it had not yet come under the act. Dog food was one. Because it contains meat, it is permanently exempt, but it does fall under the similar labeling rules of the Department of Agriculture. The four nonfood items—liquid dishwashing detergent, toilet soap, toilet tissue and shampoo—do not yet have to comply with the truth-in-packaging rules. The other nine items, however, had been packaged and labeled under the FDA rules for four months, and a new frankness in labeling was indeed discernible.

Not discernible, however, was any reduction in the number of package choices. In fact, the display of groceries had continued to proliferate. In 1962, those 14 products were represented by 246 brands, types and sizes. This time the number had gone up to 286—an increase of 16 per cent. It was no surprise, then, that the women took longer to make their selections. In 1962 average shopping time was 43 minutes; last fall the average time was 50 minutes.

CURSES, FLUNKED AGAIN

It's discouraging to have to report that the 1968 shoppers did not improve on the record of correct choices made in pre-truth-in-packaging days. This time, in fact, the women were a bit less successful. They made 38 wrong choices, as compared with 34 wrong ones in 1962:

	1968 results		1962 results	
	Right choice	Wrong choice	Right choice	Wrong choice
Rice	3	2	0	5
Canned tomatoes	3	2	3	2
Hot cereal	2	3	4	1
Chunk Cheddar cheese	2	3	5	0
Canned tuna	5	0	2	3
Salt	4	1	2	3
Imitation maple syrup	2	3	3	2
Pancake mix	0	5	3	2
Peanut butter	3	2	3	2
Dishwashing detergent	3	2	3	2
Toilet soap	1	4	0	5
Toilet tissue	2	3	4	1
Liquid shampoo	1	4	1	4
Canned dog food	1	4	3	2
Total	32	38	36	34

PANCAKE MIXES FOUND ON DISPLAY IN 1 SACRAMENTO SUPERMARKET

	Net contents as stated on package	Price on package	Calculated price per pound[1]
Albers flapjack buttermilk	32 oz. (2 lb.)	$0.41	$0.21
Aunt Jemima buttermilk	2 lb	.65	.33
Do	4 lb	.79	.20
Aunt Jemima buttermilk[2]	32 oz. (2 lb.)	.65	.33
Aunt Jemima	32 oz. (2 lb.)	.53	.27
Aunt Jemima buckwheat	32 oz. (2 lb.)	.57	.29
Aunt Jemima deluxe easy pour	2 lb	.57	.29
Betty Crocker buttermilk	28 oz. (1 lb. 12 oz.)	.51	.29
Do	42 oz. (2 lb. 10 oz.)	.60	.23
Do	4 lb	.83	.21
Betty Crocker complete buttermilk	26 oz. (1 lb. 10 oz.)	.55	.34
Do	40 oz. (2 lb. 8 oz.)	.69	.28
Do	56 oz. (3 lb. 8 oz.)	.85	.24
Bisquick Variety baking mix	20 oz. (1 lb. 4 oz.)	.31	.25
Do	40 oz. (2 lb. 8 oz.)	.44	.18
Do	60 oz. (3 lb. 12 oz.)	.63	.17
Fisher's Deluxe Biskit all purpose mix	40 oz. (2½ lb.)	.39	.16
Krusteaz old-fashioned buttermilk	56 oz. (3 lb. 8 oz.)	.79	.23
Lund's Swedish pancake mix	1 lb	.43	.43
Morrisons Bis-Kits prepared biscuit mix	6 oz	.10	.27
Morrisons Pan-Kits prepared pancake mix	6 oz	.10	.27
Pillsbury extra lights	48 oz. (3 lb.)	.55	.18
Do	4 lb	.79	.20
Do	8 lb	1.45	.18
Pillsbury buckwheat	32 oz. (2 lb.)	.55	.28
Pillsbury sweet cream	2 lb. (32 oz.)	.65	.33
Pillsbury Hungry Jack buttermilk	16 oz. (1 lb.)	.39	.39
Do	32 oz. (2 lb.)	.57	.29
Do	48 oz. (3 lb.)	.77	.26
Do	64 oz. (4 lb.)	.89	.22
Pillsbury Hungry Jack pure wheat	2 lb	.49	.25
Sambos instant pancake mix	1 lb. 12 oz. (28 oz.)	.51	.29

[1] To nearest cent.
[2] With "free" 5½-oz. bottle of syrup.

It's obvious, then, that plainer labeling alone doesn't solve the shopper's difficulty. At the pancake-mix display, for example, most labels appeared to conform to regulations, and the rest at least made no secret of quantity. Yet nobody found the brand at lowest unit price (see below). One can sympathize if the shoppers felt too discouraged to do the necessary mathematical computations for 32 selections in 13 different sizes of flour—excluding boxes and sacks. Under somewhat less unfavorable conditions (25 selections in 11 different sizes), three shoppers had made the correct choice last time.

At the dog-food shelf the results were little better. The (presumably) USDA-approved quantity declaration on each can was forthright enough. Yet the shoppers in 1968 had less success in buying the right dog food than the 1962 shoppers did. Perhaps it's no wonder in view of the explosion of brands and types—from 14 to 35, canned in nine net weights, up from five. Only one shopper recognized the day's bargain price for canned dog food.

Not only *didn't* the shoppers make a reasonable number of correct choices, they *couldn't*—not in any practical terms. It took the five-woman project staff six hours and the services of an electric calculating machine to get all the answers figured out.

But the shoppers tried. Lacking a calculating machine, and not themselves being prowling computers, they tried short-cuts. For example: All five bought the right can of tuna fish, probably because it was the only brand of grated tuna and because all the women correctly assumed that to be the lowest-priced type.

But shortcuts didn't always work. The largest size was not necessarily the one with the lowest unit price, for example, nor was the smallest necessarily the most costly. A 16-ounce can of tomatoes cost more per pound than an 8¼-ounce can, and a roll of 650 sheets of toilet tissue gave more sheets for the money than a 1000-sheet roll.

Even when the largest-quantity package did offer the lowest unit price, the shoppers didn't always spot it. Only two bought the five-pound box of *Buckeye Rolled Oats* as the right choice in thrifty hot cereals among the 31 different selections in 15 sizes filling the shelf. Feeling pressed for time, one shopper bought hominy grits on the logical—but incorrect—theory that it would give the most for the money. It cost half again as much per pound as the rolled oats. Indeed, the prices represented in those 31 different cereal packages ranged from 15¢ to 98¢ a pound.

Things went better at the rice display, where the number of package sizes had dropped from six in 1962 to four in 1968 (though the one-pound size, missing in 1962, was missing still). No one had found the right choice last time, but in 1968 three women did. That's progress of a sort in the Sacramento Valley, one of the nation's richest rice-growing regions.

It would appear, then, that the odd-sized package is still the consumer's most formidable foe in the battle of the bargains. Forthright disclosures of quantity and price are not much help so long as they are obscured by enough variety of package sizes to discourage the computations needed to make quantity and price figures meaningful.

PRODDING THE PACKAGER

The key to success in comparison shopping, CU and many others have argued, lies in mandatory Federal standards for package sizes. They should be limited for each product to as few as logically meet consumers' needs; and common-sense pound and pint units should be reestablished. Once held to a few logical quantities, manufacturers could no longer conceal price hikes by lopping off an ounce or a fraction of an ounce here and there.

When the present law was under consideration, the manufacturers concentrated their lobbying effort on defeating Federal regulation of package sizes. They succeeded in getting the proposed provision watered down to a point where the Secretary of Commerce may only make a *finding* of undue package proliferation in a given product line. He cannot force an industry to change its ways.

Nevertheless, the threat of a proliferation finding has served as a prod in itself. By late 1968, the Secretary had goaded 48 packaging industries toward reducing or agreeing to reduce the number of their package sizes to a standardized set. The whole program is strictly voluntary and unenforceable. But significant reductions in number of sizes have already been announced as in effect for most types of dry detergents, jams and jellies, mayonnaise and salad dressing, peanut butter and pickles. As of January 1, the list was to be expanded to include dry cereals (except in single servings), cookies and crackers, instant coffee, and salad and cooking oils. A third batch of reductions is due to start July 1. The Commerce Department cautions, though, that nonstandard sizes will continue to be sold until inventories are used up.

The new standards, if adhered to, would be welcome. They would, for example, reduce the sizes of toothpaste from 57 to a mere 5; of dry detergent from 24 to 6; of adhesive bandage from 37 to 10; of paper towels from 33 to 8; of dry cereal from 33 to 16; of cookies and crackers from 73 to 56; and of macaroni products from 32 to 16. With that kind of reductions, the food industry itself should enjoy fat savings from marketing efficiencies.

But in many instances the consumer may be no better off than before because even a significant reduction in package sizes at the disposal of manufacturers will not necessarily reduce the variety of sizes displayed in any given supermarket. In the Sacramento store chosen for our shopping test shoppers found six sizes each of imitation maple syrup

and peanut butter. With the kind of odd-size problem we've described, six computations were difficult enough. Yet the new standards would merely ask manufacturers to limit themselves to 16 sizes of syrup and 12 sizes of peanut butter. Whatever cutting down may take place during packaging, it's not likely to show upon the shelves of that particular supermarket in Sacramento, nor in stores anywhere else, we'd guess.

So much for truth-in-packaging, 1969. Judging by this look at it, the consumer still can't compare prices and cannot anticipate being able to compare them any time soon. CU is now convinced that we did not go far enough in our proposals for price disclosure.

The best method for making comparisons stares out from just about every supermarket meat counter. Because of their random size, meat and poultry have long been subject to state laws requiring declaration not only of weight and price but also of price per pound.

Why shouldn't all packages be labeled with the price per pound or pint or other relevant unit? In considering such a requirement, the drafters of the Fair Packaging and Labeling Act decided it might be too costly for the small, independent grocer. Since manufacturers could not usually print prices on their packages without violating the laws against price-fixing, the price labeling job would fall, as it does now, to the retailer. But regional offices of supermarket chains could readily include unit prices on the master price lists sent to all store managers, and suppliers could equip small groceries with easy-to-use price tables. The extra cost, if any, would probably prove negligible.

CU therefore urges Congress to amend the law to require unit pricing. Further, we suggest that the price unit should represent the quantities customarily purchased—not price per ounce (unless possibly for caviar, spices and such) but price per pound, per pint, per 100 paper towels and so forth). Many CU readers have already asked why that pricing system isn't used to solve their shopping problem. A letter-writing campaign to your Senators and Representatives would seem to be in order. It's high time to turn all those prowling computers back into people again.

S. 1443—INTRODUCTION OF BILL TO INCREASE THE PERSONAL EXEMPTION UNDER THE INTERNAL REVENUE CODE OF 1954

Mr. CANNON. Mr. President, I am today introducing, for appropriate reference, a bill to amend the Internal Revenue Code of 1954 to increase the personal exemption from $600 to $1,000.

As every American is so consciously aware, the $600 figure is now unreal and obsolete for its purpose. The last time this figure was revised was in 1948. Since that time the cost of living has increased by 44.6 percent. To expect the American taxpayer to provide the basic minimum necessities of life for himself, his wife, and his children for $50 per month each is totally unrealistic.

A person works for the major purpose of supporting his family and it stands to reason that taxes should not be applied to the income of persons until their minimum basic needs have been allowed for.

A 1947 Treasury Department study discusses minimum living standards as follows:

According to a widely accepted view, the exemption should be at least adequate to cover some minimum essential living costs, such as the amount required for reasonable maintenance. It is conceded that the adjustment of exemptions to living costs may not be exact and that under emergency conditions it may be necessary to go below ordinary minima. For the long run, however, it is to be regarded as essential to exempt amounts required to maintain the individual and his family in health and efficiency.

An exemption of $600 per person is unrealistic and unfair. It provides only $2,400 deductible for a family of four, yet a recent Department of Labor study shows that a family's financial need for a moderate standard of living today is about $9,191. The personal exemptions for a family of four today should certainly comprise a greater percentage of this total than the present $2,400.

We have been vitally concerned in recent times about achieving equity in the tax structure as it relates to wealthy individuals so that they too pay their fair share of the costs of funding our country. This is the area of our greatest tax abuse and these "loopholes" must be closed. The average American is fully aware of the inequities in this area, and there is a limit to what the taxpayer is willing to put up with in allowing the rich to get special benefits while everyone else pays through the nose.

We must make the tax system as equitable as possible if we are to maintain the confidence of the taxpayer.

A major first step is to raise the unfair $600 per person exemption to $1,000.

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

The bill (S. 1443) to amend the Internal Revenue Code of 1954 to increase the amount of the deduction for each personal exemption to $1,000, introduced by Mr. CANNON, was received, read twice by its title, and referred to the Committee on Finance.

S. 1444—INTRODUCTION OF BILL RELATING TO A TAX INEQUITY EXISTING IN THE STATE OF NEVADA

Mr. CANNON. Mr. President, on behalf of myself and Senator BIBLE, I send to the desk, for appropriate reference, a bill designed to remedy a long-standing tax inequity that exists in Nevada.

I first made this proposal, with my colleague (Mr. BIBLE), in 1965. Our proposal recognizes that since Federal legislation in the field of coin-operated gaming devices is designed for purposes of regulation rather than for the raising of revenue, a more realistic formula should be instituted.

Our proposal stipulates that 80 percent of the occupational taxes collected on these devices be credited for similar taxes imposed by a State where the operation of such devices is legal. In our opinion, this proposal is consistent with the 1965 action taken by the Congress on the New Hampshire lottery. Like New Hampshire, Nevada urgently needs more locally raised revenue to meet the increasing costs of Government, especially the demands of our schools.

For several years, the Nevada Legislature has sought to impose an additional tax on coin-operated gaming devices, and I ask that relevant documents from the Nevada Legislature, as well as the text of the bill I am introducing, be printed in the RECORD following my remarks.

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

The bill (S. 1444) to amend the Internal Revenue Code of 1954 to allow a credit against the occupational tax on coin-operated gaming devices for similar taxes presently imposed by a State where the operation of such devices is legal, introduced by Mr. CANNON (for himself and Mr. BIBLE), was received, read twice by its title, referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

S. 1444

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subchapter B of chapter 36 of the Internal Revenue Code of 1954 (relating to occupational tax on coin-operated devices) is amended by adding at the end thereof the following new section:

"SEC. 4464. Credit for State-imposed taxes.

"(a) IN GENERAL.—There shall be allowed as a credit against the tax imposed by section 4461 with respect to any coin-operated gaming device for any year an amount equal to the amount of State tax paid for such year with respect to such device by the person liable for the tax imposed by section 4461, if such State tax (1) is paid under a law of the State in which the place or premises on which such device is maintained or used is located, and (2) is similar to the tax imposed by section 4461 (including a tax, other than a general personal property tax, imposed on such device).

"(b) LIMITATIONS.—

"(1) DEVICES MUST BE LEGAL UNDER STATE LAW.—Credit shall be allowed under subsection (a) for a tax imposed by a State only if the maintenance of the coin-operated gaming device by the person liable for the tax imposed by section 4461 on the place or premises occupied by him does not violate any law of such State.

"(2) CREDIT NOT TO EXCEED 80 PERCENT OF TAX.—The credit under subsection (a) with respect to any coin-operated gaming device shall not exceed 80 percent of the tax imposed by section 4461 with respect to such device.

"(3) CREDIT NOT TO APPLY TO NEW TAXES.—Credit shall be allowed under subsection (a) for a tax imposed by a State only if such State imposed such tax or a substantially similar tax (whether or not conditionally) on the date of the enactment of this section.

"(c) SPECIAL PROVISION FOR PAYMENT OF TAX.—Under regulations prescribed by the Secretary or his delegate, a person who believes he will be entitled to a credit under subsection (a) with respect to any coin-operated gaming device for any year shall, for purposes of this subtitle and subtitle F, satisfy his liability for the tax imposed by section 4461 with respect to such device for such year if—

"(1) on or before the date prescribed by law for payment of the tax imposed by section 4461 with respect to such device for such year, he has paid the amount of such tax reduced by the amount of the credit which he estimates will be allowable under subsection (a) with respect to such device for such year, and

"(2) on or before the last day of such year, pays the amount (if any) by which the credit for such year is less than the credit estimated under paragraph (1)."

(b) The table of sections for subchapter B of chapter 36 of such Code is amended by

adding at the end thereof the following new item:

"Sec. 4464. Credit for State-imposed taxes."

(c) The amendments made by subsections (a) and (b) shall apply on and after July 1, 1969.

The documents presented by Mr. CANNON are as follows:

STATUTES OF NEVADA 1967—ASSEMBLY JOINT RESOLUTION NO. 8—COMMITTEE ON TAXATION—FILE NO. 46

Assembly joint resolution memorializing the Congress of the United States to allow a credit against the federal tax for slot machine taxes imposed by the states

Whereas, The State of Nevada, like all areas of rapidly expanding population, is faced with continuing crisis in the field of education as it strives with limited resources to meet ever-growing needs; and

Whereas, The Federal Government has recognized the crucial importance of education in developing a citizenry informed and prepared to meet the challenge of our complex society; and

Whereas, Federal law now imposes a tax of $250 per year on each slot machine, and certain controls upon the use of such machines; and

Whereas, The process of collection and return is cumbersome, costly and time-consuming; and

Whereas, The State of Nevada stands ready to collect such a tax directly and to take all necessary measures to insure its payments for each machine; and

Whereas, Legislation is now pending in this state to impose such a tax to the extent that the corresponding federal tax is diminished, and to devote its proceeds to the support of the public schools; now, therefore, be it

Resolved by the Assembly and Senate of the State of Nevada, jointly, That this legislature on behalf of the people of the State of Nevada respectfully memorializes the Congress of the United States to enact legislation providing a credit of 80 percent against the tax imposed by 26 U.S.C. § 4461 upon slot machines for the amount of any tax paid upon such machines to a state; and be it further

Resolved, That this legislature urgently requests each member of the Nevada congressional delegation to work for the enactment of such legislation; and be it further

Resolved, That copies of this resolution be forwarded by the legislative counsel to the Vice President of the United States, the Speaker of the House of Representatives and each member of the Nevada congressional delegation.

STATUTES OF NEVADA 1967—ASSEMBLY BILL NO. 174—COMMITTEE ON TAXATION—CHAPTER 314

An act to amend chapter 463 of NRS, relating to the licensing and control of gambling, by adding a new section imposing an additional tax upon slot machines contingent upon the allowance of an offsetting federal tax credit; and providing other matters properly relating thereto.

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

SECTION 1. Chapter 463 of NRS is hereby amended by adding thereto a new section which shall read as follows:

1. In addition to any other license fees and taxes imposed by this chapter, there is hereby imposed upon each slot machine operated in this state a tax equal to the amount of any credit which may be allowed against the tax imposed on slot machines by 26 U.S.C. § 4461 for the payment of a state tax. If no such credit is allowed, no tax is payable under this subsection.

2. The commission shall:

(a) Collect the tax annually in advance, prior to June 20, as a condition precedent to the issuance of a state gaming license to operate any slot machine.

(b) Include the proceeds of the tax in its reports of state gaming taxes collected.

3. The commission shall pay over the tax as collected to the state treasurer to be deposited to the credit of the state distributive school fund.

SEC. 2. If the Congress of the United States enacts legislation after January 10 of any calendar year by virtue of which a credit against the tax on slot machines by 26 U.S.C. § 4461 is allowable for a state tax paid during such calendar year, the Nevada gaming commission shall charge and collect, as soon as practicable after the effective date of such federal legislation, a tax on each slot machine licensed in this state equal to the amount of such credit allowable.

SEC. 3. This act shall become effective upon passage and approval.

S. 1445—INTRODUCTION OF BILL TO PROVIDE FOR THE CONSTRUCTION OF A VETERANS' ADMINISTRATION HOSPITAL IN THE STATE OF NEVADA

Mr. CANNON. Mr. President, I am introducing a bill today for myself and my Nevada colleague, Senator BIBLE, to provide for the construction of a Veterans' Administration hospital in the southern part of the State of Nevada.

At the present time veterans in Nevada are served by only one VA hospital, located in Reno, in northwest Nevada.

Veterans in more populous southern Nevada, 500 miles to the southeast, have no VA facilities whatsoever and are completely dependent on VA hospitals in crowded Los Angeles, 300 miles away.

It think it is a gross disservice to our veterans to force them to travel to Los Angeles to get treatment for service-related disabilities. In addition, it certainly is not fair to make the veterans of southern California wait for treatment because their facilities are overcrowded.

It is just this inequity that my legislation is designed to overcome. I urge early consideration and passage of this bill.

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

The bill (S. 1445) to provide for the construction of a Veterans' Administration hospital in the State of Nevada, introduced by Mr. CANNON (for himself and Mr. BIBLE), was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

ADDITIONAL COSPONSORS OF BILLS

Mr. SPARKMAN. Mr. President, I ask unanimous consent that, at its next printing, the name of the senior Senator from Washington (Mr. MAGNUSON) be added as a cosponsor of the bill (S. 1213) to create a Small Business Capital Bank.

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

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, at its next printing, my name be added as a cosponsor of the bill (S. 355) introduced by my distinguished and able colleague, the senior Senator from West Virginia (Mr. RANDOLPH), the coal mine safety bill.

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

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Connecticut (Mr. DODD), I ask unanimous consent that, at its next printing, the name of the Senator from Utah (Mr. Moss) be added as a cosponsor of the bill (S. 1208) to provide one routine physical checkup each year for individuals insured under medicare.

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

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Nevada (Mr. CANNON) I ask unanimous consent that, at its next printing, the names of the Senator from Nevada (Mr. BIBLE), the Senator from Utah (Mr. BENNETT), the Senator from North Dakota (Mr. BURDICK), the Senator from Mississippi (Mr. EASTLAND), the Senator from Arizona (Mr. FANNIN), the Senator from Hawaii (Mr. FONG), the Senator from Alaska (Mr. GRAVEL), the Senator from Wyoming (Mr. HANSEN), the Senator from Oklahoma (Mr. HARRIS), the Senator from Indiana (Mr. HARTKE), the Senator from Hawaii (Mr. INOUYE), the Senator from Washington (Mr. MAGNUSON), the Senator from Wyoming (Mr. MCGEE), the Senator from Minnesota (Mr. MONDALE), the Senator from Utah (Mr. Moss), the Senator from Rhode Island (Mr. PELL), the Senator from Illinois (Mr. PERCY), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Pennsylvania (Mr. SCOTT), the Senator from Alaska (Mr. STEVENS), the Senator from Maryland (Mr. TYDINGS), the Senator from Texas (Mr. YARBOROUGH), and the Senator from Ohio (Mr. YOUNG) be added as cosponsors of the bill (S. 819) to exempt senior citizens from paying national parks and forests entrance, admission, or user fees.

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

Mr. BYRD of West Virginia. Mr. President, on behalf of the senior Senator from West Virginia (Mr. RANDOLPH), I ask unanimous consent that, at its next printing, the name of the Senator from Alaska (Mr. GRAVEL) be added as a cosponsor of the joint resolution (S.J. Res. 7) proposing an amendment to the Constitution of the United States extending the right to vote to citizens 18 years of age or older.

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

Mr. HATFIELD. Mr. President, on behalf of the Senator from South Dakota (Mr. MCGOVERN) and myself, I ask unanimous consent that, at its next printing, the names of the Senator from Alaska (Mr. GRAVEL) and the Senator from Wyoming (Mr. MCGEE) be added as cosponsors of S. 1285, to establish a National Economic Conversion Commission.

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

Mr. MOSS. Mr. President, I ask unanimous consent that, at its next printing, the names of the Senator from Hawaii (Mr. INOUYE), the Senator from Washington (Mr. MAGNUSON), the Senator from Kansas (Mr. DOLE), the Senator from Oregon (Mr. PACKWOOD), the Sen-

ator from Tennessee (Mr. GORE), the Senator from Wyoming (Mr. MCGEE), the Senator from Michigan (Mr. HART), the Senator from Hawaii (Mr. FONG), the Senator from Alaska (Mr. STEVENS), the Senator from Indiana (Mr. HARTKE), and the Senator from Kentucky (Mr. COOK) be added as cosponsors of the resolution (S.J. Res. 5) to establish a Joint Committee To Investigate Crime.

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

SENATE CONCURRENT RESOLUTION 10—CONCURRENT RESOLUTION RECOGNIZING THE 26TH ANNIVERSARY OF THE WARSAW GHETTO UPRISING

Mr. JAVITS (for himself and Mr. GOODELL) submitted a concurrent resolution (S. Con. Res. 10) recognizing the 26th anniversary of the Warsaw ghetto uprising, which was referred to the Committee on the Judiciary.

(See the above concurrent resolution printed in full when submitted by Mr. JAVITS, which appears under a separate heading.)

SENATE RESOLUTION 162—RESOLUTION TO REFER SENATE BILL 1391 TO COURT OF CLAIMS

Mr. ERVIN submitted the following resolution (S. Res. 162); which was referred to the Committee on the Judiciary:

S. RES. 162

Resolved, That the bill (S. 1391) entitled "A bill for the relief of certain Kaw Indians", now pending in the Senate, together with all the accompanying papers, is hereby referred to the chief commissioner of the Court of Claims; and the chief commissioner shall proceed with the same in accordance with the provisions of sections 1492 and 2509 of title 28 of the United States Code, as amended by the Act of October 15, 1966 (80 Stat. 958), and report thereon to the Senate, at the earliest practicable date, giving such findings of fact and conclusions thereon as shall be sufficient to inform the Congress of the nature and character of the demand as a claim, legal or equitable, against the United States or a gratuity and the amount, if any, legally or equitably due from the United States to the claimant.

NOTICE OF PUBLIC HEARING ON POWER ASPECTS OF TOCKS ISLAND DAM, DELAWARE RIVER BASIN

Mr. YOUNG of Ohio. Mr. President, I wish to announce that the Subcommittee on Flood Control-Rivers and Harbors of the Committee on Public Works, will hold a public hearing to consider the matter of hydroelectric power development at the Tocks Island Dam and Reservoir with particular reference to pumped-storage facilities.

The subcommittee will meet at 10 a.m., Tuesday, March 18, 1969, in room 4200, New Senate Office Building. In the event the subcommittee is unable to hear all interested parties at that time, remaining witnesses will be heard at 10 a.m. on Wednesday, March 19, 1969.

Any Senator or other person wishing to testify should notify Mr. Joseph F. Van Vladricken, professional staff member, on extension 6176, in order that he might be scheduled as a witness.

NOTICE OF HEARING

Mr. MCCLELLAN. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Wednesday, March 12, 1969, at 10:30 a.m., in room 2228, New Senate Office Building, on the nominations of Charles H. Ragovin, of Massachusetts, to be Administrator of Law Enforcement Assistance, and Richard W. Velde, of Virginia, to be an Associate Administrator of Law Enforcement Assistance.

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

The subcommittee consists of the Senator from Mississippi (Mr. EASTLAND), the Senator from Nebraksa (Mr. HRUSKA), and myself, chairman.

NOTICE CONCERNING NOMINATIONS BEFORE COMMITTEE ON THE JUDICIARY

Mr. MCCLELLAN. Mr. President, the following nominations have been referred to and are now pending before the Committee on the Judiciary:

Richard A. Dier, of Nebraska, to be U.S. attorney for the district of Nebraska for the term of 4 years, vice Theodore L. Richling, resigned.

Allen L. Donielson, of Iowa, to be U.S. attorney for the southern district of Iowa for the term of 4 years, vice James P. Rielly, resigned.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in these nominations to file with the committee, in writing, on or before Friday, March 14, 1969, any representations or objections they may wish to present concerning the above nominations, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

THE NONPROLIFERATION TREATY

Mr. GOLDWATER. Mr. President, my views on the Nuclear Nonproliferation Treaty have become well enough known by now so that I will not be disclosing any secret by here stating my intention to oppose Senate ratification of the treaty in its present form. When formal debate on the treaty opens, I shall express my position in detail at that time, both as to the substance of the treaty and as to its relationship to present world conditions.

Today I wish to bring to the attention of my colleagues my strong apprehension about one aspect of this treaty—the question of to what extent this treaty may commit the United States to guarantee the security of the approximately 100 nonnuclear states that are expected to sign the treaty.

It is my hope that the Committee on Foreign Relations might take another look at the treaty in light of the points which I shall now raise. These points are of great concern to me and, I believe, to other Members also. They are sufficiently important to make me wonder whether the Foreign Relations Committee really wants this body to accept the treaty in its entirety without amendment.

I believe that the United Nations Security Council Resolution 255 of 1968 on security guarantees and the U.S. declaration made in explanation of its vote for such resolution clearly give rise to the interpretation that the United States will have to act immediately to provide assistance to any nonnuclear nation signing the treaty that is a victim of a nuclear attack or threat.

Both of these documents include specific references to the concern of countries which desire to subscribe to the treaty that "appropriate measures be undertaken to safeguard their security" if they adhere to the treaty. The term "appropriate measures," of course, means whatever measures are necessary to suppress the attack or remove the threat. Certainly, the country that is victim to a nuclear attack would not consider any measures to be "appropriate" which did not promptly stop the attack and prevent the aggressor from invading its territory in the aftermath of the attack.

This interpretation is reinforced by another provision in the declaration which reads that:

> Any State which commits aggression accompanied by the use of nuclear weapons or which threatens such aggression must be aware that its actions are to be countered effectively.

Obviously aggression is not "countered effectively" so long as it is permitted to continue.

Both of these documents are quite emphatic in committing the nuclear powers to react immediately. The resolution commands that:

> The Security Council, and above all its nuclear-weapon State permanent members, would have to act immediately.

Likewise, the U.S. declaration states:

> Nuclear-weapon States would have to act immediately through the Security Council to take the measures necessary to counter such (nuclear) aggression or to remove the threat of (nuclear) aggression.

In addition, both instruments take specific notice of the fact that the Security Council might not be able to respond at once. Each contains an express provision that reaffirms in particular the right of individual and collective self-defense if an armed attack occurs, until the Security Council has taken measures necessary to maintain peace and security. Clearly, these provisions show that the United States is not limited merely to taking action which is called for by the Security Council.

Mr. President, a commonsense interpretation of the plain words used in this resolution and the accompanying declaration definitely reveals that the United States is pledged to act immediately to take whatever measures are necessary to counter a nuclear attack or threat against a nonnuclear party to the treaty, either by acting through the Security Council, if possible, or outside the United Nations, if not.

Any interpretation that these devices represent merely a gesture to display our concern about the security of nonnuclear nations is purely an expression of wishful thinking. Regardless of what one wishes our obligations would be under the treaty, these two documents make it crystal clear that we have given an ironclad promise to police the security of nonnuclear countries that sign the treaty.

And we must recognize that the treaty and the two documents cannot be read in a vacuum. The expectations of the nonnuclear countries must be considered by anyone who wants to seek an honest answer to the question of our commitments under the treaty. Insofar as the nonnuclear nations are concerned, these instruments and the treaty would be worthless and ridiculous unless they could expect that, in giving up the right to develop nuclear weapons of their own, they would receive effective assurances against an attack by such weapons.

That the commitment made in the documents was in response to this concern of the nonnuclear countries and was an integral part of the course of negotiations leading to the signing of the treaty is beyond question. The letter of submittal of the treaty by Secretary Rusk includes the following:

> In the course of the negotiation of the treaty, a number of non-nuclear-weapon states, including especially non-aligned states, expressed the need for some form of assurance with respect to their security that would be appropriate in light of their renunciation of the right to acquire nuclear weapons.

This expectation of the nonnuclear nations was fed throughout the negotiating stage by the former administration. On at least two occasions President Johnson promised "our strong support against threats of nuclear blackmail." Secretary McNamara went so far as to pooh-pooh the idea of any nation taking time to go through the United Nations. In testimony before the Joint Committee on Atomic Energy, he said:

> In case of a nuclear attack by country A on country B, the very survival of country B would be immediately at issue and it might well require military intervention by one of the great powers immediately, without time for the negotiation and discussion in international forums that would otherwise take place.

The history is clear. The language is clear. An implied provision has become attached to the treaty, confirmed by the Security Council resolution and related declaration, that would bind the United States to guarantee the security of any nonnuclear weapon party that is a victim of nuclear aggression or the threat of such aggression. The very process of ratification could surely be claimed at some future date to constitute the constitutional procedure required to confirm these guarantees. Thus, the role of the United States as the policeman of the world would truly be assured if the Senate approves this treaty.

Mr. President, I ask unanimous consent that the text of the Security Council resolution and the U.S. declaration be printed at this point in the RECORD.

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

UNITED NATIONS SECURITY COUNCIL RESOLUTION 255 (1968)

ADOPTED BY THE SECURITY COUNCIL AT ITS 1433D MEETING ON JUNE 19, 1968

The Security Council,

Noting with appreciation the desire of a large number of States to subscribe to the Treaty on the Non-Proliferation of Nuclear Weapons, and thereby to undertake not to receive the transfer from any transferor whatsoever of nuclear weapons or other nuclear explosive devices or of control over such weapons or explosive devices directly, or indirectly; not to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices; and not to seek or receive any assistance in the manufacture of nuclear weapons or other nuclear explosive devices,

Taking into consideration the concern of certain of these States that, in conjunction with their adherence to the Treaty on the Non-Proliferation of Nuclear Weapons, appropriate measures be undertaken to safeguard their security,

Bearing in mind that any aggression accompanied by the use of nuclear weapons would endanger the peace and security of all States,

1. *Recognizes* that aggression with nuclear weapons or the threat of such aggression against a non-nuclear-weapon State would create a situation in which the Security Council, and above all its nuclear-weapon State permanent members, would have to act immediately in accordance with their obligations under the United Nations Charter;

2. *Welcomes* the intention expressed by certain States that they will provide or support immediate assistance, in accordance with the Charter, to any non-nuclear-weapon State Party to the Treaty on the Non-Proliferation of Nuclear Weapons that is a victim of an act or an object of a threat of aggression in which nuclear weapons are used;

3. *Reaffirms* in particular the inherent right, recognized under Article 51 of the Charter, of individual and collective self-defense if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security.

DECLARATION OF THE GOVERNMENT OF THE UNITED STATES OF AMERICA

(Made in the United Nations Security Council in explanation of its vote for Security Council Resolution 255 (1968))

The Government of the United States notes with appreciation the desire expressed by a large number of States to subscribe to the treaty on the non-proliferation of nuclear weapons.

We welcome the willingness of these States to undertake not to receive the transfer from any transferor whatsoever of nuclear weapons or other nuclear explosive devices or of control over such weapons or explosive devices directly, or indirectly; not to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices; and not to seek or receive any assistance in the manufacture of nuclear weapons or other nuclear explosive devices.

The United States also notes the concern of certain of these States that, in conjunction with their adherence to the treaty on the non-proliferation of nuclear weapons, appropriate measures be undertaken to safeguard their security. Any aggression accompanied by the use of nuclear weapons would endanger the peace and security of all States.

Bearing these considerations in mind, the United States declares the following:

Aggression with nuclear weapons, or the threat of such aggression, against a non-nuclear-weapon State would create a qualitatively new situation in which the nuclear-weapon States which are permanent members of the United Nations Security Council would have to act immediately through the Security Council to take the measures necessary to counter such aggression or to remove the threat of aggression in accordance with the United Nations Charter, which calls for taking "* * * effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace * * *". Therefore, any State which commits aggression accompanied by the use of nuclear weapons or which threatens such aggression must be aware that its actions are to be countered effectively by measures to be taken in accordance with the United Nations Charter to suppress the aggression or remove the threat of aggression.

The United States affirms its intention, as a permanent member of the United Nations Security Council, to seek immediate Security Council action to provide assistance, in accordance with the Charter, to any non-nuclear-weapon State party to the treaty on the non-proliferation of nuclear weapons that is a victim of an act of aggression or an object of a threat of aggression in which nuclear weapons are used.

The United States reaffirms in particular the inherent right, recognized under Article 51 of the Charter, of individual and collective self-defence if an armed attack, including a nuclear attack, occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security.

The United States vote for the resolution before us and this statement of the way in which the United Nations intends to act in accordance with the Charter of the United Nations are based upon the fact that the resolution is supported by other permanent members of the Security Council which are nuclear-weapon States and are also proposing to sign the treaty on the non-proliferation of nuclear weapons, and that these States have made similar statements as to the way in which they intend to act in accordance with the Charter.

AMENDMENT OF SECTION 301 OF THE MANPOWER DEVELOPMENT AND TRAINING ACT OF 1962

Mr. MANSFIELD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 497. This request has been cleared by the joint leadership.

The VICE PRESIDENT laid before the Senate H.R. 497, to amend section 301 of the Manpower Development and Training Act of 1962, as amended, which was read twice by its title.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to its immediate consideration.

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

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

Mr. MANSFIELD. Mr. President, it is my understanding that this measure merely brings about a correction of some technicalities connected with this matter, and that it is noncontroversial.

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

Mr. MANSFIELD. I yield.

Mr. JAVITS. Mr. President, would the Senator have inserted in the RECORD an explanation of the bill?

Mr. MANSFIELD. Yes, indeed.

Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the House report, explaining the purposes of the bill.

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

REPORT

BACKGROUND

On September 5, 1968, the House passed, by unanimous vote, H.R. 15045, a bill to amend the Manpower Development and Training Act of 1962, as amended.

On October 7, 1968, the Senate passed S. 2938, a bill to amend the Manpower Development and Training Act, which was subsequently concurred in by unanimous consent by the House on October 10, 1968. This bill also included American Samoa and the Trust Territory in the definition of "State" for the purposes of the act, with specific exceptions to take into account the peculiar fiscal limitations of the government of the Trust Territory.

Another amendment included in S. 2938 placed a floor on the money to be made available to each State under title II of the Manpower Development and Training Act in the amount of $750,000. This amendment specifically exempted Guam, American Samoa, and the Virgin Islands from this floor, setting instead a floor of $100,000 for each of these territories. Because the floor-setting amendment failed to list the trust territory with the other areas entitled to $100,000 minimum annual funding, the language of the act, if read literally would now seem to require that the trust territory be allocated a minimum of $750,000, while Guam, American Samoa, and the Virgin Islands are only assured of $100,000.

It was the original intention of the proponents of each of these amendments that the four areas in question should be treated similarly. It was most certainly not the intention of the committee last year that any of these areas, some of which are quite sparsely populated, should have funds reserved in amounts beyond those which are available for other territories similarly situated.

H.R. 497 received bipartisan support and was unanimously ordered reported by the full Committee on Education and Labor.

Mr. PROUTY. Mr. President, there is no reason why the bill to amend the Manpower Development and Training Act of 1962 now before us, H.R. 497, should not be passed immediately.

This bill is identical to one which I introduced on January 16 on behalf of myself and the junior Senator from Minnesota, S. 279.

The MDTA legislation which we passed last fall contained an amendment of mine which provided a floor of $750,000 in MDTA funds for each of the States and a floor of $100,000 for Guam, the Virgin Islands, and American Samoa. Inadvertently the Trust Territories of the Pacific Islands were omitted from this latter group. As a result, there is authority in the legislation passed last October to provide $750,000 for the Trust Territories of the Pacific Islands. The bill now before us merely corrects this technical mistake by placing the Trust Territories in the group where they should have been originally with a floor of $100,000.

H.R. 497, therefore, merely carries out what we intended to do last year. In these circumstances, there is no necessity for it to be referred to or considered by our Committee on Labor and Public Welfare, and I urge its immediate passage.

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

The bill (H.R. 497) was ordered to a third reading, read the third time, and passed.

ORDER FOR RECOGNITION OF SENATOR MANSFIELD

Mr. MANSFIELD. Mr. President, I ask unanimous consent, if I am not recognized before, that I may be recognized at the conclusion of the morning hour.

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

THE NONPROLIFERATION TREATY

Mr. AIKEN. Mr. President, since the Nonproliferation Treaty will be before the Senate the first of the week, it may be helpful if I have printed in the RECORD some pertinent material.

When this treaty was first introduced, I made it plain that I was quite apprehensive over two provisions, namely, article V, which disturbed me considerably because testimony before the Joint Committee on Atomic Energy indicated that this provision might be used as an open-ended subsidy to industry, and article III, which deals with the inspection system, which also is not very clear.

Therefore, I took up the matter with Mr. Seaborg of the Atomic Energy Commission, and he replied to me under date of February 14, 1969. This letter related primarily to the meaning of article V.

Mr. President, I ask unanimous consent to have printed in the RECORD Mr. Seaborg's letter to me dated February 14, 1969.

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

U.S. ATOMIC ENERGY COMMISSION,
Washington, D.C., February 14, 1969.

Hon. GEORGE D. AIKEN,
U.S. Senate.

DEAR SENATOR AIKEN: In accordance with our telephone conversation of February 11, I am writing in response to the interest you have expressed in obtaining more explicit assurances from the Administration that Article V of the Non-Proliferation Treaty will not impose a burden on the U.S. taxpayer by compelling us to subsidize peaceful nuclear explosion projects in foreign countries.

I can understand and endorse your desire for clear and unequivocal assurances regarding the character of the commitment undertaken by the U.S. in this Treaty. It is in this spirit that I am writing you this letter. As you know, the Atomic Energy Commission will be the agency for carrying out peaceful nuclear explosion projects, both domestic and foreign. Therefore, we are sensitive to the points you have raised and I also believe that we are in position to provide you with the assurances that you understandably desire on this matter, and we would welcome having these assurances made a matter of record.

I believe your concern is related to two points: first, the nature and terms of the services to be provided in accordance with Article V of the proposed Non-Proliferation Treaty; and second, the possibility that the Treaty could be misinterpreted as requiring the undertaking of peaceful nuclear explosion services of a research and development nature abroad.

First, the negotiating record makes it clear that Article V contemplates the performance of peaceful nuclear explosion services only for developed applications on a commercial basis. I should like to assure you that such services will be performed on the basis of full cost recovery, excluding only the charges for the general costs of research and development on nuclear explosive devices (including our cumulative costs to date) since these costs have been and will be incurred in the furtherance of our own technical programs, much of them in the past development of nuclear weapons.

All other costs of furnishing the explosion service, including, among other things, the full cost of all materials, the fabrication of the explosive devices, the costs of emplacing and firing the device, and the appropriate overhead costs would be borne by the foreign user and not the Atomic Energy Commission. We would also be reimbursed if we undertook development work relating to a particular adaption of a nuclear device or our operations for the benefit of a specific user. This overall approach is consistent with the pricing policy which the Commission follows in connection with other materials and services which it provides domestically and abroad.

As you have suggested, clear-cut assurances that the explosion services provided pursuant to Article V of the Treaty would be compensated for as I have described above could well be considered in connection with the legislation authorizing the Commission to furnish these services.

In order for us to reach the point where we can provide the type of commercial service anticipated by Article V, the Commission intends to continue to carry out a vigorous experimental program. This leads us to the second point that I would like to discuss. Article V of the Treaty does not obligate the United States to undertake experimental peaceful nuclear explosions abroad. In most cases, this experimental program will be conducted within the United States. In a few cases, however, it may be in our programmatic interest, although not required by the Treaty, to carry out an experiment overseas in collaboration with another nation. The Australian project at Cape Keraudren, for which the feasibility of nuclear evacuation techniques is now under study, could be a case in point and an example of this type of experiment. Any research and development project that we might wish to conduct would have to be considered and evaluated, on a case-by-case basis, in terms of its programmatic interest to the Commission and our financial contribution to any such project would be related to that interest. I can assure you that the Joint Committee on Atomic Energy will be consulted with regard to any such project; and, moreover, any such project involving the expenditure of Commission funds would have to be reviewed by the Joint Committee and Appropriations Committees as part of the authorization and appropriation process.

I hope these comments shall serve to clarify how we view this question and to provide the assurances which you have sought against the possibility that Article V of the Treaty will work to our disadvantage.

I realize that Article V was regarded by the negotiators as a central element in our ability to encourage the other prospective signers to relinquish their options to manufacture nuclear explosive devices. I am confident that provision will be administered on the basis that I have described, and that the interest of the United States will be well served by the ratification of this important Treaty. Secretary Rogers has asked me to let you know that he concurs in this letter.

Cordially,

GLENN T. SEABORG,
Chairman.

Mr. AIKEN. Mr. President, thereafter the Committee on Foreign Relations held hearings. At that time, I made some inquiries relative to various provisions, but I did not complete all of my questioning. Therefore, under date of February 24, 1969, I wrote a letter to Secretary Rogers, and I enclosed a memorandum covering eight questions. I have received a reply from the Department of State, which is dated March 5, 1969.

Mr. President, I ask unanimous consent to have printed in the RECORD my letter to Secretary of State William P. Rogers and the reply I received from the Department of State, dated March 5, 1969.

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

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, D.C., February 24, 1969.

Hon. WILLIAM P. ROGERS,
Secretary of State,
Washington, D.C.

DEAR MR. SECRETARY: The nuclear Non-Proliferation Treaty (NPT) represents a significant move in United States foreign policy. Of particular importance are the scope and implications of the United States commitment related to the NPT made by President Johnson in December 1967 and endorsed by President Nixon earlier this month. This commitment states in part: " . . . when such safeguards are applied under the Treaty, the United States will permit the International Atomic Energy Agency to apply its safeguards to all nuclear activities in the United States—excluding only those with direct national security significance."

Russia has made no such pledge.

The Senate is now reviewing this Treaty and must consider the magnitude of the United States pledge. In this connection it seems to me that many details concerning the implementation of the United States commitment are left to future times. I know from some experience that it is dangerous to agree "in principle" and leave the details to future negotiations. To illustrate my concern, I asked Dr. Seaborg during the hearing if he would tell the Committee how many existing United States nuclear facilities will be placed under IAEA safeguards when the NPT goes into effect. Dr. Seaborg answered:

"Well, *this would have to be determined.* What we would do is *negotiate an agreement* with the IAEA that would specify the terms and conditions. I *couldn't state at this time,* but I would *hope* that it would be limited to *would negotiate this agreement.*" (Emphasis added.)

I also asked Dr. Seaborg whether he expected rules and guidelines on this to be laid down. He said:

"I would think that this would be not until the Treaty *was in full effect* and inspections were taking place in other countries that were adhering to the Treaty, *then we would negotiate this agreement.*" (emphasis added)

On the matter of who will inspect United States nuclear facilities, the following exchange took place:

"Senator AIKEN. . . . could citizens of Russia, or citizens of Soviet bloc nations inspect United States facilities?

"Dr. SEABORG. They may not.

"Secretary ROGERS. They may not.

"Dr. SEABORG. They may not, *if* we ask they not be included on the inspection team." (Emphasis added.)

It is my understanding that a Yugoslav national has already participated in an inspection of the Yankee atomic energy facility at Rowe, Massachusetts, and a Romanian national has been trained at a United States safeguards school at Argonne National Laboratory.

I understand that the United States can veto a particular inspector if our Government finds him objectionable. However, I would appreciate it if you would advise me of the specific number of vetoes the United States is allowed or if the vetoes are unlimited, what criteria has been established for such a veto.

I realize that every detail cannot be ironed out before the Senate approves the Treaty. However, we are undertaking a commitment to allow foreign nationals to inspect industrial facilities in the United States, a commitment that is *not* required of the United States under the NPT. As far as I know, we do not know the specific installations the foreign inspectors will visit, nor do we know exactly what they will inspect. We do not know how much they will enroach on the operational effectiveness of the plant to be inspected, nor do we know how United States industry will protect its trade secrets. It seems to me in making this unilateral gesture the Government has raised fundamental questions. I hope that they can be answered satisfactorily. In this connection, it would be appreciated if you would respond to the attached questions.

A related concern of mine is the matter of so-called Plowshare undertakings including both experimental and commercial activities. This matter was discussed at some length during the February 18, 1969 hearing, and Dr. Seaborg agreed to provide the Committee with a history of the Cape Keraudren project to include a breakdown of costs and the extent to which the United States or foreign private enterprise would participate and benefit in such experiments. I expect that the Department of State and the Atomic Energy Commission will keep the Foreign Relations Committee and the Joint Committee on Atomic Energy informed prior to any decision to go ahead on the Cape Keraudren project or any other peaceful uses of atomic energy nuclear detonation outside the continental limits of the United States.

Sincerely yours,

GEORGE D. AIKEN.

QUESTIONS

1. What authority does the U.S. Government have to require private companies in the United States to accept foreign inspection of their plants?

2. What is the estimated cost of inspecting U.S. facilities per year for the next five years? What is the basis for your estimate?

Who will pay for the cost of these foreign (IAEA) inspections of U.S. facilities? (These costs would include such items as overseas travel, per diem, and administrative expenses).

Has the matter of cost for inspections of United States facilities been firmly established or is it subject to renegotiation whereby the United States might find itself paying more than its 31% assessment for the IAEA budget?

3. Has the type and degree of inspection been established? For example, have manuals been written to show how to conduct an inspection of a reprocessing plant?

Have these manuals been standardized and approved by United States' representatives to IAEA?

Have any representatives of United States' industry reviewed these manuals to determine if they place an undue burden on the company to be inspected? If so, please list the company and manual.

If no manuals or specific procedures have been established to date, when will they be established? Will it clearly be before the first inspection of United States facilities following the entry into force of the NPT?

Will Congress have an opportunity under law to review procedures and manuals before they become effective?

4. If we are to impose a burden not technically required under the NPT on United States industry, it should be clear to what degree United States industry will be inspected by foreign officials. For example, a cursory bookkeeping inspection might take only a day or two. On the other hand, a thorough technical analysis of an entire plant might take several weeks and cause interruptions and loss of revenue by the company.

Can you be specific on the numbers and types of inspections the United States plants will be subjected to? Can you be specific on the length of time each inspection will take and the depth of each inspection?

If not, will these answers be known before the United States becomes committed to accept foreign inspectors under the December 2, 1967 commitment?

5. What provisions are made to protect United States industrial "trade secrets" from foreign inspectors?

6. Are there any plans for foreign "resident inspectors"?

7. Have you asked industrial representatives at Nuclear Fuel Services (NFS) if inspections have caused excessive loss of time or money because of the additional efforts required to take care of inspectors?

8. Have foreign inspectors carried out inspection of nuclear fuel at Hanford?

DEPARTMENT OF STATE,
Washington, D.C., March 5, 1969.

Hon. GEORGE D. AIKEN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR AIKEN: The Secretary has asked me to reply to your letter of February 24 concerning the U.S. safeguards offer which was made in connection with the Non-Proliferation Treaty.

Enclosed are answers, prepared by the Atomic Energy Commission, to the questions attached to your letter and to the additional question asked on page 2 of your letter.

With respect to the concern expressed in the last paragraph of your letter, I shall see to it that you are informed prior to any decision to go ahead on the Cape Keraudren project.

Sincerely yours,

WILLIAM B. MACOMBER, JR.,
Assistant Secretary for Congressional Relations.

ANSWERS TO QUESTIONS SUBMITTED BY SENATOR AIKEN

1. What authority does the U.S. Government have to require private companies in the United States to accept foreign inspection of their plants?

Answer: It is our intention in making this offer to rely upon the voluntary cooperation of the U.S. nuclear industry in implementing it. Our consultations with them, prior to making the offer, have given us confidence that this cooperation will be forthcoming. However, if it becomes necessary in any instance to rely on the regulatory powers of the U.S. Atomic Energy Commission to require the participation in the inspection system by specific companies, the Attorney General would have to determine the extent to which the Commission's current authority would permit it to require a licensee to open his facility to inspection by an organization other than the Commission or other U.S. agencies.

2. (a) What is the estimated cost of inspecting U.S. facilities per year for the next five years? What is the basis for your estimate?

Answer: The U.S. offer will not be implemented until the NPT comes into effect and safeguards are applied in non-nuclear-weapon states under the treaty. For purposes of illustration, however, one can show the effect of the IAEA beginning to safeguard a small fraction of U.S. activities and gradually increasing the number of activities safeguarded, until as much as one-fourth of all those

activities eligible under the offer are safeguarded, as follows:

IAEA safeguards costs

1970	$250,000
1971	750,000
1972	1,200,000
1973	1,600,000
1974	2,000,000
1975	2,500,000

If by 1975, the IAEA were safeguarding *all* U.S. activities eligible under the offer, the costs during that year would be about $10 million.

2.(b) Who will pay for the cost of these foreign (IAEA) inspections of U.S. facilities? (These costs would include such items as overseas travel, per diem, and administrative expenses.)

Answer: We anticipate that the safeguards agreement to be negotiated with the IAEA pursuant to the U.S. offer will contain a provision relating to the costs incurred under the Agreement. We would also anticipate, however, that the Agreement would follow the pattern of the Agency's current safeguards agreements which provide that the Agency will be responsible for the expenses which it incurs in carrying out inspections under the agreement. Under the IAEA's present system of financing, safeguards costs are included in the assessed budget, with the assessment for each member calculated in accordance with a formula similar to those employed by UN organizations.

2.(c) Has the matter of cost for inspections of United States facilities been firmly established or is it subject to renegotiation whereby the United States might find itself paying more than its 31% assessment for the IAEA budget?

Answer: See answer to 2.(b). No discussion has taken place in the IAEA, in light of the NPT or the U.S. offer, to revise the present system of financing the IAEA's safeguards activities.

3.(a) Has the type and degree of inspection been established? For example, have manuals been written to show how to conduct an inspection of a reprocessing plant?

Answer: The IAEA general safeguards principles and procedures have been set forth in INFCIRC/66/Rev. 2, a copy of which is enclosed. The IAEA has prepared for the use of its inspectors more detailed manuals of safeguards practice, as for example, for a reprocessing plant. That manual was based in part on a 3-volume manual prepared for the AEC by Nuclear Fuel Services, West Valley, New York, for safeguards at its commercial reprocessing plant and made available by AEC to the IAEA.

3.(b) Have these manuals been standardized and approved by U.S. representatives to IAEA?

Answer: The IAEA reprocessing plant safeguards manual was reviewed in draft in Vienna by U.S. experts in safeguards and chemical reprocessing, and comments were given to the IAEA.

3.(c) Have any representatives of United States industry reviewed these manuals to determine if they place an undue burden on the company to be inspected? If so, please list the company and manual.

Answer: The IAEA manual is considered to be proprietary information and not for dissemination to potential subjects of IAEA inspection. However, Nuclear Fuel Services did not complain of any undue burden placed on them by the IAEA safeguards which were conducted there in accordance with the IAEA manual.

Based on the experience of IAEA implementation of safeguards in the NFS, West Valley plant, it appears that the IAEA manual for reprocessing plants is quite similar to the manual produced by NFS.

Nuclear Fuel Services considered, in preparation of its manual, the expected impact on its plant and did not conclude that it placed an undue burden on NFS. Several other U.S. companies have received copies of the NFS manual, including Allied Chemical Company and the General Electric Company who are planning to construct their own chemical reprocessing plants. Neither company has advised the AEC that the safeguards procedures in that manual would constitute an undue burden.

3.(d) If no manuals or specific procedures have been established to date, when will they be established? Will it clearly be before the first inspection of United States facilities following the entry into force of the NPT?

Answer: See answer to 3.(a) above.

3.(e) Will Congress have an opportunity under law to review procedures and manuals before they become effective?

Answer: As noted in the answer to 3.(b) above, the IAEA considers its detailed inspection procedures to be privileged information. They do not consider open disclosure of their detailed inspection techniques and plans to be in the best interest of their safeguards responsibility. Further, they would not wish to be placed in a position of appearing to invite modifications to their procedures by parties which may be subject to those procedures and which may therefore not be completely objective. However, a member who felt that procedures were ineffective or too burdensome would have recourse to the Board of Governors.

4. If we are to impose a burden not technically required under the NPT on United States industry, it should be clear to what degree United States industry will be inspected by foreign officials. For example, a cursory bookkeeping inspection might take only a day or two. On the other hand, a thorough technical analysis of an entire plant might take several weeks and cause interruptions and loss of revenue by the company.

Can you be specific on the numbers and types of inspections the United States plants will be subjected to? Can you be specific on the length of time each inspection will take and the depth of each inspection?

If not, will these answers be known before the United States becomes committed to accept foreign inspectors under the December 2, 1967 commitment?

Answer: INFCIRC/66/Rev. 2 sets forth a guide as to the maximum frequency of inspections for smaller facilities. For major types of nuclear plants handling substantial quantities of nuclear material, INFCIRC/66/Rev. 2 provides that inspectors shall have access at all times, which will normally be implemented by continuous inspection. In view of the limited objectives of safeguards inspections, i.e., to verify that diversions of nuclear material have not taken place, it would not be expected and it has not been our experience that IAEA safeguards are applied in such intensity and breadth that plant operation is interrupted or that revenue is lost by the operator. The inspection, in each case, will be conducted in a manner appropriate to the particular circumstances surrounding the nuclear material involved. One such factor is the extent to which the plant's own nuclear material control system has been efficient and effective prior to the time of inspection. Such factors cannot be specified in detail in advance. In any event, we do not foresee that safeguards will impose any significant burden on U.S. industry.

5. What provisions are made to protect United States industrial "trade secrets" from foreign inspectors?

Answer: INFCIRC/66/Rev. 2, "The Agency's Safeguards System" states in paragraph 13: "In implementing safeguards, the Agency shall take every precaution to protect commercial and industrial secrets. No member of the Agency's staff shall disclose, except to the Director General and to such other members of the staff as the Director General may authorize to have such information by reason of their official duties in connection with safeguards, any commercial or industrial secret or any other confidential information coming to his knowledge by reason of the implementation of safeguards by the Agency." Paragraph 14 further states: "The Agency shall not publish or communicate to any State, organization or person any information obtained by it in connection with the implementation of safeguards, except that:

(a) Specific information relating to such implementation in a State may be given to the Board and to such Agency staff members as require such knowledge by reason of their official duties in connection with safeguards, but only to the extent necessary for the Agency to fulfill its safeguards responsibilities;

(b) Summarized lists of items being safeguarded by the Agency may be published upon decision of the Board; and

(c) Additional information may be published upon decision of the Board and if all States directly concerned agree."

INFCIRC/6/Rev. 2 states in regulation 10c: "Members of the Secretariat shall exercise the utmost discretion in regard to all matters of official business. They shall not communicate to any person or government any information know to them by reason of their official position which has not been made public, except in the course of the performance of their duties or by authorization of the Director General. They shall not at any time use such information to provide advantage and they shall not at any time publish anything based thereon except with the written approval of the Director General. These obligations shall not cease upon separation from the Secretariat."

In addition to the protection provided by the IAEA's regulations, the operator of each facility being inspected may withhold from the inspectors any data which is not necessary for the performance of safeguards. We are not aware of any instance of the IAEA requiring, for purposes of its safeguards, any information which any plant operator considered to be a "trade secret".

6. Are there any plans for foreign "resident inspectors"?

Answer: Large facilities, such as the Yankee Power reactor and NFS, while processing large quantities of safeguarded nuclear material, qualify for what the IAEA calls "access at all times" by inspectors. IAEA inspectors were present at NFS during the more than seven weeks in 1967 during which safeguarded Yankee fuel was being processed. During each of several refuelings of the Yankee Power Reactor, the IAEA has had personnel in residence for each period of several weeks when the reactor was opened.

There are no plans at present for the IAEA to station personnel permanently at any U.S. facility currently subject to IAEA safeguards.

7. Have you asked industrial representatives at Nuclear Fuel Services (NFS) if inspections have caused excessive loss of time or money because of the additional efforts required to take care of inspectors?

Answer: Mr. J. Clark of NFS in a report of October 1967 requested by US AEC on the first inspection of IAEA of NFS stated that: "The safeguards exercise caused no delays in processing, but involved significant manhours of NFS operations and staff." He added that the requirements for assistance by the facility should decrease as the IAEA inspectorate became more knowledgeable and inspection procedures were optimized.

Messrs. C. Runion and J. Clark of NFS in referring to the IAEA inspection stated at the Atomic Industrial Forum at Boca Raton, Florida in March 1968: "Contrary to our fears in 1963 the inspection did not place an undue burden upon NFS." They did point out that large numbers of visitors other than inspectors visited the plant during inspection and that this influx of visitors created extra burdens on the NFS staff and some extra expense.

8. Have foreign inspectors carried out inspection of nuclear fuel at Hanford?

Answer: The plutonium obtained from the safeguarded Yankee fuel reprocessed at Nuclear Fuel Services under IAEA safeguards in August and September 1967 is stored at Richland, Washington, formerly known as Hanford. After a visit by an IAEA inspector, the facility, which is located in an area outside that in which classified work is carried out, was approved for storage. The safeguarded plutonium stored there has been inspected by the IAEA upon two occasions.

Question from page 2 of Senator Aiken's letter to Secretary Rogers.

"I understand that the U.S. can veto a particular inspector if our Government finds him objectionable. However, I would appreciate it if you would advise me of the specific number of vetoes the United States is allowed or if the vetoes are unlimited, what criteria has been established for such veto."

Answer: IAEA provisions for designation of inspectors are as follows:

"1. When it is proposed to designate an Agency inspector for a State, the Director-General shall inform the State in writing of the name, nationality and grade of the Agency inspector proposed, shall transmit a written certification of his relevant qualifications and shall enter into such other consultations as the State may request. The State shall inform the Director-General, within 30 days of receipt of such a proposal, whether it accepts the designation of that inspector. If so, the inspector may be designated as one of the Agency's inspectors for that State, and the Director-General shall notify the State concerned of such designation.

"2. If a State, either upon proposal of a designation or at any time after a designation has been made, objects to the designation of an Agency inspector of that State, it shall inform the Director-General of its objection. In this event, the Director-General shall propose to the State an alternative designation or designations. The Director-General may refer to the Board, for its appropriate action, the repeated refusal of a State to accept the designation of an Agency inspector if, in his opinion, this refusal would impede the inspections provided for in the relevant project or safeguards agreement."

In practice, the IAEA informally advises the State concerned of its intention to designate specific inspectors, prior to the formal written proposal of designation of an inspector called for in paragraph *1* above. During this informal process, the State concerned has an opportunity to make the IAEA aware that no inspectors of a certain nationality, for example, would be acceptable. The variety of nationalities represented among the IAEA's inspectors permit the Director-General to designate inspectors for a particular State, which will not be unacceptable, while avoiding a situation where a State accepts only inspectors of friendly nationalities.

ABM COULD BE NIXON'S VIETNAM

Mr. YOUNG of Ohio. Mr. President, the decision by President Johnson to begin construction of an anti-ballistic-missile system was a tragic mistake, exceeded in magnitude and gravity only by his decision to escalate our involvement in the civil war in Vietnam raging between the forces of the National Liberation Front and the Saigon militarists since our puppet President of South Vietnam canceled the election promised in the Geneva agreement to be held in 1956 to unify Vietnam.

President Nixon has inherited this problem. It is reported that he will soon announce whether he will recommend that this boondoggle be continued. The word "boondoggle" is hardly strong enough to describe the idiocy of the ABM proposal—a program that could eventually cost taxpayers more than $100 billion and add nothing whatever to the defense of the United States.

Mr. President, should President Nixon decide to proceed with this lunacy and make this horrendous blunder, it could well turn out to be the Achilles heel of his administration. Just as many of those who applauded the escalation and expansion of the war in Vietnam by President Johnson in 1964, 1965, and 1966 were calling it "Lyndon's war" throughout the political campaign of 1968, so many of those now urging the deployment of the ABM system may well be calling it "Nixon's folly" in 1972.

Apart from our involvement in Vietnam, there is no issue now of greater portent to the welfare of our Nation or to the cause of world peace than that of the ABM. Estimates of the cost for the so-called thin Sentinel ABM system alone now approximate $10 billion—this from an original estimate in 1967 of $3.5 billion. We all know that costs of Defense Department proposals seem to multiply rapidly before these programs are completed. The distinguished senior Senator from Missouri (Mr. SYMINGTON) recently referred to a report published by the Brookings Institution to substantiate this fact. The report stated in part:

> During the 1950's, virtually all large military contracts reflected an acceptance by the military agencies of contractor estimates which proved highly optimistic. Such contracts ultimately involved costs in excess of original contractual estimates of from 300 to 700 percent.

If work on the Sentinel system is allowed to continue, before long we would be faced with the construction of the biggest boondoggle in the history of mankind. It would financially fatten the military-industrial complex, but would also result in the production of huge masses of junk that would be meaningless in terms of national security.

The Sentinel ABM installed close to cities at tremendous cost would be obsolete before completion. Furthermore, how silly to establish a thin ABM system against any threat from Red China which has only an inferior Navy and Air Force.

This indefensible expenditure would be an utter waste of taxpayers' money, just as all of the millions heretofore spent on anti-ballistic-missile systems have been fruitless and wasteful. The fact is that the United States has spent almost $19 billion since World War II on missile systems that either were never finished or were out of service and no good whatever when completed because of obsolescence. More than $5 billion was spent on the Nike-Ajax missile system, the Nike-Zeus, and following that the Nike X. This was taxpayers' money down the drain, utterly wasted. These systems were ineffective and useless by the time they were completed.

Mr. President, when this boondoggle was first conceived Americans were told that it was to be a defense for intercepting and destroying low-grade unsophisticated Chinese missiles—that it would be totally useless against sophisticated missiles which the Soviet Union already has and which in years to come China will develop. President Nixon has publicly admitted that the Sentinel system was not designed as a permanent limited defense against any possible attack from the Chinese.

Actually, it was clear to anyone who has studied this matter carefully that the Chinese rationale was a fiction from its inception. The Sentinel system will require at least 5 years for full deployment at a cost estimated at $10 billion but which would undoubtedly be much higher. Nobody in or out of the Pentagon has more than the vaguest notion of what China's nuclear capability might be at the end of that 5-year period. Given this inability to accurately assess what the Chinese will be able to produce 5 years from now, it is quite possible that the ABM system would be as useless against China as it would be today against the Soviet Union.

Even if we could predict the Chinese capability 5 years hence, it does not follow that we should spend billions of dollars to ring our cities with hydrogen bombs. The fact is that we already have the most formidable system of deterrence in the world. It lies in our capability of totally destroying any adversary, even if most of our offensive missile sites were destroyed. Both the United States and the Soviet Union have long possessed this power of overkill. It provides a precarious equilibrium of balance of terror which has thus far prevented limited wars from escalating into an all-out military confrontation.

Our only real defense against the threat of a nuclear attack is the deterrence of our overwhelming offensive forces. Our tremendous potential offensive is our best defense. We must keep our offensive power so far ahead of the Russian and Chinese defenses that it will remain perfectly clear and obvious to the Soviet and Chinese leadership that a first strike against us will trigger an unbearable response. Soviet missiles may threaten our land-based ICBM force, but they cannot threaten our large and highly effective Polaris force which is based on submarines and is invulnerable to attack. These nuclear submarines are capable of remaining underwater for as long as 300 days and nights. These missiles have a maximum range of 2,875 miles. No area in the vast land mass of the Soviet Union or Communist China is safe from devastation by missiles fired from these submarines. Soon we shall have a capability of striking on target with nuclear warheads fired from Polaris submarines at a distance of 6,000 miles.

Should we proceed to build this ABM system, the leaders of the Soviet Union are almost certain to respond with increases in offensive strength which would negate any advantage from ABM deployment. By plunging ahead with an ABM system, we run the risk of escalating the arms race to a fantastically high and unbelievably costly plateau. This upward spiral of the arms race would leave both sides with no more real security than each has now.

After both sides have anti-ballistic-missile systems, we may rest assured that the race will then start all over again to

produce new, more expensive and more sophisticated missiles that can penetrate the antimissile systems. After another costly race is over, there is every reason to believe that the balance of power will settle at the same point where it now rests.

To embark upon a project of such dubious value at such fantastic expense against the advice of former Secretary of Defense McNamara and the scientific advisers to three Presidents—Eisenhower, Kennedy, and Johnson—makes no sense whatever. It is now perfectly clear that Secretary McNamara was opposed to construction of any ABM system and only reluctantly compromised for the "thin" system under great pressure from the Joint Chiefs of Staff and other powerful figures in the military-industrial complex and also very likely from President Johnson. Let us hope that Defense Secretary Laird will show a greater resistance to this sort of pressure.

Mr. President, in the March 1, 1969, issue of Forbes magazine, one of the Nation's leading and most authoritative business publications, there appeared an excellent editorial entitled "Shoot It Down," which succinctly stated the case against proceeding with this half-baked ABM proposal. I ask unanimous consent that this editorial be printed in the RECORD at this point.

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

SHOOT IT DOWN

Sentinel, a half-baked $6- to $10-billion antimissile program, I think will be shot down by a combination of worried constituents and sensible congressmen.

When Defense Secretary Laird first said he was going ahead with this "thin" facade, I felt most glum about him.

The prime justification put forward for this vastly expensive boondoggle was that it would help us to bargain with the Russians. The logic of this totally escaped me, since the Reds presumably could read in our papers that the "system" couldn't interfere with the kind of nuclear assault the Russians could launch, and was intended primarily as a negotiating ploy.

My hopes for Mr. Laird rebounded when he responded to Congressional doubters and postponed the Sentinel "for further study." Now he talks of it as a defense against Chinese missiles and/or as a project to give us "experience" in constructing a missile defense, etc.

If Mr. Laird doesn't have the sense to sentence Sentinel to be shot down, there's high hope that Congress will do it for him.

Mr. YOUNG of Ohio. Mr. President, to devote billions and billions of dollars, the brains of thousands of our most brilliant scientists and the industry of hundreds of thousands of our most skilled workers to the construction of an ABM system is pure madness. To divert a great part of our Nation's resources to this boondoggle would be unconscionable at a time when millions of Americans are living in poverty and hunger. We can no longer afford to indulge the Generals of the Joint Chiefs of Staff in this most recent of their expensive fantasies for which they have created a multimillion-dollar public relations program to promote.

Let us hope that the President and his advisers will soon decide to allow the ABM proposal to be abandoned unwept, unhonored, and unsung.

WASTE AND CARELESSNESS IN ADMINISTRATION OF AID PROGRAM

Mr. WILLIAMS of Delaware. Mr. President, on yesterday, I received from Mr. J. K. Mansfield, the Inspector General of our foreign aid program, operating in the Department of State, some examples of the waste and carelessness in our AID program.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter I received from the Department of State, signed by J. K. Mansfield, dated March 5, 1969, which accompanied the reports.

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

DEPARTMENT OF STATE,
March 5, 1969.

Hon. JOHN J. WILLIAMS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR WILLIAMS: I am happy to submit the enclosed material to you in response to your request for another set of examples of the work of our office similar to the compilations you have received in the past.

With best personal regards, I am,
Sincerely yours,

J. K. MANSFIELD.

Mr. WILLIAMS of Delaware. Later I shall ask to have the entire list of examples accompanying this letter be printed in the RECORD, but first I invite the attention of the Senate to a few of the more pertinent cases as abuse:

AFGHANISTAN

At the Kandahar Airport, an IGA team inspected an idle twin-engine C–45 airplane which had been given to Afghanistan in 1959, flown but a few times, and never used for its intended purpose. Steps were thereupon taken to employ the aircraft for instructional purposes in a training school.

BOLIVIA

IGA contributed to the locating of 53 U.S.-financed trucks worth $320,000 which had been supplied to the Bolivian Army. Because of some slipup in the control system, the U.S. country team did not know these trucks were in the country, and knew nothing about their location, condition, or use. The situation was immediately corrected.

BRAZIL

First. IGA inspectors visiting the port of Santos came across a military assistance financed airport cleaner machine which they were told had been sitting in a customs warehouse for 11 years. The machine was thereupon released from the warehouse and issued for use.

Second. IGA reported that an AID-financed generator, which had been granted to the Brazilian Air Ministry at least 4 years before, had never been used. The generator was thereupon installed at the Sao Paulo airport for use in running weather radar equipment.

INDIA

At the Calcutta port, an IGA team found 20 cases of AID-financed heavy equipment which was to be used at the Central Ropeway project in the State of Bihar. The goods had been in storage for about 6 months. They were thereupon cleared from the port.

IRAN

IGA pointed out that the U.S. military mission in Iran had received 1,175 official visitors from the United States during the course of 1 year. This number of visits appeared to IGA to be excessive—in terms both of drain on the time of the members of the mission, and costs of per diem and transportation money. The per diem rate in Tehran is $20 per day, and a roundtrip ticket from Washington to Tehran costs $979.

These observations stimulated a worldwide Department of Defense review, aimed at cutting down unnecessary visits to overseas military missions.

SENEGAL

IGA expressed concern over some $500,000 worth of MAP-furnished engineering equipment which had not been used since 1964. This equipment now is being put to its intended use.

TURKEY

At an IGA suggestion, AID revised instructions to its overseas missions toward the end of insuring that AID-controlled local currency will not be used to finance gambling facilities or hotels proposing to have such facilities.

VIETNAM

IGA cited instances of where, although large amounts of money had been spent to airlift AID-financed goods to Vietnam in the interest of speed, the goods went unused for long periods of time after their arrival. Despite a last-minute attempt by AID to stop the use of air transport, in one case $40,000 had been spent to ship 12 tons worth $6,000 of pipes and fittings. In another case $25,000 had been spent to ship $125,000 of teletype equipment for which no immediate use seemed indicated. IGA therefore recommended a general tightening up of procedures governing air shipments. This was done.

PRIOR SCREENING OF COMMODITY ELIGIBILITY FOR AID FINANCING

Information developed by IGA on AID-financed imports of luxury and ineligible goods played an important part in causing Members of the Congress to urge that AID start screening commodities for eligibility prior to financing, rather than relying upon postaudit. A commodity eligibility prevalidation system was thereupon put into effect. The screening unit established in the spring of last year has to date ruled that over $6 million of proposed imports should not be financed by AID.

LABELS

IGA took exception to the prices being charged for pasting AID handclasp and Alliance for Progress labels on AID-financed taxis. In one case, a supplier was charging $7.50 for affixing two gummed paper labels on a car. The labels in question cost less than 2 cents apiece and can be pasted on a car in a matter of seconds.

Mr. President, I now ask unanimous consent that a more extended set of examples as furnished by Mr. J. K. Mans-

field, the inspector general, be printed at this point in the RECORD.

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

SOME EXAMPLES OF IGA WORK, MARCH 1969

(Prepared by the Department of State, Office of the Inspector General of Foreign Assistance (IGA))

This memorandum has been prepared in response to Congressional requests for another set of unclassified examples of the work of the office of the Inspector General of Foreign Assistance. It is similar to compilations furnished to the Congress in the past.

Most of the summaries in this memorandum have to do with work performed in 1968. Some are 1967 examples which have not been reported previously.

Supporting documentation for these summaries is contained in an annex.

AFGHANISTAN

1. There were long-standing plans for building an AID-financed railroad spur between Chaman, in Pakistan, and Spin Baldak, in Afghanistan. Finding no real economic justification for the project, IGA recommended that the project not go forward and that the $650,000 set aside for it be deobligated. This was done.

The decision not to proceed with the spur also freed for other purposes some $200,000 worth of local currency which had been generated under P.L. 480 and earmarked for the project. Thus, the total of the equivalent of $850,000 was freed for more productive uses.

2. At the Kandahar Airport, an IGA team inspected an idle twin-engine C–45 airplane which had been given to Afghanistan in 1959, flown but a few times, and never used for its intended purpose. Steps were thereupon taken to employ the aircraft for instructional purposes in a training school.

BOLIVIA

1. IGA contributed to the locating of 53 U.S.-financed trucks worth $320,000 which had been supplied to the Bolivian Army. Because of some slip-up in the control system, the United States country team did not know these trucks were in the country, and knew nothing about their location, condition or use. The situation was immediately corrected.

2. IGA recommended that three U.S.-financed mobile shop vans costing a total of $47,000, which were going unused in La Paz, where they were not needed, be moved to the countryside, where they were needed. Two of the vans were thereupon sent to operating units and efforts are being made to find a use for the third van.

BRAZIL

1. IGA inspectors visiting the Port of Santos came across a military assistance-financed airport cleaner machine which they were told had been sitting in a customs warehouse for eleven years. The machine was thereupon released from the warehouse and issued for use.

2. IGA reported that an AID-financed generator, which had been granted to the Brazilian Air Ministry at least four years before, had never been used. The generator was thereupon installed at the Sao Paulo airport for use in running weather radar equipment.

3. After examining the system the AID Mission was using to keep track of goods arriving in Brazil, IGA suggested that it might be useful to adopt certain features of the arrival accounting system used in Turkey, which had previously attracted favorable notice from both AID headquarters and IGA. The suggestion was adopted.

CHILE

IGA said there had been excessive delay in putting to work some 30 million escudos generated from P.L. 480 sales. Because of inflation, the idle escudos were rapidly losing much of their value.

Following the IGA comments, AID made renewed efforts to put these monies to work. Program uses were found for two-thirds of the money, and the remaining one-third—equivalent at the time to $1.7 million—was released for United States Government uses, thus assisting our balance-of-payments.

CHINA

1. An IGA review helped focus attention upon $1,000,000 of Cooley loan funds which were standing idle. The funds were subsequently decommitted and placed in a Treasury account where they were available for general U.S. uses, thereby making a contribution to easing the balance-of-payments problem.

2. At a time when Voluntary Agency feeding programs were phasing out, IGA cooperated with AID in a review designed to make sure that good use was made of the large remaining inventories of foodstuffs.

COLOMBIA

1. At IGA's suggestion, 141 U.S. Military Assistance-financed radio/vehicle installation units costing a total of $14,000 were declared excess to Colombia's needs and made available for use elsewhere.

2. An IGA team noted deficiencies in the manner in which U.S. Military Assistance-financed ammunition was stored. The situation posed a safety hazard. Corrective action was taken immediately.

3. IGA noted that some $60,000 had been set aside to import tires for civic action construction battalions, although many of the sizes needed were being manufactured locally. The AID Mission agreed the tires should be bought locally with Colombian pesos, and not dollars.

CONGO (KINSHASA)

AID had paid a company with an investment guaranty $80,000 worth of dollars in exchange for its local currency earnings. In the interest of the balance-of-payments, IGA strongly urged that the Congolese National Bank be asked to agree to convert the local currency earnings into dollars. This was done, and AID has made no further dollar payments.

DOMINICAN REPUBLIC

IGA inspectors crossing a bridge over the Yuna River noticed that, although the bridge was equipped with twelve tall lighting fixtures, there was no electricity. The bridge had been built more than two years before with AID help. Electricity was promptly provided after the situation was brought to the attention of the AID Mission.

ETHIOPIA

An IGA review of a vocational training project with a troubled history supported AID Mission decisions to defer the purchase of some $120,000 worth of training equipment and to take certain administrative steps which hold out promise of improving the project.

GREECE

Greece had a need for some uniform cloth which was in long supply in the United States Army. However, Greece was reluctant to buy the cloth using dollars exclusively. IGA noted that the United States Government was spending dollars to buy drachmas for its own needs in Greece. It pointed out that any drachmas obtained through sale of this cloth would reduce the need for buying drachmas with dollars. Such purchases with dollars have an adverse effect upon the U.S. balance-of-payments.

IGA thereupon cooperated with State, Defense and Treasury in working out an arrangement whereby the cloth was sold for $225,000 plus the equivalent of $750,000 in drachmas. The drain on the United States balance-of-payments was reduced correspondingly.

GUINEA

Because of staff reductions, the AID Mission had excess furniture and vehicles at a time when the Peace Corps was resuming a program in Guinea. IGA alerted the Peace Corps to the existence of these surplus goods, and the Peace Corps is moving to make use of them.

HONDURAS

IGA observations proved useful when AID took steps to bolster an investment guaranty housing project which was in trouble.

INDIA

1. After visiting several AID-financial projects in Eastern India, IGA recommended early deobligation action on four loans. Approximately $2.5 million was subsequently deobligated.

2. IGA suggestions played a part in bringing about more effective and economical management practices at the AID-financed Indian Institute of Technology at Kanpur.

3. At the Calcutta port, an IGA team found 20 cases of AID-financed heavy equipment which was to be used at the Central Ropeway project in the State of Bihar. The goods had been in storage for about six months. They were thereupon cleared from the port.

INDONESIA

Further progress was made in adopting a comprehensive series of IGA recommendations aimed at using U.S.-owned near-excess Indonesian rupiahs, rather than dollars, to pay for housing rents, voluntary agency expenses, and air travel to the United States. The resulting contribution to the U.S. balance-of-payments is now approaching $500,000 annually.

IRAN

IGA pointed out that the United States military mission in Iran had received 1175 official visitors from the United States during the course of one year. This number of visits appeared to IGA to be excessive—in terms both of drain on the time of the members of the Mission, and costs of per diem and transportation money. The per diem rate in Tehran is $20 per day, and a round-trip ticket from Washington to Tehran costs $979.00.

These observations stimulated a worldwide Department of Defense review, aimed at cutting down unnecessary visits to overseas military missions.

IVORY COAST

In 1966 the United States Government furnished the Ivory Coast with a fishing ship toward which AID made a $495,000 contribution of which $265,000 was a grant and $230,000, a local currency loan. It was beset with technical and operating problems from the time it made its maiden voyage to Abidjan. IGA expressions of concern helped speed corrective action.

KOREA

IGA found that certain gaps in Peace Corps regulations were resulting in foreign procurement when buy-American would have been possible and preferable. New regulations were adopted.

LAOS

1. Following IGA's suggestion that this be done, 20 new windmills costing a total of about $50,000, which were not needed in Laos, were declared excess in 1968 and transferred to Thailand, where they were needed.

2. To promote economy, IGA recommended that two separate AID Mission motor pools at Pakse be consolidated into one. This was done.

LEBANON

After IGA collaborated with AID in investigating an excess property transaction in Lebanon involving a voluntary agency, AID issued new manual orders to bring about closer monitoring of such matters in the future.

LIBERIA

IGA's suggestions contributed to putting some $4,000 worth of idle AID-financed machine tools to work.

MALAYSIA

On a trip to Malaysia in November, 1968, IGA noted that the Peace Corps was sending air freight for Malaysia to the United States via foreign air lines. In the interest of the balance-of-payments, IGA suggested that henceforth foreign lines be used only to a point of connection with an American carrier. This will be done.

MICRONESIA

The Peace Corps took corrective action after an IGA review focused attention on weaknesses in Peace Corps procurement procedures which had resulted in insufficient competitive bidding and a failure to use General Services Administration procurement services.

MOROCCO

IGA inspectors visited three tanneries and reported upon hazardous working conditions caused by inadequate safety guards on AID-financed machines. The Mission is working with the Government of Morocco to try to bring about improvements.

NEPAL

At the suggestion of IGA, the AID Mission developed a workable plan for putting to work nine steel truss bridge units which had long been in storage.

NICARAGUA

1. In 1967, the United States Government bought $900,000 worth of local currency on the commercial market. This constituted a balance-of-payments outflow. In 1968, IGA suggested methods of securing additional local currency in Nicaragua through the use of Special Letters of Credit. The suggestion was adopted and our balance-of-payments outflow will be reduced by about $500,000 annually.

2. IGA made a detailed review of the status of sub-loans being made under an AID industrial development loan. It came upon two local currency sub-loans which were not being used for industrial development purposes. IGA suggested that a refund claim be filed. AID subsequently was reimbursed the equivalent of $179,000.

NIGERIA

1. IGA expressions of concern over the lack of adequate maintenance at the Aiyetoro Comprehensive School, partially-AID financed, had a catalytic effect in bringing about corrective measures.

2. IGA observations played an important part in causing AID headquarters and the AID Mission in Nigeria to undertake a comprehensive management systems study of the Mission. Wide-ranging improvements in management practices and procedures are expected as a result.

PAKISTAN

1. In the interest of the United States balance-of-payments, an IGA team recommended that a survey be made to see whether contractor employees under AID-financed loans were in fact buying rupees through official channels, rather than on the open market. The subsequent audit found that such rupee purchases were generally not being made through official channels, and estimated the magnitude of unofficial conversions at approximately $500,000 annually. There was a corresponding adverse impact upon the United States balance-of-payments. AID is now negotiating with the Treasury to devise procedures to avoid this problem.

2. IGA observed that, in the case of an American company providing AID-financed services to the Government of Pakistan, AID made payments to a foreign subsidiary of the company located in a third country, rather than the United States corporation itself. Such transactions appear on the United States balance-of-payments as a negative item. AID thereupon issued a manual order designed to prevent situations of this kind.

PHILIPPINES

IGA inspectors reviewed the status of Cooley and Section 402 local currency accounts. Their subsequent observations made a contribution to a decision to unfund about $510,000 worth of pesos, thus making them available for general United States uses and assisting the balance-of-payments in the process.

SENEGAL

IGA expressed concern over some $500,000 worth of MAP-furnished engineering equipment which had not been used since 1964. This equipment now is being put to its intended use.

TANZANIA

Two duplicate obligations had been made for the same purchase—38 typewriters costing $7,728. When IGA brought this situation to the attention of the AID Mission, steps were immediately taken to correct the error and to employ one of the obligations for other uses.

THAILAND

In IGA review of the malaria eradication program revealed that about $30,000 worth of AID-financed commodities were excess to the project's needs in North Thailand. The commodities were shifted to Bangkok for use there.

TUNISIA

1. About $560,000 worth of AID-financed equipment had been supplied to agricultural machinery repair shops. An IGA team noted that four of the shops were not open and that others were underemployed. IGA thereupon recommended that the Mission make a high-level approach to the Government of Tunisia, aimed at bringing about effective use of these shops. This was done, and marked improvements resulted.

2. In the interest of U.S. balance-of-payments, IGA recommended that the U.S. country team do more to encourage the use of U.S.-owned excess dinars by all those authorized to purchase them. This was done.

TURKEY

At an IGA suggestion, AID revised instructions to its overseas missions toward the end of insuring that AID-controlled local currency will not be used to finance gambling facilities or hotels proposing to have such facilities.

URUGUAY

1. IGA recommended arrangements whereby local currency, rather than U.S. dollars, would be used to pay certain technical and administrative support costs. AID adopted the suggestion. Budgetary and balance-of-payments savings will be in the neighborhood of $90,000.

2. IGA endorsed a proposal whereby the Uruguayan Armed Forces would be permitted to sell used United States-financed jeeps and to use the sales proceeds for buying new jeeps in the United States. The arrangement was designed to reduce repair costs and to assist the U.S. balance-of-payments situation. The Department of Defense thereupon said that it would take steps to carry out the proposal.

VIETNAM

1. Information developed by IGA furnished the starting point for an AID and Congressional investigation of transactions involving a United States supplier for the commodity import program. The supplier was in due course indicted for filing false certificates to obtain AID funds, pleaded no contest to the indictment, and is now awaiting sentence.

2. A comprehensive IGA review of the computer-based information system employed for the Viet-Nam AID program proved of assistance to senior mission officials in their efforts to make the system a more effective management tool.

3. $1.4 million worth of structural steel was sent to Viet-Nam for the construction of barges. Only a small quantity was used for this purpose and IGA's expression of concern over the stored balance contributed to its reallocation for use in the post-Tet emergency.

4. After visiting a warehouse complex, IGA inspectors reported to the AID Mission about considerable quantities of rice which, because of poor warehousing practices, had become infected. The Mission reported that the U.S. Army had been requested to fumigate the warehouses, and had done so. In keeping with IGA recommendations, the Mission then took additional steps aimed at keeping the rice vermin-free.

5. IGA findings to the effect that large numbers of people still on refugee lists had long been resettled and integrated in new locations contributed to efforts to establish a more accurate count of the true refugee population.

6. Noting that the large bulk of the refugees are in the I and II Corps areas, IGA recommended that additional resources in men and materiel be transferred to these Corps areas from III and IV Corps, where the need for them is less pressing. This was done.

7. IGA observations played a part in steps taken to beef up staffing in refugee reception centers. IGA expressions of concern over inadequate transportation support for the refugee program were followed by corrective steps.

8. IGA inspectors going through Saigon docks came upon some 18,000 AID-financed instruction books, which were earmarked for auction and of whose existence the AID Mission was unaware. Steps were taken to recover the books for use in the Viet-Nam education system.

9. AID-financed shipments of iron and steel secondary products from the United States had a troubled history. IGA expressions of concern played a part in a decision to have the Government of Viet-Nam henceforth buy such products with its own foreign exchange.

10. Information developed by IGA on certain supplier payments permitted AID to obtain a $9,900 refund.

11. IGA cited instances of where, although large amounts of money had been spent to airlift AID-financed goods to Viet-Nam in the interest of speed, the goods went unused for long periods of time after their arrival. Despite a last-minute attempt by AID to stop the use of air transport, in one case $40,000 had been spent to ship 12 tons worth $6,000 of pipes and fittings. In another case $25,000 had been spent to ship $125,000 of teletype equipment for which no immediate use seemed indicated. IGA therefore recommended a general tightening up of procedures governing air shipments. This was done.

BALANCE OF PAYMENTS AND THE SPECIAL LETTERS OF CREDIT PROCEDURE

IGA learned that several AID missions in Latin America were using the so-called Special Letter of Credit procedure to generate local currency for loan projects, but not for grant projects. Monies needed for the grant projects were being purchased instead with dollars, thus contributing to the United States balance-of-payments drain. AID adopted an IGA recommendation that the SLC procedure be used both for grants and loan projects. As a result, the United States balance-of-payments drain should be reduced by several million dollars annually.

DEOBLIGATION OF INVESTMENT SURVEY FUNDS

Under this program, AID may, in certain circumstances, pay one-half of the cost of

surveys conducted by private industries or companies to determine the feasibility of a possible foreign investment.

A detailed IGA financial analysis of this program brought to light many instances in which monies not required for the program were still tied up and carried on the books. When AID learned of this situation, it agreed to make an immediate review of outstanding obligations. About $800,000 was deobligated as a result.

SCHOOL PARTNERSHIP PROGRAM

Under this program American school children make contributions to foreign schools with which the Peace Corps is associated. The Peace Corps adopted IGA recommendations for improving the financial management of this program.

USE OF EXCESS U.S.-OWNED CURRENCY FOR AIR TRAVEL AND AIR FREIGHT

Through an oversight, instructions requiring the use of excess U.S.-owned currency for air travel and air freight to and from Bolivia and Morocco had never been issued. This was done after IGA pointed out the gap.

BALANCE OF PAYMENTS AND PUBLIC LAW 480 SALES

IGA recommended that for countries where the United States needs local currency, the initial down payments on P.L. 480 loans consist not only of the standard 5 per cent dollar payment, but also an additional payment in local currency. This could in certain conditions produce a current saving in the U.S. balance-of-payments. AID, with other Inter-Agency Staff Committee members, is exploring this and other P.L. 480 financing techniques.

UNCOLLECTED BILL

A bookkeeping review of a contract between CUNA International and AID showed that some $30,000 of money owed to AID had gone uncollected for a long period of time. Prompt corrective action was taken after IGA invited the attention of AID to this matter.

PROCUREMENT OF AUTOMOBILES

IGA cited instances of where AID contractors were buying autos from private dealers at prices substantially above those the government would pay if it purchased the cars through the General Services Administration. AID issued instructions calling for greater reliance on GSA procurement.

PRIOR SCREENING OF COMMODITY ELIGIBILITY FOR AID FINANCING

Information developed by IGA on AID-financed imports of luxury and ineligible goods played an important part in causing members of the Congress to urge that AID start screening commodities for eligibility prior to financing, rather than relying upon post-audit. A commodity eligibility pre-validation system was thereupon put into effect. The screening unit established in the spring of last year has to date ruled that over $6 million of proposed imports should not be financed by AID.

LABELS

IGA took exception to the prices being charged for pasting AID handclasp and Alliance for Progress labels on AID-financed taxis. In one case, a supplier was charging $7.50 for affixing two gummed paper labels on a car. The labels in question cost less than 2¢ apiece and can be pasted on a car in a matter of seconds.

One supplier thereupon agreed to refund over $6,000 to AID for past labeling charges and to make no further charges in the future. Another supplier agreed to stop additional charges and to make a partial refund of past charges.

AID is now following an IGA recommendation that it makes a comprehensive review of all labeling costs for AID-financed equipment.

ADELA: CAPITAL IDEA FOR LATIN AMERICA

Mr. SPARKMAN. Mr. President, the current issue of Reader's Digest contains an article condensed from the Rotarian magazine for March concerning a unique and successful enterprise through which United States, European, and Latin American interests have been pooled to create going industries in a number of countries in Central and South America. This project—and I would like to have the attention of the Senator from New York, if I may—is called ADELA. The Reader's Digest article gives deserved praise to the senior Senator from New York, who, I happen to know, played a major role—and I am glad to say I had a part in it—in the inauguration of this enterprise.

I ask unanimous consent that the article be printed in the RECORD at this point.

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

ADELA: CAPITAL IDEA FOR LATIN AMERICA

(By Scott Seegers)

(NOTE.—ADELA is derived from the Spanish for Atlantic Community Group for the Development of Latin America.)

Víctor Ramón Anaya hands a sheaf of diagrams to the foreman of the woodworking shop of Studio 501, a big furniture factory in Lima, Peru. The diagrams show precisely how to cut each plank of the company's precious tropical hardwood in order to use it most efficiently. To work out the diagrams, 27-year-old Víctor Ramón has to know the dimensions and qualities of thousands of planks in Studio 501's racks. A mistake would waste quantities of wood, turn profit into loss.

"When I came to work here as an odd-job man, I never dreamed that I could learn to do anything like this," he says. "I had no technical training. If Señor Armin Wiedemann, the owner, had not worked with me, I would still be doing odd jobs today."

Victor Ramón's heartening rise in the world demonstrates the thesis of ADELA Investment Company, S.A., a unique international firm willing to invest cold cash in the belief that a good man given a chance will improve himself and his community.

ADELA's business investments are designed to help boost the economies of Latin America into the 20th century. They run from $100,000 to modernize a small sand-and-gravel operation in El Salvador to a three-million-dollar stake in a shoe factory in Brazil. Projects promoted and partly financed by ADELA manufacture locks and hardware in Venezuela, hardboard in Mexico, synthetic fibers in Chile, glass bottles in Ecuador and vegetable oils in Paraguay. Thanks to its help, too, Colombians get cheaper agricultural tools, visitors to Nicaragua can stay in a modern hotel, and dwellers in the steam-bath-climate areas of Ecuador have access to refrigerated beef.

Studio 501 is typical of ADELA's projects. Armin Wiedemann was a 31-year-old cabinetmaker when he came to Lima in 1961. He opened a small woodworking shop with one employe. Within two years his well-designed furniture was selling so fast that he was employing 45 people, most of whom he trained personally. In April 1968, ADELA lent him $200,000 for a new plant. Studio 501 now employs 450 people and sells four million dollars' worth of furniture and fine tropical veneers a year.

ADELA's resources alone won't go far in revolutionizing Latin American economies. But its directors count heavily on the "multiplier effect" that its investments will have in attracting local and international capital. Already considerable additional funds have been brought, from sources other than ADELA, into enterprises, approved by ADELA.

Recently, for example, ADELA studied the feasibility of building an industry around one of the greatest remaining stands of high-grade pine in the world, on the north coast of Honduras. Satisfied that such a project could be a success, it organized a company and committed $3,500,000. The $74 million more that it will cost to get the giant enterprise started is to be split among the Honduras National Development Bank, private Central American investors, the Central American Development Bank, the International Paper Co., and other foreign investors. This year construction is scheduled to begin on roads, a seaport, a sawmill that will export 120,000 cubic meters of pine boards annually to Europe and a pulp and paper plant that will produce cardboard shipping boxes —formerly imported—for exporting bananas. The project will provide 1300 new jobs and convert Honduras' traditional balance-of-payments deficit to a $20-million-a-year surplus.

Once a firm is well launched, ADELA may sell its shares at a profit, and reinvest the money to start other businesses. It believes in leaving control and management in the hands of local participants and in spreading ownership among as many people as possible. Where no buying public exists, ADELA may create one.

In Honduras, for example, ADELA helped Jorge Facussé and his three sons to expand and modernize the family's textile mill, Río Lindo, which had never produced more than $800,000 gross per year. ADELA put up $1 million, and the family $3 million. ADELA then suggested that the local public be given a chance to buy in. The Facussés protested: "Most Hondurans don't even know what a share of stock is." But they agreed to try. The stock was peddled door to door, and in two months Hondurans bought $60,000 worth. Says an ADELA man: "The money doesn't mean much to Río Lindo. But owning a share means a lot to those who bought it. It's the beginning of a capital market in Honduras."

Today Río Lindo annually turns out more than five million dollars' worth of textiles and work clothing. The shirt that Hondurans used to buy for $1.75 now costs $1.12. Imported print dresses that sold for $6 each have been replaced by Río Lindo quality dresses that retail for $4. The mill has now caught up with Honduras' demand for cloth and is exporting to other members of the Central American Common Market.

The idea of ADELA originatd in the fertile mind of Sen. Jacob Javits of New York. Javits had watched with concern as Latin America's industrial development lagged behind its mushrooming birth rate. "While the rest of the free world was improving its prospects, Latin America was steadily losing ground," he recalls. "Government aid programs hadn't kept up with the job, so it seemed obvious that private capital was the only force that could put it across."

If it were to be exclusively U.S. private capital, the old bugaboo of the imperialistic colossus of the North would be invoked by nationalist *latinos*. Europeans had to be prominent in it. To avoid control by a single giant industry or banking combine, no shareholder could subscribe more than $500,000. And nobody was to expect dividends for a few years.

This was not the easiest package to sell to bankers and industrialists, who have to justify their investments to boards of directors. Moreover, the presence of Javits in the effort made some Europeans suspect that the U.S. government was hiding in the wings. The State Department thought that Javits was trying to muscle in on their Alliance for

Progress. Ironically, Europeans thought he was "trying to get us to bail out the Alliance for Progress." A French banker exclaimed, "Aha! The big American locomotive is trying to pull a train of small European cars into the jungles of South America!"

But Javits' idea received impressive support from three leaders of the business world: George Moore, chairman of the First National City Bank of New York; Emilio Collado, executive vice president of Standard Oil (New Jersey); and Henry Ford II, chairman of the Ford Motor Co. In addition, Arthur Watson, president of the IBM World Trade Corp., and Howard Petersen, chairman of the Fidelity Bank of Philadelphia, and several European counterparts—Giovanni Agnelli, chairman of Italy's Fiat Motor Co., Samuel Schweizer, chairman of the Swiss Bank Corp., and Tore Browaldh, chairman of Svenska Handelsbanken—all helped line up shareholders for ADELA.

On September 30, 1964, ADELA was born as a Luxembourg corporation. The tiny duchy was too far from Wall Street to be sinister, too little to be imperialistic, and it had certain tax advantages. Marcus Wallenberg, head of Stockholms Enskilda Bank, became its first chairman. The new entity had 54 shareholders from 16 countries, an executive committee representing nine of the world's greatest corporations, $16 million of capital, and an operating staff of one—Ernst Keller, a dynamic, 44-year-old Swiss.

Keller had earned master's degrees in business administration and engineering in night school. After some years with W. R. Grace & Co. in Latin America, he opened his own engineering consulting office in Lima. In 1960, he raised $750,000 and founded a small, multi-national development bank, which within four years had assets of $15 million. "ADELA offered me a wonderful deal," he says wryly, "Start over from scratch, with no program and no staff, and work night and day at a 60-percent cut in income. But I jumped at the job because it was a chance to do in a big way what I had proved practical on a small scale."

Today Keller has a staff of 55 young economists, analysts, engineers and accountants, all with considerable firsthand experience in Latin America. "When a project is presented to us for financing, we look first at the man who heads it," says Keller. "If he's good, we can build a good project around him."

The philosophy works. Javits' brainchild is now well established as a stimulator of new industries in Latin America. Dr. Alfonso Montero, a major Peruvian industrialist and financier, predicts that within ten years the firm will have had a significant impact on development in Latin American countries. Further proof of acceptance lies in a recent decision by another international group to organize an Asian counterpart of ADELA.

And there are other yardsticks. Normally, an international investment firm counts on six months to a year to iron the wrinkles out of a new project, and it does well to develop two projects during its first year. By the end of 1965, its first full year of operation, ADELA had committed nearly $15 million to 21 projects in Mexico and in nine countries of Central and South America. Today its commitments have risen to $51 million in 74 projects in 18 countries. In the process it has helped to create more than 19,000 new jobs for local people, of whom Víctor Ramón Anala, of Studio 501, is one.

FINANCIAL ASSISTANCE FOR SMALL BUSINESS

Mr. SPARKMAN. Mr. President, last Friday I joined with a number of my colleagues in introducing legislation which was designed to assist American small business firms in obtaining the financial assistance they need from small business investment companies.

It is my hope that Congress can take prompt action in considering these bills.

In the meantime, the administration can and should take a step which will immediately augment the ability of SBIC's to render this financial assistance. I refer to the release of appropriated dollars which have been blocked by the Bureau of the Budget. If the Bureau will only release the $21 million Congress approved for the SBIC program for fiscal 1969, the Small Business Administration will be able to fill most of the pending loan applications from SBIC's which it now holds.

Two weeks ago, articles on the funds crisis facing the SBIC industry appeared in the New York Times, the Washington Post, and the Washington Evening Star.

Mr. President, I ask unanimous consent to have printed at this point in my remarks the articles from those three newspapers.

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

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

SBIC'S LANGUISHING WITH FUNDS HELD BACK

(By Edwin L. Dale Jr.)

WASHINGTON, February 15.—The only airline running north-south flights in Idaho has just shut down its operations—an unintended victim of the Government's severe budget austerity and its effect on the nation's nearly 400 privately owned Small Business Investment Companies.

Since last July 1, the Small Business Administration, under orders from the Budget Bureau, has not disturbed any long-term loan funds to Small Business Investment Companies, which in turn reinvests them in smaller business concerns.

The Small Business Administration continues to be headed by a holdover from the Johnson Administration. Howard Samuels. He is expected to be replaced shortly. Mr. Samuels is known to believe that the Budget Bureau should have released the funds.

Thus, Sun Valley Airlines did not get the investment it counted on from a Small Business Investment Company, Capital Investors, Inc., of Missoula, Mont., and has shut down. Thus the Roe Financial Corporation of Beverly Hills, Calif., another S.B.I.C. is faced with a possible lawsuit from a company in which it is legally committed to invest.

And thus, the Commerce Capital Corporation of Milwaukee, a third S.B.I.C., has borrowed short-term from banks to meet its investment commitments but will be under the gun when these loans come due in less than a year, unless it can get the long-term funds it assumed would be forthcoming from the Small Business Administration.

All of this, leading to an urgent plea for relief from the National Association of Small Business Investment Companies, has come about for three reasons:

The Congressionally imposed $6 billion expenditure reduction, with some exceptions, which forced the Budget Bureau to search in every corner for possible savings;

The rapid rise in interest rate, which had the practical effect of destroying the alternative tried by the Budget Bureau and the S.B.A.—a program of S.B.A. guaranteed private loans by insurance companies and other investors, to substitute for direct Government loans;

The change of Administrations, which has made action slow and difficult in many areas.

There is no problem, all sides seem to agree, about the eligibility of the S.B.I.C.'s for the loans, under their licenses and the rules of the program. They are entitled to $2, and in some cases $3, in 15-year debenture loans from the S.B.A. for every $1 of private capital they raise and commit, providing they meet normal requirements.

Nor is there a problem of Congressional appropriations. About $22-million is available. But the Budget Bureau has not released it, and thus the S.B.A. cannot make the debenture loans.

It is understood qualified applications for some $25-million are awaiting disbursement of funds from the S.B.A. The agency estimated that it would lend between $40 million and $50 million in the new fiscal year if the restrictions were lifted.

However, the Johnson budget provided no new funds, apart from the small amount needed to back up the guarantee program, which has proved unsuccessful.

Belatedly, the Government raised the permissible interest rate on guaranteed loans to 7 per cent. But this came just as market rates were moving above that point on many attractive debt instruments. Thus the insurance companies and others have not been interested.

President Nixon has released funds in two other areas on the ground of unintended hardship. One was grants to universities for scientific research, and the other was advance payments to farmers under the feedgrain program.

Pressure has begun to build from Congress to make the Small Business Investment Company program a third exception. One frequently used argument is that the program, directly and indirectly, returns to the Government much more than is spent or lent.

The National Association of Small Investment Companies is hoping to have legislation passed that would convert the program into a self-financing "bank" or revolving fund, authorized to issue its own Government-guaranteed securities in the market and not subject to budgetary restrictions. The Nixon Administration's position on this proposal is not yet known.

[From the Washington (D.C.) Post, Feb. 17, 1969]

SBIC'S HIT BY TIGHT MONEY

The Nation's small business investment companies, founded over ten years ago, to provide capital for small businesses, are being hard pressed.

Spokesmen for the group say that last year's tightening of the Federal budget has all but cut out the SBICs and that 40 of the Nation's 385 SBICs are now out of money.

In addition SBICs which promise loan commitments to small businesses are being sued because they do not have the necessary capital to back the promised loans.

Normally SBICs can get government money from the Small Business Administration at a rate of 2–1 against the private capital raised by the SBICs. This money is then invested in small businesses. It is repayable to the government after 15 years.

Since the act setting up SBICs was passed, the National Association of Small Business Investment Companies said its members have backed 30,000 companies for a total of $1.3 billion. NASBIC maintains that a number of these companies are now in trouble because SBICs have not been able to come through on their commitments.

NASBIC argues that its members have been hit unusually hard by the money squeeze with only $12 million of the Congressional allotment of $30 million released to them. At the same time the SBICs have been paying back earlier loans to the Treasury.

Although the government has authorized the SBA to guarantee private capital loaned to the SBAs at 7 per cent, the money markets

have eschewed the government-backed investment groups.

[From the Evening Star, Washington (D.C.), Feb. 18, 1969]

SBIC'S PINCHED FOR FUNDS

(By Thomas Dimond)

Some of the nation's small business investment companies have found themselves in an awkward position and blame the federal government for their embarrassment.

After committing themselves to making loans to fledgling companies, the investment companies have discovered they don't have the cash themselves. One of the SBICs, as a result, is fearing a suit from an unhappy borrower.

The problem, according to the National Association of Small Business Investment Companies, is that the federal government is not keeping its commitment to the SBICs. Although Congress allocated $55 million in fiscal 1968 and $30 million in the current fiscal year for the programs the Budget Bureau has released a total of $27 million.

The funds, which the SBICs would have had to repay with interest, was cut by the bureau in the economy move required by Congress as the price for the federal surtax.

GUARANTEE AUTHORIZED

To compensate for the cutback, the Small Business Administration, which administers the loan program, was authorized to guarantee loans from institutional investors to the SBICs. But SBA was told not to back interest rates greater than 7 percent, and investors have taken their money elsewhere.

George C. Williams, president of the SBIC association (and of Allied Capital Corp., a publicly-held Washington SBIC), says those investment companies that are short of capital are beginning to condition lending commitments on their being able to borrow themselves from the federal government.

Williams cited a Beverly Hills, Calif., SBIC which has three months to raise $60,000 it promised to a small businessman who has hinted he'll sue if he doesn't get the money.

Meanwhile, the association is badgering congressmen and the White House and is trying to get an appointment with President Nixon's budget chief, Robert Mayo, to get the tap turned back on.

POOL FOR FUNDS

The SBIC program was inaugurated by Congress about 10 years ago to provide funds for small businessmen who can't obtain capital from conventional sources, except for short-term loans. The small business investment companies lend money for terms of five to 15 years.

The association says SBICs have invested more than $1.3 billion in 30,000 small business loans. Of that amount, $250 million was borrowed from the government and the rest was private capital.

The SBICs say the Treasury not only gets its money back, but also additional taxes paid by everyone who benefits from the program—the investment companies and their employes, and the small businesses and their employes and suppliers. The association estimated these additional taxes at $11.4 million for fiscal 1968.

Williams said small businessmen are suffering along with the SBICs, mentioning a Midwest commuter airline which had to suspend its operations because SBICs were unable to lend it money.

ALABAMA'S ABLE JUNIOR SENATOR

Mr. SPARKMAN. Mr. President, recently a syndicated column entitled "Alabama's Junior Senator, a Man of Towering Abilities," and written by Holmes Alexander, was published in various newspapers, one of which was the Nashville Banner.

I ask unanimous consent that the article to which I have referred, published in the Nashville Banner on March 3, 1969, be printed in the RECORD.

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

ALABAMA'S JUNIOR SENATOR A MAN OF TOWERING ABILITIES

WASHINGTON.—It's fun to watch the rookie senators break in. You ask yourself "Will he shine, or will he fade?"

Hubert Humphrey, elected in 1948, threw his career into temporary eclipse by an impudent assault upon Sen. Harry Byrd Sr., a pillar of the citadel. Bill Proxmire, elected 1957, to replace Joe McCarthy, overacted to the limelight by trying to upstage his floor-leader, Lyndon Johnson, and was sent into banishment for a couple of years.

A new member can play it safe by saying nothing except to answer the roll call. Or he can sound off with opinions that will mark him for much time to come.

Sen. James Browning Allen, the rangy Alabama Democrat who succeeded Lister Hill, chose to leave nobody in suspense. Allen is a take-my-stand Southern Democrat, of course, and at 56 he's been a politician all his adult life; but he's the kind who gives those two breeds a good name.

Last year, soon after election, he disposed of all stocks and put his savings into government bonds. He also resigned a 33-year affiliation with his Gadsden law firm where his father had been a member before him. He also exceeded the Senate's ethical requirements by publishing a notarized statement of his financial condition, and promising to do so every year of his service.

"The Senate's a full-time job," says Allen. Not many freshmen have gone so fast and so far to prove the point.

One of his first acts of identification as a true Senateman was his vote to preserve Rule 22 which protects extended debate, alias filibuster, alias minority opinion in the Senate. Lots of incoming Southerners take this position, but I haven't heard of any who did so with better aim and authority.

Senator Allen on Jan. 15, a fortnight in office, drew deadly aim on a live target, Vice President Humphrey, who was about to make a ruling against the Rule. Allen pointed out that the Senate should be governed by its regulations and by the U.S. Constitution, not "by the gavel." It was a telling argument.

A week earlier, on Jan. 6, Allen had fired on another notable live target, Sen. Muskie of Maine. Humphrey's Democratic running mate of 1968. Muskie had a resolution to disqualify the "faithless elector" from North Carolina who exercised the discrimination allowed by the U.S. Constitution. Allen cited the little-known incident from the presidential election of 1872. Horace Greeley, a candidate, died between election day and inaugural day. Allen demanded in debate:

"Had Horace Greeley been successful . . . would the senator from Maine contend that . . . electors . . . would have to vote for a dead man . . . ?

You seldom hear classy, cogent, documented arguments from beginners, and Allen has yet to take an inconsistent or indefensible position.

On Jan. 21, having removed himself from conflicts-of-interest, Allen was well-positioned to withhold his advise-and-consent to President Nixon's nomination of Interior Secretary Hickel. On Feb. 4, observing that he'd run for the Senate with full knowledge of the salary, Allen voted against the 40 per cent pay-raise. He also observed, while he was about it, that he'd prefer to raise the pensions than the salaries of Supreme Court Justices, in order to encourage a reasonable retirement age. Today, in interview, Allen handed me a nine-point statement on his opposition to the nonproliferation treaty.

Here's a new senator who didn't waste any time, or mince any words, or create any ambiguities.

He's also the kind who keeps his opponents watching for that first and fatal blunder.

S. 1382—INTRODUCTION OF A BILL TO AMEND THE INTERNAL REVENUE CODE TO PERMIT CASH BASIS FARMERS TO REPORT INSURANCE PROCEEDS FOR CROP DAMAGE THE FOLLOWING YEAR

Mr. MILLER. Mr. President, I introduce a bill to amend the Internal Revenue Code of 1954 to permit cash-basis farmers to include insurance proceeds received for destruction or damage to crops in the year following the year in which the damage occurred. I ask unanimous consent that the bill be printed in the RECORD at the conclusion of my remarks.

The VICE PRESIDENT. The bill will be received and appropriately referred, and, without objection, the bill be printed in the RECORD in accordance with the Senator's request.

(See exhibit 1.)

Mr. MILLER. My bill is designed to remove a present inequity in our Federal income tax law with respect to the tax treatment of insurance proceeds received by cash-basis farmers resulting from the destruction of or damage to crops by hail.

Farmers who are on a cash basis of accounting quite often will raise a crop in one year and not sell it until the following year. They do this as a matter of consistent practice. When those crops are destroyed in the same year in which the farmer sells the previous year's crop, under the present tax law he is required to report and pay tax on the insurance proceeds, which are a substitute for the income from the crops, and the income from the present year's crops in the same year.

If the farmer had not been subject to the vicissitudes of weather, such as hail, his crops would have been raised and he would have sold them in the following year. There would then have been no doubling-up of income.

All my bill does is to give the cash-basis farmer the opportunity, where he has consistently followed the practice of selling crops in the year following the year of production, to avoid this doubling-up hardship.

The bill would take care of a hardship situation which arises only because of an act of God and not due to any fault of the farmer at all. I understand there have been a number of these hardship situations, not only in the corn and wheat areas of the Midwest, but also in other areas such as the citrus and rice areas.

The bill (S. 1382) to amend the Internal Revenue Code of 1954 to permit the inclusion of insurance proceeds for destruction or damage to crops in the year following the year in which the damage occurred under certain conditions, 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, as follows:

EXHIBIT 1

S. 1382

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

CROP INSURANCE PROCEEDS

Section 451 of the Internal Revenue Code of 1954, as amended (relating to general rule for taxable year of inclusion), is amended by adding the following subparagraph:

"(c) In the case of insurance proceeds received as a result of destruction or damage to crops, a taxpayer reporting on the cash basis of accounting may elect to include such proceeds in income for the year following the year of destruction or damage provided he establishes to the satisfaction of the Secretary or his delegate that, under his practice, income from such crops would not have been reported in the year in which raised."

DANGERS FACING THE AMERICAN ECONOMY

Mr. JAVITS. Mr. President, the American economy is now entering an extremely delicate period. Inflation, of course, is the number one problem. Another is the unfavorable consequences of high interest rates on consumers and especially on housing starts at a time of severe housing shortages in our cities. There is danger that if fiscal and monetary policies now in effect will remain in effect for long, they could bring about severe unemployment. Imports continue at a high level, bringing new demands for the imposition of so-called voluntary or mandatory restraints. Mandatory restrictions remain on U.S. investments and lending overseas which were imposed as the price of European agreement on delayed changes in the international monetary system, which have thus far not materialized. There is growing evidence that restrictions on U.S. direct investment overseas are in part responsible for the failure of the growth in U.S. exports to keep pace with the growth of U.S. imports. There are new indications of another wave of international financial instability in the making—speculators are bidding up the price of gold, the French franc and the British pound are again threatened.

There ought to be no question about the sincerity of President Nixon, Chairman McCracken of the Council of Economic Advisers, Secretary of Treasury Kennedy, and Budget Director Mayo to deal with the prevailing inflationary psychology in this country in a fashion that would not bring about severe unemployment. A continuation of rising consumer prices would hurt millions of American wage earners, pensioners, and those on fixed income. An overheated economy would continue to undermine our balance-of-payments situation as a result of rapidly rising imports and of gradually declining or a stable level of exports. Should speculators abroad suspect that we are not coming to grips with our inflationary problem, we could once again subject the dollar to speculative attacks with serious dangers to the world economy. So there are compelling reasons for taking steps to bring inflation under control. And, therefore, I supported the 10-percent tax surcharge. I supported the reduction of spending caused by the Williams-Smathers amendment. And I believe that monetary policy should not run counter to anti-inflationary fiscal policy.

I am concerned, however, that fighting inflation may become a crusade, not only to our monetary authorities but to congressional leaders and private groups, at the cost of excluding or subordinating other high priority national goals such as maintaining maximum employment, economic expansion, and Federal spending at adequate levels to deal with the problems that are giving us a dangerous crisis in our central cities. If we permit this to happen and lose our perspective and, as a result of honest error, we come to a situation of high unemployment and lagging economic activity, we would be doing this country great disservice and possibly irreparable damage.

I speak now, therefore, to alert us to this possibility, which could come upon us quite unwittingly. In the hope of conditioning our thinking, we should have this caution constantly in mind: that a recession cannot and should not be invited, because if it comes, its extent, acceleration and consequences could get away from us and lead to a depression.

Economic and monetary policy today is not an exact science; there are lags of unknown length before the effects of certain economic policies can be measured; economic data on which policy is based is far from complete.

So, therefore, I urge the Nixon administration and the Federal Reserve Board to keep anti-inflationary policy fluid and to take immediate steps to alleviate the undesirable side effects of tight money and fiscal policy while maintaining an overall policy of restraint until inflationary psychology has been dampened; and this, I believe, can be done.

The VICE PRESIDENT. The time of the Senator has expired.

Mr. JAVITS. I ask unanimous consent that I may proceed for 3 additional minutes.

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

Mr. JAVITS. To alleviate the undesirable side-effects of high interest rates and tight credit on mortgage rates and on residential housing, I strongly urge that the Federal Reserve System begin to buy and sell the securities of Fannie Mae, GNMA, and the Federal Home Loan Bank Board and thereby perform a similar function for the housing industry that it does for the commercial banking system—provide a flexible credit basis. I supported legislation proposed by Senator PROXMIRE and Senator SPARKMAN last year which would have authorized the Federal Reserve System to do this and thereby ease the credit squeeze on housing, and I will do so again this year, unless the Fed does this on a voluntary basis—which I urge strongly.

We as a Nation have set ourselves ambitious housing goals, and with good reason. Our central cities are in decay and desperately in need of modernization and reconstruction. An overly tight monetary policy will necessarily run counter to this goal, and we should not let this happen.

The rapid expansion of our economy over the past 3 years was only of marginal benefit to the hard core unemployed. Deflationary policy may bring about less inflation, but it will also aggravate the employment problems of the hard core unemployed, of youth, and of minority groups. I, therefore, urge the Nixon administration—and I will do all that I can as ranking Republican on the Committee on Labor and Public Welfare to assist it—to undertake a major Government-business manpower training effort directed at these groups, now that fiscal and monetary restraint is slowing down overall economic activity. There are many approaches to accomplish this—direct Government spending programs, subsidies to training institutions, or tax incentives to firms who train such workers on the job. We should move along this front as rapidly as possible.

There is a growing need to tie the Federal Reserve Board more closely to the economic policy machinery of the executive branch and the Congress. To a limited extent, this is already being done through the periodic meetings of the Quadriad—the Secretary of the Treasury, the Chairman of the Council of Economic Advisers, Director of the Budget, and the Chairman of the Federal Reserve Board—which informally attempts to coordinate monetary policy with the fiscal and economic policies of the executive branch. Congress, through the Joint Economic Committee, is also overseeing monetary policy to a certain degree. As a result of recommendations made by the JEC last June, the Federal Reserve Board now provides the committee with an annual monetary report, which is considered by the committee at its annual hearings along with the President's Economic Report and budget message, and quarterly reports on financial and monetary developments.

I believe, however, that both these areas require more systematic approaches. On January 28, 1966, I presented a concurrent resolution to the Senate which would improve on existing coordination between the Federal Reserve Board and the executive branch by placing Congress on record as favoring: regular meetings—at least six times a year—of the "Quadriad"; procedures which would require key administration economic advisers to keep the Federal Reserve Chairman informed of any developments which would be needed to make possible the effective discharge of the Board's responsibility; procedures requiring the Federal Reserve Chairman to keep all members of the Board fully informed about any information received from the executive branch relevant to the execution of the Board's responsibility; and notification of the President by the Board Chairman of any request from Federal Reserve banks to raise the discount rate. I shall reintroduce this resolution again shortly.

I also believe that the annual and quarterly monetary reports being received by the JEC from the Federal Re-

serve Board should be formalized through an amendment to the Employment Act of 1946, which I plan to offer in the near future.

On June 30, the 10-percent tax surcharge will expire. Should the fiscal-monetary restraint appear to be leading to an excessive degree of economic slowdown, Congress and the President should carefully examine whether the surcharge should be extended, and if so, for how long and at what rate. It may be that this will be impossible to decide with precision. In that case the Congress should give the President authority to vary the rate from 0 to 10 percent for a fixed period, say to the remainder of the year.

President Nixon made strong campaign commitments last year to do away, at the earliest opportunity, with the capital export controls imposed by the Johnson administration. Secretary of Commerce Stans told the Joint Economic Committee on February 27 that he is reviewing controls on U.S. direct investments which are administered by his Department and that he favors their easing and elimination as soon as possible but that it was unlikely that this could take place in 1969.

I would hope very much that these restrictions could be ended this year, for two main reasons.

First, because we have not obtained significant concessions with respect to reforms in the international monetary system from our European friends in exchange for these controls—the SDR's are still not ratified; the countries in persistent surplus are still unwilling to agree to a mechanism to aid countries in a balance-of-payments deficit position by lending some of these surpluses to them. They refuse even to discuss changes in the present fixed-exchange system which has been under heavy attack in recent years.

Second, because it is becoming increasingly clear that restraints on direct investments result in loss of U.S. exports. I do not see how we can mount a major export expansion effort with any degree of success while we restrain the most significant element contributing to rising exports—oversea private investment. While it is true that we have experienced a trade deficit last year for the first time, it is also true that our private investments abroad—now valued at $80 billion—brought back $7 billion in dividends and interest and resulted in more than $125 billion in exports from those foreign based facilities, mostly for sale abroad.

The U.S. Council of the International Chamber of Commerce has developed strong arguments in support of ending controls over U.S. direct investment abroad in 1969 and substantially easing the interest equalization tax and the restrictions over commercial bank lending administered by the Federal Reserve Board. I support these changes in policy.

There is a third danger from letting these controls continue. As arguments are developed in support of these controls by those responsible for their administration, we condition ourselves more and more to the use of controls which break down our natural distaste for controls in other areas—voluntary or mandatory quotas over imports, travel restrictions, wage-price controls, and so on. For the past 30 years we have constructed, at great effort, a forward-looking commercial policy that looked with confidence on increasing international competition and the freer flow of capital and labor. There is grave danger both here and in Europe that if we continue in this vein, we will fall back on restrictions in retaliation for the restrictions of others rather than to proceed to higher ground—greater monetary cooperation, greater willingness to let our economies adjust to each other, and through greater willingness to absorb each others exports and greater exchange rate flexibility.

In the field of trade policy, we are also coming to a crossroads this year—we have a choice between helping to create a trading system based on restrictions, quotas, nontariff barriers or continuing on the road we have had so much to do with building of world trade liberalization. I believe the evidence supports the latter approach as being the more successful and productive and that is the policy I advocate.

Specifically, Mr. President, I urge that Congress enact trade legislation this year that would first provide the President with tariff-cutting authority so that we can offer compensation to foreign countries that may be affected by our escape clause actions; second, liberalize adjustment assistance to firms and workers adversely affected by increased imports by liberalizing the present rigid statutory criteria; third, express the support of Congress for negotiations to eliminate nontariff barriers to trade; and fourth, establish, on a statutory basis, in the White House an office charged with trade negotiations and also with the coordination of U.S. trade policy. Consideration should also be given to delegating to the President authority, subject to congressional veto, to explore and negotiate, if he deems it desirable, trading arrangements with common markets or free trade areas to enable us to cope with new regional trading arrangements.

I would also like to see the United States take aggressive action against countries which compete unfairly against U.S. exports and in our own home market to underwrite a major export expansion program that would bring into the field of export many more American business enterprises than are now engaged.

Trus, there are risks involved. As a Nation, every one of our great achievements—the Revolutionary War, the Civil War, World War II, the Marshall Plan, Point III, NATO, the Alliance for Progress, and the open skies proposals and agreements on nuclear weapons limitation—were the result of our willingness to take great risk to get great gains for peace and well-being. We should continue this tradition today. The risks involved in more farsighted international economic policy are far less than the risks we have taken on many other occasions. The benefits are great as has been demonstrated by the vast expansion of the world economy in the past 30 years.

Mr. President, I ask unanimous consent to have printed in the RECORD an article published in last Sunday's New York Times entitled "Reserve Under Attack From Friends," which shows that the Federal Reserve Board has made plenty of mistakes itself.

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

RESERVE UNDER ATTACK FROM "FRIENDS"

(By H. Erich Heinemann)

The Federal Reserve System is America's unique contribution to the art of central banking.

In Washington, a seven-man board, appointed by the President, confirmed by the Senate, but, by virtue of a 14-year term independent of the Administration, holds the principal reins of power.

In 12 major cities across the country, regional Federal Reserve Banks (each with its own directors and stockholders) are responsible for monetary housekeeping (clearing checks and transferring funds), and, through their senior officers and economists, participate in determining monetary policy.

In the top position is the Federal Reserve Bank of New York, which has the added responsibility for day-to-day execution of monetary policy and also represents the system in its dealings abroad.

INSULATED POWERS

Grounded solidly in the pre-World War I era, when its basic charter was drafted, is the mystique of Federal Reserve independence. The nation would be ill-served, so this argument runs, were the money-creating powers of the central bank not insulated from the pressures of partisan politics.

The Reserve's independence—much as the now-repealed requirement that United States currency be backed by gold—has been regarded as an extra barrier, if not a guarantee, against inflation.

The money managers, to be sure, have been careful to limit the scope of the independence they claim. As Alfred Hayes, president of the New York bank, put it recently: "We in the Federal Reserve like to emphasize that the System is not independent *of* the Government, but independent *within* the "Government." (Mr. Hayes's emphasis).

At the present time, the issue of the position of the central bank within the structure of American Government is once again a live one.

DETERMINATION VOICED

For one thing, as William McChesney Martin Jr. made plain before the Joint Economic Committee of Congress last week, the Federal Reserve System is determined to do its part to bring inflation to a halt.

Mr. Martin, who has been Chairman of the Reserve longer than any other man, told the committee that tight money was now "fully reinforcing" the restraint that is being imposed as the Federal budget moves toward surplus.

No matter how much the politicians may dance around the subject, the fact is that this economic restraint is going to be painful. Interest rates are already in stratosphere (and may well go higher), and, before long, as the pace of activity starts to slow, unemployment should start to rise.

The Reserve will be the visible cutting edge of this policy, and, as it takes hold, will be bound to bear the brunt of public dissatisfaction. But the political problems of the central bank are, in fact, far deeper than that.

In a memorandum that is being circulated privately in the financial community, Carter H. Golembe, a Washington economist con-

sultant, argues that "with the coming of the Nixon Administration there has seldom been such a line-up of professed friends of the Federal Reserve System in power, but, ironically, never has the independence of the American central bank been so likely to be going the way of virtually all other central banks—that of clear subservience to the Administration in power."

Mr. Golembe's memorandum, which throughout is sharply critical of the Reserve, has caused a furor in banking circles. A former official of the American Bankers Association, Mr. Golembe has emerged in recent years as the "house philosopher" of the banking industry, which traditionally has been a defender of both the Reserve and its independence.

One Reserve Bank president is reported to have sent copies of the Golembe memo to his colleagues as a valentine, with an attached note saying that the analysis raised some serious quetions.

Mr. Golembe says the Reserve is vulnerable at the present time on these three counts:

Recent monetary policy has been wrong.

Its supervisory position has been unrealistic.

Its organization structure creaks to the point of imminent collapse.

"These criticisms," Mr. Golembe adds, "provide the reason for expecting a subtle change to take place; the presence of Government officials in high places who know how to obtain the changes without producing a cause célèbre provides the vehicle for such a change."

By the end of the Nixon Administration, Mr. Golembe predicts, there will be no doubt that the Reserve is no longer independent of the administration in power—even though no clear break will have occurred.

"The fact is," he says, "that no Administration can afford to give the Reserve a veto over its program. Whether by change in personnel, intellectual osmosis or hard talk, the message will get across."

"What happens, however," Mr. Golembe went on to say, "will not be a Republican conspiracy to end the freedom of a truly independent agency; it will merely mark the culmination of a long-term trend, and constitute explicit recognition that the Federal Reserve really has not been immune to White House influence for a long time."

In the key area of monetary policy—the use of discretionary control over the supply of money and credit to stabilize the economy—Mr. Golembe charged, "virtually no one has a kind word to say."

Under the Democrats, he said, Administration economists were most upset by what they regarded as an attempt by the money managers to "sabotage" their program to improve the rate of national economic growth.

REPUBLICAN THRUST

In Congress, "Republicans concentrated their fire on the high rate of monetary expansion and consequent effects on prices.

"Democrats," Mr. Golembe continued, "particularly those of a populist streak, hit at high interest rates."

Mr. Golembe focused on the fact that Paul W. McCracken, the chairman of President Nixon's Council of Economic Advisers, despite past close association with the Federal Reserve, has been among the system's severest critics.

He quoted Mr. McCracken as having said last summer that from mid-1965 to late 1967 the management of monetary policy was "exceedingly poor. In mid-1965 as the economy was re-entering the zone of full employment, the rate of monetary expansion should have decelerated."

"Unfortunately," Mr. McCracken continued, "it was allowed to accelerate. Much of the erratic course of the economy has its origins at this point. In 1966, apparently fearful about the inflation that had been unleashed, the Federal Reserve threw the speeding car [that is, the economy] into reverse with an outright monetary contraction.

"Apparently nervous about the results of this cruch," he went on to say, "the Federal Reserve through most of 1967 pursued an inflationary rate of monetary expansion."

The severe inflationary pressures that were apparent in 1968, Mr. McCracken argued, represented "almost the classic lagged response to this overly expansionist monetary and credit policy in 1967."

The McCracken attack, which was written eight months ago, Mr. Golembe asserted, "is undoubtedly mild in comparison to what might be said of policy since then."

Last summer, on the mistaken judgment that the Federal income tax surcharge might slow the economy too much, the Federal Reserve allowed the rate of monetary expansion to accelerate, which in turn helped to speed up the rate of inflation late in the year, and also forced the money managers to impose the rigid monetary clampdown that is currently in progress.

"Proponents of the tax surcharge and and spending limitation were in a position," Mr. Golembe said, "to claim that inappropriate monetary policy was sabotaging the fiscal policy."

Why, Mr. Golembe asked, has monetary policy been incorrect for so long?

FRIEDMAN'S APPROACH

Prof. Milton Friedman of the University of Chicago, the leader of the monetarist school of economics and the best-known critic of Federal Reserve policy, Mr. Golembe noted, has suggested as a policy goal a steady rate of growth in the money supply.

There should be little attention paid, in the Friedmanite approach, "to temporary movements in employment and production" and none to fluctuations in interest rates.

In the top rank of the Nixon Administration, Mr. Golembe said, "there are no followers of Milton Friedman."

Professor Friedman was, however, one of the President's campaign advisers.

Mr. McCracken and the two Under Secretaries of the Treasury, Charls E. Walker and Paul A. Volcker, are not, according to Mr. Golembe, "strict believers in the money-supply doctrine."

But the three men—"who together will probably have the most to say about Administration views on monetary policy"—agree with Professor Friedman, Mr. Golembe said, "that there should be much less frenetic movement in monetary policy than has been seen recently."

GROUP PSYCHOLOGY

The tri-weekly meetings of the Reserve central policy body, the Federal Open Market Committee, Mr. Golembe said, are "the all-time classic of group psychology."

The 19 principals of the Federal Reserve—the seven members of the board and 12 Reserve Bank presidents (of whom only five have a vote)—for a few hours "live in a world bounded by short time periods, by confusing statistics, and by false straws in the wind."

"Unfortunately, responding to monthly, daily and weekly figures is a poor substitute," Mr. Golembe charged, "for a well-thought-out policy."

"Even those who have little use for Milton Friedman's call for a long-run goal in terms of the rate of growth of the money supply," he said, "do have the feeling that a definite course of action, adopted and adhered to over a long period of time, has definite advantages."

Such a course of action has had less trial than might be expected, Mr. Golembe said. "The temptation to fiddle has been too great."

The lack of realism in Federal Reserve regulatory policy—on mergers, branching, holding company controls and so forth—has been apparent for a long time, he continued, but "still is difficult to explain."

PROBLEM IN BANKING

During a period when the banking industry has been subject to strong pressure to expand and diversify its operations, Mr. Golembe charged, the Federal Reserve regulatory outlook has frequently been one of narrow legalism.

The board's tendency has been to hold that unless a particular service was specifically authorized in the law, then banks could not provide it. Other Federal banking agencies, by contrast, have said that unless a service was prohibited in the law, banks could offer it.

"The results were easily predictable," Mr. Golembe said. There were "continuing squabbles with the other regulatory agencies combined with the shift of number of large banks—and a goodly number of small banks—to national charters."

National banks, while they are required by law to be members of the Federal Reserve, are supervised by the Controller of the Currency, who in recent years has been very liberal in his interpretations of the banking laws.

"For whatever reason," Mr. Golembe said, "the [Federal Reserve] Board, in its regulatory posture, has made few friends among the industry it supervises or among its regulatory colleagues—Federal and state. To the extent that this can be attributed to its posture of independence, there will be few to champion its continuance."

ANACHRONISM DETECTED

The decentralized nature of the Federal Reserve, Mr. Golembe said, is largely an anachronism today, and serves simply to mask the reality that most of the power has long since shifted.

"Whereas most other Government agencies have seen a rather ceaseless process of self-examination and change as conditions changed the importance of their function," he said, "the overly-specific nature of the original Federal Reserve legislation and the fact that the enemy of the Federal Reserve, [Representative] Wright Patman [Democrat of Texas, chairman of the House Banking Committee], had first say on any changes, has resulted in a completely obsolescent organizational structure."

If the Federal Reserve begins to participate in stabilization policy as an equal partner rather than as an independent player who may or may not go along with the crowd, Mr. Golembe concluded, it will be joining the mainstream of central banking.

"One Bank of England official, when questioned about their independence from Treasury influence, is said to have replied, 'we value our independence highly and would not think of doing anything to show it.'"

Mr. JAVITS. Also, I call to the attention of the Senate the March 1969 issue of the Monthly Economic Letter of the First National City Bank, released yesterday, which in effect says that the probable cost of checking inflation raises the question of whether the cure is more painful than the disease.

Mr. PROXMIRE. Mr. President, first, I should like to comment on the very fine and able presentation made by the distinguished Senator from New York. He is a valuable member of the Joint Economic Committee; in fact, he is the ranking minority member of it. I can agree with him in many respects. I think his statement on housing is very sound. I enthusiastically support it. I agree with him on his statement on the Manpower Training Act, which must be stepped up under present circumstances. I agree with him on his emphasis on trade. I agree with him on the need to formalize

the reports which the Federal Reserve Board provides to the executive branch and the Joint Economic Committee, which are not formalized now.

However, I disagree with him on the notion that we should give the President the right to reduce taxes from 10 percent to zero, by phasing out the surtax. It is significant that there have been suggestions in our committee that the President be allowed to increase taxes, but not to reduce taxes, for obvious reasons. This is not a partisan matter. The same argument was made when President Johnson and President Kennedy were in office. I think all Presidents will act on the basis of the interest of the country, but the timing of his action and the nature of his action may be suspect. If a President is in a position to reduce taxes, as the Javits proposal states, it seems to me the President would be politically suspect. It also would deprive the Congress of one of the very real powers it has, the power over the purse, and begin to weaken it in a significant way.

Mr. President, I ask unanimous consent to proceed for 10 minutes on the basis of my principal disagreements.

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

ADMINISTRATION FISCAL AND MONETARY POLICIES

Mr. PROXMIRE. Mr. President, after listening, during 3 weeks of hearings on the President's economic report, to the administration's outstanding economic spokesmen and the leading private, labor, and business economists, I have concluded that the administration's attempt to fight inflation with neutral fiscal and monetary policies and gentle generalizations is a sure-lose formula, but that seems to me to be the principal conclusion and policy prescription of the present administration.

On Wednesday, Chairman Paul McCracken delivered, before the New York Economic Club, a very timely message in this regard.

For the first time since the Nixon administration took office, a leading spokesman of the administration called on American labor and industry for wage and price restraint.

Chairman McCracken is absolutely right to do this. Without restraint in wage settlements, without calculated resistance to price increases, there is no hope of slowing the rise in the costs of living this year.

But even this call is far too little and it may be much too late.

From the testimony before the Joint Economic Committee, we will have neither the budget surplus nor the monetary policy will restrain inflation this year. Neither the policies of industry nor labor will slow it down. And the President refuses to speak out against staggering price increases.

I might point out that last month we had one of the biggest increases in the wholesale price index we have had in years; we had the biggest increase in manufacturing costs we have had in 10 years; and these are the consumer prices of the future.

The administration's Budget Director and its Secretary of the Treasury have told the Joint Economic Committee that they expect to keep the budget in balance—but in bare balance, and only provided we continue to have the 10-percent surtax. Apparently there is no intention to reduce the $11.5 billion budget increase called for in President Johnson's proposal for 1970; and I think this is the heart of the inflationary matter.

If we are lucky there may be a slight surplus, but no more. This means fiscal policy will contribute little or nothing in the coming year to restrain inflation.

It will be neutral.

Chairman Martin of the Federal Reserve Board testified before the committee that he expected money and credit to increase at about a 3- to 6-percent rate during the year, with interest rates remaining close to the present level.

Since the economy is expected to grow at a real rate of between 3 to 6 percent and the supply of credit is to keep pace with its growth, where is the restraint? This means monetary policy too will not actively stem inflation. It will be neutral. It will do nothing to slow rising prices.

President Meany, the Nation's top labor leader told our committee Wednesday he is strongly against any governmental restraints either by law or by Presidential expression against specific wage proposals by American unions.

On Thursday spokesmen for the Nation's two largest organizations representing management—the Chamber of Commerce and the National Association of Manufacturers vigorously opposed any Government efforts to restrain price increases.

Now at least Chairman McCracken has recognized what he calls "the logic of the arithmetic of the guidelines—that is, the wage-price guidelines—and he has called for a general restraint.

Chairman McCracken's speech exposes the emptiness of the administration's fight against inflation. He admits that wage increases far exceeding productivity increases are inflationary.

Certainly price increases by an American industry that has smashed one profitmaking record after another, and has just completed its most profitable year in history, fuel the fires. Price hikes under these circumstances are inflationary.

Chairman McCracken has implied as much. But where Dr. McCracken and the Nixon administration have failed is in resolutely walking away from the tough unpopular presidential duty to nail inflationary wage demands and price increases in their tracks—by name.

During the past week the oil industry has sharply increased its price after an immensely profitable 1968. That price hike may cost American consumers a billion dollars in higher gas and fuel oil prices.

If Lyndon Johnson or John F. Kennedy were in the White House, the President of the United States would be fighting to rescind this price increase, and he might well have succeeded.

Neither President Nixon nor Chairman McCracken will specifically call on the oil industry to reverse this price hike. The result: higher gas and oil prices.

This pattern will repeat itself over and over again in the next few months in industry after industry. Refusal of the Nixon administration to bite the bullet will cost the American consumer dearly.

This generalized opposition to wage and price hikes does not hurt the big economic interest groups. The policy is popular with them.

But it is an economic tragedy because it means expanded and continued wage-price inflation, and then, eventually, an unnecessarily high degree of economic stagnation and unemployment to bring the inflation under control.

OIL PRICE INCREASE INJURES NATION

Mr. PROXMIRE. Mr. President, a number of recent newspaper stories indicate confusion about the effect the recent rise in the price of gasoline and crude oil will have on our Nation's economy. A good deal of the confusion stems from the oil industry's massive public relations campaign in which they attempt to overwhelm the public with such "evidence" the industry can dredge up to justify their price increase.

Let me set the record straight.

PRICE INCREASE IS INFLATIONARY

The 1-cent-a-gallon increase in gasoline prices will cost the American consumers approximately $800 million a year according to a letter I received last August from Arthur M. Okun who was Chairman of the Council of Economic Advisers at that time.

Such a gigantic increase in consumer costs is highly inflationary and highly injurious to the health of our Nation's economy, this is true, particularly now that we are gripped in such a dangerous inflationary spiral.

It seems that the oil industry pays no more heed to President Nixon's general pleas to stem the tide of inflation than they do to the anguished cries of the consumers and taxpayers who contribute to the oil companies' record high profits.

The consumers have no choice. They must buy gasoline.

EFFECT ON THE DEPLETION ALLOWANCE

Texaco raised the price it would pay for crude by 20 cents a barrel and some other majors have followed the price increase. This is a transparent ploy by Texaco to justify even larger depletion allowances than they are now receiving. Since Texaco produces most of the crude it refines, the increased cost on the 11,000 barrels a day it buys from outsiders will be more than offset by the larger depletion allowances it will claim on the oil which it sells to itself.

Texaco did pay 1.9 percent of its net income in taxes in 1967.

Some commentators have used this 20-cents-a-barrel price increase as an indication of what would happen to oil prices if that sacred cow—the depletion allowance—were tampered with. But, look what has happened in spite of—or, rather, because of—the depletion allowance.

Many notable economists, including those mentioned by the Treasury Department in its tax reform message to the Congress, believe that, without the eco-

nomic distortion caused by the depletion allowance, the oil companies would become more economically rational and could produce oil at a lower cost.

IMPORTER OIL COST $1.45 LESS

The oil import program has acted to restrict the amount of cheap foreign oil that can enter the domestic market.

Foreign oil now costs about $1.45 a barrel less than the price Texaco is charging itself for crude oil. This is too great a disparity.

According to recent studies by the Interior Department, the oil import program costs the American consumer between $2 and $4 billion a year. The justification: national security. Yet, no one has taken the time to determine what our national security needs in this field actually are. We do know that the program does cost the American consumers $2 to $4 billion a year.

TEXACO'S JUSTIFICATION

Texaco attempts to justify the price increase in terms of higher labor costs. However, the claim is patently absurd. Oil refineries have probably the lowest per-unit labor cost of any major industry. In fact, so few men are needed to run the refineries that during the recent strike most refineries were kept running by supervisory personnel.

Alternatively, Texaco attempted to justify its increased price by talking about depressed wholesale gasoline prices. Its press release, however, flatly contradicts Texaco's 1968 annual report which stated:

> Sales prices remained relatively firm in most areas and contributed to overall improvement in gasoline sales revenue.

Nor, does it seem that depressed prices have adversely affected Texaco's profit structure. In 1968, Texaco's after-tax profits increased by 10.8 percent to $835,500,000—the highest profit level Texaco has ever recorded.

Finally, the old saw has been trotted out that the independent oilmen are not exploring as much as they were and, thus, prices need to be raised to give them more incentive to explore. It is true that the independents are no longer exploring as much as they were. Unfortunately for them, most of the untapped domestic oil producing geological structures are on the Outer Continental Shelf or in Alaska and most of the independents do not have the capital necessary to exploit these structures. This is not a problem for the major oil companies like Texaco. Between 1958 and 1967, according to the American Petroleum Institute, the majors increased their exploratory-development outlays 39 percent, to $3.2 billion.

The conclusions to be drawn from these facts are fairly obvious. First, the present tax treatment of the oil industry is encouraging inflation. Second, unless some action is taken to reform the situation, the small independent producers will not be able to compete with the gigantic resources of the major oil companies. And, finally, the major oil companies have such great power over the market and, apparently, over the Government that they manipulate prices and profits.

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

Mr. PROXMIRE. I yield.

Mr. JAVITS. Mr. President, I have listened with the deepest interest to the statement of the Senator. I agree with much of it. The major things that deal with inflation are production and imports, with relation to oil and other things, and the elimination of tax loopholes and other problems involving inequity.

There was a clear denunciation by the President of price increases. However, we would be much better advised to address ourselves to the specific substance of the things required to accomplish this.

Mr. PROXMIRE. At the heart of this matter is the controlling of governmental expenditures. If we can do that, we can then have an effect on the rising prices. In addition to that, there are places where the private power on concentrated industries is so great that it can raise prices, far beyond any justification in costs.

This is inflationary. The President can assist greatly in this respect by calling vigorous national attention to it, as President Kennedy and President Johnson did. And they can and did succeed in persuading some of these firms to rescind their price increases.

Mr. KENNEDY. Mr. President, the Senator from Wisconsin has most forcefully stated the case against the recent oil and gasoline price rise. On Wednesday, I myself wrote the President, suggesting the propriety of immediate Executive action to counter the price rise announced by the major oil companies. I ask that the letter be printed in the RECORD at the end of this statement.

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

(See exhibit 1.)

Mr. KENNEDY. Mr. President, in the letter I questioned the absence of any response to the price rise from the Council of Economic Advisers, the Justice and Interior Departments, and the Office of Emergency Preparedness, as well as from the President himself. I pointed out that in the prior administration there had been immediate and forceful response to such rises in such markets as steel and automobiles, and particularly in the petroleum markets.

I believe that one of the reasons the executive branch has been slow in acting to protect the public and the economy in this instance is that the existing mechanisms for representation of the consumer interest within the executive branch have not yet been activated by the new administration. The oil industry—like most industry groups—is sufficiently organized to make itself heard in the councils of government—and felt. The consumer is not.

But the preceding administration made efforts to redress this imbalance. It had two advocates of consumer interests with Government-wide jurisdiction: The President's Special Assistant for Consumer Affairs and the Consumer Counsel in the Justice Department. Both of these offices lie vacant. As we are all aware, a nomination was made to the first, but it was withdrawn. No action at all has been taken with regard to the Consumer Counsel, and I have therefore written to the Attorney General pointing out the need for filling this position as soon as possible. I ask that this letter also be printed in the RECORD.

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

(See exhibit 2.)

Mr. KENNEDY. Thus, the question of the lack of response to the oil price rise raises a broader question of whether all the interests of the consumer are being given enough emphasis and priority in the executive branch. I hope that we will have an answer to these questions soon.

EXHIBIT 1

LETTER FROM SENATOR EDWARD M. KENNEDY TO PRESIDENT NIXON REGARDING RECENT INCREASES IN PRICES OF GASOLINE AND OIL

MARCH 5, 1969.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: As you know, during the past two weeks, most of the major oil companies have announced substantial rises in the price of gasoline and of crude oil. The gasoline price rise will apparently result in an increase in the cost of gasoline to consumers at the retail level of one cent a gallon. Since over 80 billion gallons of gasoline are expected to be sold in 1969, the price increase in this product alone will cost more than 800 million dollars. The crude increase will produce a further substantial rise in consumer prices of many petroleum products and derivatives.

The magnitude of these rises is clear from the fact that their impact on the economy is about the same as the proposed steel price rises of recent years, and the proposed $100 automobile price increases last year, all of which were opposed vigorously by the last Administration. These and several other announced price rises were the subject of Presidential statements, of public and private pressure from the Council of Economic Advisers, and of threatened counteraction by the Office of Emergency Planning and other Executive Branch agencies. In the petroleum field in particular, the last Administration was prompt and strong in its efforts to resist major price rises. For example, after a few producers raised petroleum product prices in early 1967, the Acting Secretary of the Interior sent a wire to the major oil companies strongly urging those who had not raised prices to hold the line and those who had raised prices to rescind the increases. Later that year, when price rises were again being discussed, the Chairman of the Council of Economic Advisers lectured an oil industry meeting on the need for the industry to meet its responsibility to the public by deciding against price rises which would bring significant inflationary pressures. Again in 1968 the Council of Economic Advisers entered into direct contact with industry representatives after an announced price rise in gasoline and fuel oil prices, demanded to see the justification for the rises, and vehemently urged a rollback of the unjustified rises. In fact a partial rollback did occur.

By contrast, we have not heard one word from the Council of Economic Advisers, from the Department of the Interior, or from anyone else in the Administration regarding the recent rises. Since I know that certain members of the industry were very unhappy with the fact and timing of the rise by the first company to make an announcement, I can only conclude that the failure of the Executive Branch to do anything or say anything about that announcement played a role in the adoption of the increases by the other companies. Especially at a time when the oil industry is seeking Executive Branch support

for the protection and preservation of its special advantages, I should think that some sign of disapproval from you or the Council would have fallen on receptive ears.

In addition, under Section 6(a) of Presidential Proclamation 3279, as amended, which established the Oil Import program, the Office of Emergency Planning (now Office of Emergency Preparedness) is required to maintain surveillance over the program and "In the event prices of crude oil or its products or derivatives should be increased . . . such surveillance shall include a determination as to whether such increase or increases are necessary to accomplish the national security objectives" of the applicable statute and order.

Since the major oil companies all had record-breaking profits in 1968, with most of them showing a 10% or greater rise in profits over 1967, which also was a record-breaking year for most of the industry, it is clear that these price rises are not "necessary" in the public interest in any sense of the word. This is especially so for an industry that pays almost no federal corporate taxes and receives direct and indirect subsidies from the taxpayers in several forms, and where the companies' own annual reports admit that recent profit levels are due to "favorable prices" in petroleum product markets. Clearly the O.E.P. must analyze these circumstances and, if it reaches the same conclusion, must recommend an increase in imports or some other measures to bring prices down.

In the light of these facts regarding the recent price rises, the history and law relating to Executive Branch responsibilites for dealing with such rises, and conditions in the industry, and so that the Congress and the American public may have a full understanding of how the present Administration intends to meet its responsibilities both in this specific area and in the general area of inflationary price rises, I would appreciate receiving as soon as possible the answers to the following questions:

1. Has the Council of Economic Advisers or any other Administration official contacted the industry with regard to the recent price rises, and, if so, when? Have they asked for or received facts indicating the justification, if any, for the price rises, and, if so, what justifications were offered? Is the CEA satisfied with the justifications? Does the Administration plan to urge a rollback of the rises?

2. Has the Attorney General been requested to determine whether, in the light of their timing and similarity, the price rises raise any questions under the anti-trust laws?

3. Has it been made clear to Mr. Ellsworth that the re-study of the oil import program must include an examination of the impact of the program on consumer prices and industry profits?

4. Has the OEP, in accordance with its duties under the law and proclamation, begun its determination as to whether the price rises are "necessary" in the interests of national security? Has it reached a conclusion, and if so, what conclusion? What steps will be taken if the rises are found not to be "necessary?"

I regret that both of us need to devote so much time and energy to this subject, but I am sure you will agree that very vital interests of the American people are at stake.

I thank you for your assistance.

Sincerely,

EDWARD M. KENNEDY.

EXHIBIT 2

FEBRUARY 27, 1969.

Hon. JOHN N. MITCHELL,
Attorney General,
Department of Justice,
Washington, D.C.

DEAR MR. ATTORNEY GENERAL: As you may know, many proposals have been introduced in the 91st Congress to establish various kinds of entities, positions and machinery to enhance consumer and citizen representation before agencies and departments of the Federal Government. As Chairman of the Subcommittee on Administrative Practice and Procedure of the Senate Judiciary Committee, I have applauded the purpose of these proposals and I expect to introduce legislation along these lines myself.

As you well know, we do have an existing position which is intended to perform, in a limited way, some of the same functions and which, at least until some more comprehensive plan is adopted, can serve an extremely useful purpose. This is the office of Consumer Counsel within your Department. Unfortunately the death of the first incumbent, and the change in administration early in the term of the second incumbent have prevented this office from fulfilling its potential. However, I am hopeful that you will move quickly to fill the vacancy with a motivated and well qualified individual, and that you will give him a strong and flexible mandate to represent consumer and citizen interests throughout the government.

I would be most interested to hear from you regarding your plans in this area.

Best regards.

Sincerely,

EDWARD M. KENNEDY,
Chairman, Subcommittee on Administrative Practice and Procedure.

S. 1388—INTRODUCTION OF A BILL TO REQUIRE HEALTH HAZARD LABELING ON CERTAIN ALCOHOL BEVERAGES

Mr. THURMOND. Mr. President, I send to the desk a bill, on behalf of myself and Senators BENNETT, DOLE, MILLER, PEARSON, RANDOLPH and YARBOROUGH.

The purpose of this bill is to require every bottle containing hard liquor, 24 percent or more alcohol by volume, and moving in interstate or foreign commerce to carry a simple health warning: "Caution: Consumption of alcoholic beverages may be hazardous to your health and may be habit forming."

Mr. President, this bill, which is essentially a consumer protection measure, is prompted by two major considerations: First, the serious hazards to health posed by excessive use of alcohol; and second, the continued widespread use of alcohol among Americans.

The first consideration—the health hazard posed by alcohol—has two important aspects. The first is the effect of heavy drinking upon organic tissue, the circulatory system, and proper nutrition. Alcoholism is unique in that every system of the body is measurably damaged: Other disorders may damage specific systems of the body, but alcoholism damages them all. Three of the body systems may find fatal or permanently crippling damage: first, the cardiovascular system, comprising the heart and blood vessels; second, the nervous system, comprising the brain, spinal cord, and the various nerves running to all parts of the body; and third, the liver itself.

The frequent drinking of large quantities of alcohol tends to raise the blood level of fats; it may also result in damage to the heart muscle. At any rate, it is sufficient to note that a disproportionate number of alcoholics suffer crippling or fatal heart attacks.

Damage to the nervous system of alcoholics has been evident for centuries. Such damage is manifested by numbness in hands and feet, frequent tremors, and noticeable irregularities in brain wave patterns.

These are only a few of the phenomena associated with advanced stages of alcoholism.

As a person grows older his brain cells naturally die and are absorbed. Fortunately, the healthy individual has more such cells than he needs. In the case of the alcoholic, however, the brain is literally destroyed, since this reserve is not sufficient to offset the rapid brain cell damage resulting from his intemperate use of alcohol. The results of this deterioration are the well-known effects of delirium tremens, complete loss of memory, and mental incapacity.

While it is true that not all alcoholics advance to this state, many of them die from other causes, principally cirrhosis of the liver. Cirrhosis appears eight times more frequently among alcoholics than among nonalcoholics. Although it has been thought that malnutrition in the alcoholic is the sole cause of this disease, in recent years it has been found that alcohol itself has the capacity to cause liver damage even where the diet is adequate.

Mr. President, there is a second aspect to the problem of drinking alcoholic beverages which is of great concern not only to those directly involved in the plight of the alcoholic, but to the entire public as well. I am referring here to the great number of deaths on our highways which result from automobile accidents involving drunk drivers. This tragic problem points up the critical need for an intensive campaign among our adults and young people concerning the possible disastrous effects which can result from the excessive consumption of alcohol.

In a recent editorial in the Columbia Record, Columbia, S.C., the editor noted that 991 persons were killed on the highways of South Carolina last year, and that as many as 700 of these "were killed on South Carolina highways last year because of intemperate use of alcohol."

One of the major underwriters of automobile liability insurance has begun an extensive advertising campaign to alert the public about the dangers lurking on our highways due to the irresponsible driving of those under the influence of alcohol.

I would like to quote some typical language being used in these ads, which appear in leading newspapers in 22 States:

Are you frightened? You should be. 1968 was a record year for traffic crashes. Some 55,000 Americans were killed, nearly 4,000,000 others injured. Similar early estimates indicate both the number and the severity of crashes hit all-time highs.

The records may be smashed again in 1969.

Alcohol is the biggest single identifiable villain. A study done for the Insurance Institute for Highway Safety shows that one driver out of every 50 is drunk. Not just drinking—drunk! The drunk driver's vision is dimmed, his reflexes are dulled, his reaction time slowed by 15% . . . and as a result he's about 25 times more likely to cause a crash than when he's sober.

Mr. President, I ask unanimous consent that the editorial entitled "Drunk Drivers Cause 700 Deaths," which appeared in the Columbia Record on Tues-

day, January 7, be printed in the RECORD at this point.

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

DRUNK DRIVERS CAUSE 700 DEATHS

During the past year South Carolina continued to have one of the worst traffic fatality records in the nation.

According to the last official count, a new record of 991 persons died from automobile accidents that occurred on public streets and roads in 1968.

Why should the state have such carnage when it has well marked, well engineered and well patrolled highways?

One of the principal reasons is that we have so many drinking drivers.

It is estimated that at least one-half the 55,000 Americans killed in automobile accidents in a year die because drinking is involved in the tragedies.

In South Carolina it is estimated that possibly more than 70 per cent of the traffic fatalities result from alcohol consumption.

This statewide figure cannot be proved from available records, but it is suspected by law enforcement officers on the basis of their experience and observation.

One county keeps accurate statistics on the involvement of alcohol in traffic fatalities. This county has no reputation for alcoholism, but it has found that drinking plays a part in 70 per cent of its road deaths.

Nationally, the U.S. Department of Transportation reports, one of every 50 drivers on the road is drunk. The ratio is evidently higher in this state.

If the suspicions of the traffic regulators are correct, 700 persons were killed on South Carolina highways last year because of intemperate use of alcohol.

When the alcohol content in the blood reaches 0.15 per cent, a driver is 25 times more accident prone than when he is sober. Five hours are required before he is able to drive safely. Recent studies show that a driver loses control of faculties essential for safe driving at a much lower alcohol content.

The carnage on the highways should be alarming to every citizen. The loss of 700 lives in the state in a single year because of drunken driving is a clear indication that drastic action should be taken.

One of the problems is the courts. A patrolman has to drag a drunk driver from under the wheel when he makes an arrest. But when the offender appears in court he is sober, neat and rational. Neighbors and friends testify to his general sobriety. They confirm his contention that he had only one drink before dinner, or two beers. It is always just one drink or two beers. No advocate of the public's interest is on hand, and the drunk driver is turned loose to menace the highways again.

One of the problems of conviction is determining when a driver is drunk. An implied consent law, similar to the one that has caused a sensational reduction in traffic deaths in England, would be an effective method of determining drunkenness.

Under such a law, a driver suspected of being under the influence would be required to take a breath test which would either confirm or dismiss the suspicion. Refusal to take the test would cost the motorist his driving privileges.

Judicial reforms and breathalyzer tests are just two of numerous steps that should be taken to cut down the number of road fatalities. If nothing is done soon, 700 more persons will be killed on South Carolina highways in 1969 as the result of drunk driving.

The General Assembly should face up to the responsibility of getting drunk drivers, all of them potential killers, off the highways.

Mr. THURMOND. Mr. President, looking at the evidence presently available, it becomes clear that we need to step up the campaign to make the public aware of the dangers of excessive use of alcohol.

A recent Gallup poll emphasizes the extent of the problem we will be dealing with.

In 1939 when the poll was first taken, 58 percent of the American public reported that they used alcoholic beverages. In the most recent poll, which was published just yesterday, the figure had climbed to 64 percent. In breaking this down, Gallup indicates that among men the figure has climbed from 70 to 72 percent over the 30-year period, while among women the increase has been 12 percent. The greatest proportion of drinkers is to be found in the 20 to 30 age group.

Mr. President, I ask unanimous consent that the article entitled "Drinking in 1969" by George Gallup which appeared in the Washington Post on March 6, 1969, be printed in the RECORD at this point.

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

DRINKING IN 1969

(By George Gallup)

PRINCETON, N.J., March 5.—Two persons in every three (64 per cent) say they use alcoholic beverages, only a percentage point under the result for 1966 when a 20-year high was reached.

The latest figure is 6 points higher than in 1939, when the Gallup drinking audit was started. The proportion of male drinkers has changed very little over this 30-year period, but the proportion of female drinkers has climbed dramatically. Among men the percentage has increased from 70 per cent to 72 per cent, among women from 45 per cent to 57 per cent.

Here are the results of the latest Gallup Poll audit of drinking and the national trend since 1939.

[In percent]

	Drinkers
1939	58
1945	67
1946	67
1947	63
1949	58
1950	60
1951	59
1952	60
1956	60
1957	58
1958	55
1960	62
1964	63
1966	65
1969	64

A greater proportion of young persons, those in their 20s, are apt to be drinkers than are older persons.

Income is also a big factor. More than eight in ten (83 per cent) of persons whose family income is $15,000 or more say they have occasion to use alcoholic beverages. The proportion of drinkers falls off steadily in relation to income level, with a majority (54 per cent) being abstainers in the under $5,000 income group.

Major differences are also found in terms of religion, education, occupation and region.

Audit of drinkers, by groups, 1969

	Percent
Men	72
Women	57
21–29 years	80
30–49 years	69
50 years and older	53
$15,000 and over income	83
$10,000–$14,999	78
$5,000–$6,999	61
Under $5,000	46
$7,000–$9,999	72
East	77
Midwest	64
South	43
West	75
Professional, business	74
Clerical, sales	68
Manual laborers	66
Farmers	48
College-trained	74
High school	66
Grade school	51
Protestants	56
Catholics	82

Mr. THURMOND. Mr. President, few people today are aware that different individuals may face different hazards when they drink. Both the drinking and nondrinking general public assume that limiting one's self to infrequent social drinking is a mere matter of willpower and choice. Those with a physical susceptibility for alcoholism—estimated at 20 percent of the population—are unaware that they are exposing themselves to dangers that others do not face.

Stormed with a barrage of propaganda for social acceptability of alcohol the addict, or potential addict, gets no warning that it may affect him in a different, and tragic, way. A health warning such as I am proposing will serve as an objective guideline upon which he can base his own judgment, or spur him on to make further inquiries.

It seems that, despite all of the physically identifiable health hazards and great weight of evidence that alcohol is a major cause of highway deaths and accidents, it continues to be the practice to label the alcoholic instead of the alcohol.

The bill is not a prohibition measure. All it does is require a health warning label, similar to that now required on cigarette packages, on alcoholic beverages containing more than 24 percent alcohol by volume.

Mr. President, I feel that this is a reasonable and necessary approach to the problem. Congress should face up to the acknowledged health hazards caused by alcoholism and take notice of the alarming percentage of automobile accidents which can be directly attributed to alcohol consumption. By taking prompt action on this bill, we will have taken a step in the right direction.

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

The bill (S. 1388) to require a health warning on the labels of bottles containing certain alcoholic beverages, introduced by Mr. THURMOND (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Commerce.

SENTINEL—LET'S GIVE IT THE GREEN LIGHT

Mr. THURMOND. Mr. President, I commend the Evening Star for the wisdom it reflected in an editorial on Sunday, February 23, 1969, entitled "Sen-

tinel—Let's Give It the Green Light." This editorial puts the realities of the world we live in with the Soviets and the Chinese in the true perspective.

Mr. President, the Chinese Communists detonated their eighth nuclear device on December 27, 1968. The Secretary of Defense reports that they could have 15 to 25 ICBM's by the mid-1970's.

I seriously doubt any of my distinguished colleagues would say that they trust the Chinese Communists. Then, how can anyone deny protection for 23 million Americans who would be killed in Chinese attack when ABM would save an estimated 22 million of them.

Mr. President, we have a grave responsibility to the American people to provide them protection in the face of an ever-increasing Soviet and Chinese nuclear threat. The Soviets have built and flown the fractional orbit bombardment system—FOBS. This poses a serious new dimensional attack from space which makes detection a much greater problem for the United States. In addition, there is new evidence that the Soviets are constructing more effective missile submarines and a sophisticated ABM system. In the face of these threats to our survival, we have but one choice—move ahead rapidly with the approved Sentinel system.

Mr. President, the editorial reads in part:

> If the legislators want to block the program by refusing to appropriate the necessary funds, let them take the responsibility—and let them also be held accountable for the consequences of what could be a disastrous decision on their part.

Mr. President, I ask unanimous consent that the editorial be printed in the RECORD.

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

SENTINEL—LET'S GIVE IT THE GREEN LIGHT

A bit more than 20 years ago a "great debate" was under way in this country's scientific community.

The question was whether it was possible to build an H-bomb and, if it was possible, whether it was desirable to do so. The opposition arguments ran along several lines: It was not technically feasible to produce an H-bomb. In any event it would be morally wrong for the United States to create this hideous threat to mankind. With our large stockpile of A-bombs, what purpose would be served by arming ourselves with vastly more powerful weapons? Assuming the capability, if we should push ahead with the H-bomb development, would not Russia feel compelled to do likewise? And so on.

This debate continued behind closed doors for weeks and weeks. But then Dr. Edward Teller, sometimes called the "father" of the H-bomb, came up with a "brilliant invention" which settled one aspect of the argument. It *was* technically possible to build the more powerful weapon. Armed with this, proponents took their case to President Truman. Back from the White House came the word: Build it.

The United States can count itself fortunate that it then had a President who was willing and able to make hard decisions. For shortly after we had tested our first thermonuclear device, the Russians successfully tested theirs. Life for us in the 1950s might have been quite a different matter if the Soviet Union, and only the Soviet Union, had had the H-bomb in its armory.

A somewhat similar debate is under way in this country today. But this time the debate has to do with defense. Is it technically possible to develop and deploy an effective anti-ballistic missile system? If the answer is yes, should we get off the dime and start work on a "thin" ABM system, popularly known as Sentinel?

Opposition is mounting in Congress, especially on the part of self-appointed military experts on the Foreign Relations Committee. There is also opposition by some scientists and among some other people who, for various reasons, do not want Sentinel deployed in or near the cities in which they live.

The word from the White House is that the Sentinel system as envisioned in the Johnson administration is under review. It will not be surprising if some modifications are proposed. But there is strong indication that the final decision, expected around the middle of March, will be to push ahead with an ABM system.

It is important to keep in mind what could and what could not be expected from the deployment of a thin system. No one in the present state of the "art" thinks that a thin, or any other system, could provide meaningful protection for the United States in event of a massive first strike by the Soviet Union. Many millions of Americans would be killed and our major cities laid waste. Our shield against this threat has to be the maintenance of an assured capability to strike back on such a scale, after absorbing the initial blow, that the cost to the Russians of a surprise attack would be prohibitive. If this is not an especially reassuring prospect should a Soviet attack come, it is the best that can be offered as of today.

The pro-Sentinel people are confident, however, that a thin system could give very substantial protection in four and perhaps five other situations. They believe, for one thing, that it would provide an important safeguard against the kind of nuclear attack which Communist China is expected to be able to launch by 1975–77.

There has been considerable skepticism concerning any threat from Red China. What this comes down to is a suspicion that the real purpose in proceeding with Sentinel would be for the United States to have at least a start on deployment as a card to play in missile negotiations with the Kremlin, if and when that stage of nuclear arms limitation is reached, but such a purpose, if it exists, would not necessarily be without merit. Our intelligence people know that the Russians have started work on what is apparently a rather primitive ABM system of their own. And Defense Secretary Laird told the Foreign Relations Committee last week that the Soviet Union has begun testing a new and "sophisticated" ABM system. Common sense suggests, or so it seems to us, that the United States would be in a weaker position at the arms negotiating table if the Russians were going forward with a sophisticated ABM program while we were standing still.

The Communist Chinese threat, however, apparently is not something to be lightly brushed aside. Laird, originally one of the skeptics, now says that he has changed his mind, that on the basis of information which has come to him as Secretary of Defense he thinks Peking can have from 15 to 25 nuclear-tipped intercontinental missiles capable of hitting the United States by the mid-1970s. In his last report as Secretary of Defense, Clark Clifford said: "We believe it is both prudent and feasible on our part to deploy the Sentinel ABM system designed to protect against this (the Chinese) threat." Without the Sentinel ABM system, he went on to say, "we might suffer as many as 23 million fatalities from an attack by a Chinese intercontinental ballastic missile force. With the Sentinel, we might be able to hold fatalities to 1 million or less." These informed opinions, coming from two secretaries of defense, impose a heavy burden of proof on those who scoff at the Chinese threat or who are simply against the deployment of Sentinel, period.

The Sentinel proponents also contend that the thin system would be effective protection in case of an accidental launch of a few missiles against the United States from any source, that for several years after its deployment it could cope with missiles fired against us from submarines, and that it could destroy a missile or missiles fired from an orbiting platform, if this weapon should be developed. The fifth possible benefit would be to provide some protection for our underground ICBMs in event of a Soviet attack, thereby enhancing our strike-back capability.

The Sentinel system, as planned, would consist of long-range Spartan missiles and short-range Sprints placed in some 15 to 20 antimissile complexes. The cost estimate is from $5 to $6 billion, and it might go as high as $10 billion. Congress has already invested about $4 billion in this project, and the request in the 1970 fiscal year defense budget is for $1.8 billion.

Some opponents say it would be better to spend new Sentinel money on rehabilitating slums instead of investing it in what they call an unreliable ABM system. Others profess to fear that for the United States to do what the Russians are doing in missile defense would serve only to escalate the arms race. Further opposition comes from local groups who, without any real basis in past experience, fear a missile complex explosion; still others who say that a site near the city in which they live would invite an enemy attack, and this despite the fact that our major cities in any event probably would be targets. Finally, there are some who simply don't want to give up the real estate (some 200 acres) that each missile complex would require.

Congressional opponents, especially in the Senate, are claiming that they have or will have the votes to block any further appropriation for Sentinel. Perhaps they have. It is always easy for a politician to stand on the side of the angels, to be for spending to aid the poor and against spending for defense, and to capitalize on the apprehensions of many people as they contemplate any enlargement, offensive or defensive, of our nuclear capability.

As a responsible President, however, Richard Nixon cannot indulge in politicking on this question. If he is persuaded, as we think he will be, that our national security requires him to give the go-ahead signal on the Sentinel program, he should grasp that painful nettle—just as Harry Truman did two decades ago. If the legislators want to block the program by refusing to appropriate the necessary funds, let them take the responsibility—and let them also be held accountable for the consequences of what could be a disastrous decision on their part.

ORDER OF BUSINESS

Mr. THURMOND. Mr. President, I ask unanimous consent that I may be permitted to speak for 10 minutes.

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

CIVIL RIGHTS COMPLIANCE IN TEXTILE INDUSTRY

Mr. THURMOND. Mr. President, much has been said and written in recent days in reference to compliance with the Civil Rights Act by the textile industry.

I represent the State of South Carolina, where approximately two-thirds of the industrial payroll is involved in textile and textile-affiliated business.

Charges have been made that minority

groups are being discriminated against by the textile industry, and the impression has been given that Negro female employees are practically nonexistent.

Nothing could be further from the truth. It is time for the records to be set straight, so that the American people will not be misinformed on a subject of such vital interest.

Mr. John K. Cauthen, executive director of the South Carolina Textile Manufacturers Association, has stated that around 20 percent of textile employees in my State come from minority groups. Of this percent he reported "that there are about 6,000 Negro females employed in the State's textile labor force of about 140,000 persons."

Mr. President (Mr. GRAVEL in the chair), these figures do not seem to find their way into print here in Washington. We seem to be getting only one side of the story, and this through unsubstantiated allegations, which are calculated to mislead the American people.

All three of the textile firms awarded contracts in early February 1969, despite considerable pressure to deny them this work, are clearly on the record as favoring equal employment opportunity. These firms—Dan River Mills, Burlington Industries, and J. P. Stevens—have accelerated their efforts in this area in recent years.

As a result of these recent attacks on the character of their management they have restated their positions of commitment to equal employment opportunity.

Typical of their position on this question was the statement by Robert Small of Dan River Mills who stated:

> Allegations about Dan River made early this week by Senator MONDALE, of Minnesota, were both intemperate and untrue.
>
> Dan Rivers is committed to a policy of nondiscrimination in employment. Application of this policy has resulted in a steady increase both in the number and kinds of positions held by minority persons.
>
> Moreover, Dan River has developed a written affirmative action program which we believe is in compliance with the EO on equal employment opportunity.
>
> Currently minorities represent more than 16 percent of Dan River's total employment.

Fortunately, we now have men in key Government positions who are willing to look before they leap. They have found the story quite different from what some represent it to be.

These men seek solutions where problems are found. They are aware of the textiles' long record of splendid service to our armed services since World War I. One supplier of cloth, J. P. Stevens & Co., Inc., has been a supplier of textile goods to our Government since the War of 1812. In fact, today textiles stand as the second most important industry in our national security picture, next to steel.

Mr. Cauthen says the textile industry has a double desire—to supply goods for the Armed Forces as well as to do business with the Government. If Government contracts with South Carolina's textile industry were canceled, Cauthen says, it is problematical whether the Government would get the goods it needs.

Mr. President, the Defense Department has wisely decided to proceed with the business of buying, at the best price available, the cloth needed by the armed services. The Defense Department has accepted assurances that the firms would try to do even better in their efforts to meet Federal requirements to provide equal employment opportunity.

The fact of the matter is that denial of the contracts would punish the industrious minority textile workers who are employed by the firms under fire. The American Textile Institute reports there were 94,000 Negroes, 8.7 percent of the work force, employed in the textile manufacturing industry in 1968. They also report that minority groups are being employed at a faster pace in textiles than in any other industry.

Many seem to lose sight of the fact that the textile industry today is the largest employer of minority groups. Such a circumstance could not be so if discrimination was practiced to any extent. While these conditions may have just developed in recent years, they are nevertheless facts of the day.

Of equal importance, to my way of thinking, is the attitude of our textile leaders regarding this matter of equal employment opportunity. These executives are men of patriotism and character. I do not know of any employer in my State who wants to keep qualified persons of any race or color from free access to a job. In fact, many jobs in the textile industry and other industries in South Carolina cannot be filled because of a lack of manpower. We have underway in my State numerous education programs designed to train and qualify all our citizens for the opportunities open to them in a rapidly industrializing economy. The textile firms also have their own programs to move employees on up the ladder of advancement as fast as their ability will permit.

These efforts have been underway for some time. They are reflected in the reports submitted regularly by many of our textile firms to various agencies of our Government. They will be reflected in future reports.

Mr. President, I am certain that the confidence our Government has placed in the textile industry will be substantiated. I am confident the investigations presently underway will substantiate my statements on this subject. The facts will speak for themselves. All I desire is for the American people to get the truth.

In the South, the textile employee is the heart of our economy. He works hard for a good day's wage. His efforts have brought progress to our State, and have provided the catalyst for the industrial revolution we are now enjoying. No other segment of our economy has contributed more to the advances we have enjoyed in all phases of our development.

Arbitrary actions resulting in the withdrawal of Government contracts to the textile industry would seriously disrupt the economy of my State and that of many others. I am grateful that we have in Government men of wisdom and judgment who do not bow to pressure based on ill-founded and ill-stated reports.

The textile industry is moving forward in many areas. It is moving forward in raising the standard of living of those who have labored in its mills and at its looms. It is moving forward in its technology. It is concerned with noise abatement. Yes, it is active in the area of equal employment opportunity.

I know the people who work in the mills, and I know the people who manage them. They are all good people, not persons who would deny their fellow man. I welcome an investigation of the rights of all men, and I am confident that such an examination will reveal that fairness and good will prevail.

SENATE CONCURRENT RESOLUTION 10—CONCURRENT RESOLUTION RECOGNIZING THE 26TH ANNIVERSARY OF THE WARSAW GHETTO UPRISING

Mr. JAVITS. Mr. President, I submit, for appropriate reference, for myself and Senator GOODELL, of New York, a concurrent resolution expressing the sense of the Senate in recognizing the significance to the world of the uprising in the Warsaw ghetto 26 years ago. At the same time that we are submitting this concurrent resolution in the Senate, Representative EMANUEL CELLER, of New York, dean of the New York delegation and chairman of the House Judiciary Committee, is submitting it in the House of Representatives. I wish to note that the Jewish Nazi Victims Organization of America was instrumental in the preparation of this resolution.

It was 26 years ago in April that the world was electrified by the news of the heroic resistance against the mighty Nazi war machine by the outnumbered and beleaguered Jews of the Warsaw ghetto.

We who live in security and freedom must long remember and be inspired by those who, under such hopeless circumstances, died for freedom and dignity. Their resistance will remain forever a monument of light in a dark era of man's history.

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

The concurrent resolution (S. Con. Res. 10), which reads as follows, was referred to the Committee on the Judiciary:

S. CON. RES. 10

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress to recognize and acknowledge the world significance of the Warsaw ghetto uprising as a reaffirmation of the ineradicable determination to fight for freedom from oppression and that Congress joins in commemorating on April 25 the twenty-sixth anniversary of the Warsaw ghetto uprising against the Nazi occupation forces by the beleaguered and outnumbered Jews of the Warsaw ghetto.

S. 1423—INTRODUCTION OF CUBAN REFUGEE BILL

Mr. JAVITS. Mr. President, the Immigration Reform Act of 1965 imposed for the first time a numerical limitation on the number of immigrants who would be allowed to enter this country from the Western Hemisphere.

Our longstanding policy of free immigration with our Pan American neigh-

bors has now been replaced with one limiting Western immigration to 120,000 persons a year. I opposed the imposition of these quotas and was particularly distressed to learn that Cuban political refugees will be included in the overall limitation. Mr. President, I certainly did not favor this restriction. It was one of the prices we paid for getting the bill.

According to statistics for fiscal year 1968, Cuban refugees are arriving primarily by airlift at approximately 4,000 per month. Charging them to the annual allotment of 120,000 quota numbers per year, upon adjustment of status, would effectively reduce the number of immigration visa numbers available for other Western Hemisphere natives.

As one who was a member of the Judiciary Committee at the time the Immigration Reform Act of 1965 was considered, I can state that Congress did not contemplate the extent of Cuban immigration, for the Cuban Government did not liberalize its exit policy until after the bill had been passed. Certainly we did not intend that fully such a large portion of this quota should go to a single small country, but neither would we want to bar the Cubans who are essentially political refugees. Accordingly I introduce for appropriate reference, on behalf of myself and the Senator from Michigan (Mr. HART) a bill to provide that Cuban immigrants be admitted without being charged to the quota.

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

The bill (S. 1423) to amend the act of October 3, 1965, introduced by Mr. JAVITS (for himself and Mr. HART), was received, read twice by its title, and referred to the Committee on the Judiciary.

BIRTHDAY OF THOMAS MASARYK

Mr. JAVITS. Mr. President, March 7 marks the birthday of Thomas Masaryk, President-liberator of Czechoslovakia. Many Americans of Czech and Slovak descent assisted Masaryk in World War I to win Czechoslovakia's independence. Czechoslovakia was given only 20 years of peace, yet in this brief time she established a democracy, economically and culturally progressive, dedicated to social justice and freedom.

Twice in the last 30 years Czechoslovakia was overrun by a dictatorial world power; the first time, by Nazi Germany; the second time, by Communist U.S.S.R. The first tragedy was expiated by Hitler's total defeat and by the Slovak national uprising against home Fascists, which once again united Czechoslovakia. The second tragedy began in 1948 with Communist seizure of power. Masaryk's name was defiled and history books were destroyed to erase for future generations the achievements of this illustrious statesman. Then, miraculously, a strong rebirth of freedom began to sweep the country, Masaryk's name was again remembered publicly and students, despite 20 years of Communist indoctrination, began to turn to his teachings and to new ideals. Unfortunately, on August 20, 1968, this liberalization upsurge was ruthlessly put down by the Warsaw Pact forces and by Soviet occupation, which continues to this day.

It has been 6 months since the invasion, but the people of Czechoslovakia are still opposing the Soviet occupation of their country. They are fighting to save something of their hard-won freedoms. I believe that the free world can keep alive the memory of free Czechoslovakia by honoring President Masaryk's birthday and thus help to sustain the aspiration for freedom of the freedom-loving people of Czechoslovakia.

TYRANNY OF THE MINORITY

Mr. JAVITS. Mr. President, a recent AFL–CIO News editorial aptly labeled Senate rule XXII "the tyranny of the minority." It also reminds us that even the small modification of the rule sought in this Congress was turned back. The labor movement has supported every effort to reform the filibuster rule—and I am sure that the labor movement will continue its support until the battle for democratic principle is won—as it surely will be. I think that editorial should have the widest possible circulation. For that reason, I ask unanimous consent that the editorial, entitled "The Senate's Separate Way," be printed at this point in the RECORD.

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

THE SENATE'S SEPARATE WAY

The "tyranny of the minority" will continue as a way of life in the U.S. Senate for at least another two years with the defeat of the latest attempt to reform the filibuster rules.

The struggle to allow a simple majority to bring an issue to a vote in the Senate after full discussion and protection of the minority has been going on for decades. The conservative coalition has prevailed to the extent that even the matter of changing the Senate rules is subject to a filibuster, overcome only by a two-thirds vote.

With the opening of the 91st Congress the liberal forces who have done valiant battle for democratic principle proposed a limited change of the cloture rule that requires two-thirds of the senators present and voting to shut off debate. They proposed lowering the figure to three-fifths, or 60 of the 100 senators if all were present and voting. But this essentially small modification was too much for the conservatives and it went down to defeat.

Historically the Senate filibuster is linked with the civil rights issue. A Southern-led coalition succeeded for many years in blocking an obvious national sentiment for civil rights legislation. In the past few years, however, the public demand for action has prevailed.

But the filibuster has become a major weapon for the conservatives in other areas. In the 90th Congress they used the unlimited debate procedures to block a floor vote on repeal of Section 14(b) of the Taft-Hartley Act and on the nomination of Supreme Court Justice Abe Fortas to become chief justice. In both cases it was clear that a majority existed in the Senate for approval of the repeal measure and the nomination—but not two-thirds.

So the Senate continues on its separate way. A simple majority of the voters is enough to win a candidate a seat in the Senate. But a simple majority is not enough to bring a bill or a nomination to the Senate floor for a vote. Such is the tyranny of the minority.

CARIBBEAN FREE TRADE ASSOCIATION

Mr. JAVITS. Mr. President, foremost among the great blessings we enjoy as Americans is the presence on our borders and on front-door islands of nations and territories all for the most part close friends and well-wishers; among them the rapidly developing West Indian states whose history and culture are closely related to that of the United States of America.

A recent West Indian development of great significance is the coming together of the area's political leadership for the formation of an economic union under the heading of "Carifta"—Caribbean Free Trade Association. With a combined population of over 4 million peace-loving, ambitious and energetic citizens, these West Indies islands are destined to become a strategically important ally and factor in our total "good neighbor policy" concept and the policy of the good partner.

The New York Times on Tuesday, February 4, published a full-page advertisement of Expo '69 scheduled for opening on April 5 in the island of Grenada. All of the member nations of Carifta will be participating—Antigua, Barbados, Dominica, Grenada, Guyana, Jamaica, Montserrat, St. Kitts, St. Lucia, St. Vincent, Trinidad, and Tobago among them.

Grenada and its Premier, Eric M. Gairy, are to be congratulated for vision and foresight in arranging for and hosting this first international fair in the Caribbean.

S. 1419—INTRODUCTION OF BILL RELATING TO PUBLIC LAND WITHDRAWALS

Mr. BIBLE. Mr. President, I introduce, for appropriate reference, a bill to require an act of Congress for any withdrawal of public lands in excess of 5,000 acres for any project or facility of the Federal Government.

Mr. President, this legislation is identical to S. 1935, which I introduced in the 90th Congress. It is a withdrawal limitation similar to the one which we passed in the 85th Congress that applies to the Department of Defense except that it would apply to all executive agencies.

The need for this legislation became painfully apparent in 1967 when the Interior Department, at the stroke of an administrator's pen, moved to withdraw from public entry millions of acres of Federal land without limitation. These were "all lands of the United States" which had or might have geothermal steam value. Fortunately, we were successful in having this order modified and reasonable limitations placed upon it. But it remained a huge withdrawal, and it was performed under "implied power" of case law. There is no way of knowing at what time in the future some other administrator will decide to exercise implied power and withdraw millions of acres.

Speaking quite frankly, Mr. President, the real solution most probably lies with the Public Land Law Review Commission, which is to make its report next

year. I am a member of that commission, and I intend to see firm recommendations adopted to control withdrawals along the lines of the bill I introduce today. Meanwhile, I wish to reintroduce this legislation to let it be known this withdrawal question has not been dropped and that Congress has the instrument with which to limit administrative withdrawals should it decide to act.

One thing is clear: With the vastly increased public demands on Federal lands and resources, including recreation, the time has come for Congress to regain firm control of public land policies. This bill, or similar action taken upon the recommendation of the Public Land Law Review Commission, would accomplish this end.

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

The bill (S. 1419) to require an act of Congress for public land withdrawals in excess of 5,000 acres in the aggregate for any project or facility of any department or agency of the Government, introduced by Mr. BIBLE, was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

CRIME AND THE SMALL BUSINESSMAN

Mr. BIBLE. Mr. President, for some time now the members of the Senate Small Business Committee have been gravely concerned about the impact of crime upon the small business community. Today, the small businessman is worried not so much about his competitive status as his personal safety and the safety of his employees. Many a small retailer who opens his store in the morning wonders if he will be alive to close up that night. He wonders, also, if it is worth risking life and limb every day to earn a modest living for his family. And he sometimes may wonder what has happened to America. If he becomes bitter when he discusses these matters, if he indicts the society which tolerates these conditions, who can honestly blame him?

ENORMITY OF THE PROBLEM

Mr. President, an exhaustive crime study just completed by the Small Business Administration offers a shocking profile of lawlessness in America. It pegs business crime losses at $3 billion a year—30 percent more than the entire Federal outlay for America's natural resource program.

The study makes it plain that thievery and vandalism are reaching epidemic proportions in the business world and that the small businessman is the one who is getting the worst of it. Consider these statistics in the study:

Total "ordinary crime" against all business—$3 billion.

Burglary losses—$958 million, with small business—those with receipts of less than $1 million a year—absorbing 71 percent of the losses.

Shoplifting—$504 million, with small business taking 77 percent.

Vandalism—$813 million, with small business taking 58 percent.

Employee theft—$381 million, with small business taking 60 percent.

Bad checks—$316 million, with small business taking 77 percent.

Robbery—$77 million, with small business taking 68 percent.

These figures do not include losses from organized crime and rioting. They are sufficient by themselves to demonstrate that crime is a deadly enemy of American business that could—and does—wipe out a lifetime of hard and honest labor.

It is a grim irony that small businesses, while hit hardest by crime, are financially less capable of dealing with the losses than the bigger competitors in the private sector of the economy. Small businessmen usually find it more difficult to pay for prevention measures such as expensive burglary prevention and warning systems. As for insurance, too often it is least available where it is needed most, while costs are highest where they can be afforded the least.

Mr. President, it was a recommendation by the Senate Small Business Committee that led to legislation authorizing this comprehensive crime study, and the results will be of tremendous help in directing us to legislative solutions. And solutions are urgently indicated. We have measured and described this nationwide assault by crime. We know where it is most destructive and where countermeasures are most urgently needed. Now it is time to act.

WAR ON CRIME

Mr. President, the SBA study to which I referred did not examine the sociological aspect of the crime problem, but it did suggest immediate broad countermeasures that would provide substantial relief to the small businessman; these include:

Research to develop improved deterrents such as more efficient policing and burglar-proofing devices;

Centralized alarm systems;

A priority Federal program to develop a nonlethal bullet; and

Revised insurance ratemaking.

I believe we are obligated to give each of these recommendations the earliest possible consideration. But this is only a fraction of our total obligation, for the 91st Congress must confront the national crime crisis in its enormity and its entirety before it destroys the fabric of America.

Some affirmative steps already have been taken. Congress in 1968 enacted the Omnibus Crime Control and Safe Streets Act, and before that, my own omnibus anticrime legislation for the District of Columbia. These are significant laws—let no one dispute that. But they represent only the first step of a long journey.

In my judgment, we have reached the critical point where nothing short of a total national commitment will be required to discourage the lawless elements in our society and return civilization to the streets of our cities. Too much time already has been squandered in a fruitless search for philosophical solutions aimed at pleasing all segments of our society. While the debate goes on, thousands upon thousands of innocent Americans are victimized by savage acts of violence that destroy human life and property.

Mr. President, it is my belief that the accused in our society is ably represented by articulate spokesmen. His rights are jealously guarded by those within the legal fraternity and the judiciary. If he is indigent, he will be provided expert counsel. If he is disturbed, he will be provided expert psychiatric care. And if he is guilty, he will be provided a full arsenal of legal weaponry enabling him to pursue an alternative to prison. He may receive probation or a suspended sentence. He may ask for a new trial and, quite frequently, he will get it. Or he may request that his conviction be set aside on legal ground. Here again, his chances for success are excellent.

Unfortunately, the victims of crime are not accorded the same advantages. The victim of an armed robbery may hear the trample of sympathetic feet, but chances are, the footsteps will go right on by, headed in the direction of his assailant to insure that his constitutional guarantees are not abridged. Whatever sympathy the victim receives all too often comes only from his loved ones, neighbors, and business acquaintances. And whatever compensation he receives will generally be far below the expense he suffers as the victim of a crime.

Mr. President, it is a shameful fact of life that our society sometimes expends far more effort to protect the criminal than the law-abiding citizen. Is this just? It is not. It is not even commonsense. If anything, it is a symptom of moral decay. And the symptom threatens to become a disease.

Our Nation must reverse this alarming trend once and for all, and it must begin now. Government at every level must direct its energies toward protecting innocent citizens. If this means building more prisons, and handing down harsher sentences, then so be it. We can no longer afford to waste time talking about new concepts in penology while armed predators turn our cities into jungles. The American people have a right to live without fear for their lives and property.

The 91st Congress can lead by example, just as the 89th and 90th Congresses led by example. But we are obligated to go far beyond the good works of the recent past. At this moment, the tragic victim of crime in our society does not have an influential friend at court. We can be that friend. Our laws can give him the same measure of protection now guaranteed the accused criminal.

CRIMINALS AT LARGE

Armed robbery is only one of many crimes which threaten the small business community. If the small merchant is fortunate enough to escape the gunman, he may still be the victim of a host of offenses classified under the larceny-theft category by the FBI. These include day or night burglary, shoplifting, auto theft, pilferage, and similar thefts as well as losses resulting from "con games," forgery, and worthless checks.

According to FBI statistics larceny thefts—valued at $50 or more—increased 110 percent from 1960 to 1967. Shoplifting offenses increased 112 percent over the same period. And the saddest sta-

tistic of all: In 1967, the FBI reported that only 20 percent of burglary crimes and only 18 percent of larceny-theft offenses were cleared by police. As my colleagues well know, a crime is "cleared" when an offender is identified, charged on the basis of "sufficient" evidence, and taken into custody. The arrest of one person can clear several crimes or conversely, several persons may be arrested in clearing one crime. Unfortunately, we do not have statistics on the convictions of those apprehended, nor on those offenders who have been released by the courts, pending trials, but the point I want to make is that well over 80 percent of these offenders are still at large. And, if early press reports are correct, this year will bring new crime records in all of the categories mentioned.

HELP FOR SMALL BUSINESS

Mr. President, the Senate Small Business Committee was created by Senate Resolution 58, agreed to on February 20, 1950. It is specifically authorized—

To study and survey by means of research and investigation all problems of American small business enterprises and to obtain all facts possible in relation thereto which would not only be of public interest, but which would aid the Congress in enacting remedial legislation, and to report to the Senate from time to time the results of such studies and surveys.

The 90th Congress passed some excellent legislation which, if properly implemented, should have far-reaching effects on criminal activity. I already have mentioned the Crime Control and Safe Streets Act of 1968, which provides grants to strengthen State and local law enforcement. Also, the Gun Control Law of 1968 will have beneficial effects in reducing criminal use of firearms. The Housing and Urban Development Act of 1968 provides insurance for victims of urban street crimes, and the Truth-in-Lending Act of 1968 makes loansharking a Federal offense punishable by up to 20 years in prison.

But, crime has many facets and faces, and all of them are ugly. Our committee also has been probing what might be called "the silent steal"—the theft and pilferage of cargo and merchandise in transit at airports, docks and freight terminals. All too often these thefts, running to billions of dollars each year, are not reported to police authorities, but they can have devastating results on the small shipper, importer, or exporter.

We learned there are nine Federal, State, and local government agencies with jurisdiction on the piers of the port of New York. Yet, importers tell us that theft and pilferage of imported merchandise is so widespread on New York docks that they are considering using other U.S. ports of entry. One small businessman told us:

These thefts are like a hold-up or robbery of a store or retail outlet. The results are identical and often more tragic. Recently my company had one entire shipment stolen from the piers. Since this merchandise had already been sold, we not only lost the shipment, but two distributors lost faith in our ability to deliver and cancelled their contracts.

The problem is one which demands prompt attention. Accordingly, the Senate Small Business Committee will examine it carefully and will offer legislation aimed at providing practical solutions.

Mr. President, over the years, the Senate Small Business Committee has been the watchdog over the welfare of the small businessman. We helped to create a new Federal agency, the Small Business Administration, whose entire mission is directed toward helping the individual who contributes so much to the private sector of our economy. Today, more than ever before, the small businessman needs our help. Increasingly, he is threatened by the loss of his lifelong investment or by the loss of life itself. We owe it to him—and to ourselves—to halt the malignant spread of crime in America.

Few of us will forget the 1967 crime hearings conducted by the Senate Small Business Committee when several businessmen, fearing reprisals, agreed to testify only if allowed to wear masks. They were afraid—just as millions of other Americans today are afraid. And no free society, no just society, can long endure in a climate of fear.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that I may be permitted to proceed for 25 minutes.

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

"HIGH NOON" FOR THE SCHOOLS

Mr. BYRD of West Virginia. Mr. President, a former U.S. Supreme Court Justice—Story—remarked:

Every successive generation becomes a living memorial of our public schools, and a living example of their excellence. Never, never, may this glorious institution be abandoned or betrayed by the weakness of its friends, or the power of its adversaries.

The time has come, Mr. President, for friends of the public schools to take a strong stand against those who would destroy the educational system in this country.

Already, New Left and black extremist activities have contributed to the mushrooming of a lawless and insurrectionary atmosphere in the academic community—an atmosphere that is conducive to increased criminal behavior marked by violence, and a growing contempt for lawful authority, all of which spells danger to our national welfare and security.

The front runner of the New Left is the SDS—the misnamed Students for a Democratic Society.

The SDS of today was established in June 1962 at Port Huron, Mich. It was at a founding convention there that a group of students who referred to themselves as "liberals and radicals" drafted the "Port Huron Statement," the "bible" of the SDS movement.

The Port Huron statement covers a multitude of subjects including peace, poverty, and civil rights, and its chief architect was Thomas Emmett Hayden. Hayden was the object of much attention, nationally and internationally, in December 1965 and January 1966, when he went with Communist Party theoretician Herbert Aptheker to North Vietnam in open defiance of laws which proscribe travel to countries designated by the Secretary of State and prohibiting misuse of a U.S. passport. Aptheker is the father of Bettina Aptheker, a self-admitted Communist who has been active in SDS affairs and who has participated in demonstrations from Washington, D.C., to Berkeley, Calif.

The Students for a Democratic Society opposes selective service, U.S. participation in the war in Vietnam, academic and administrative practices of our colleges and universities, and is anti-"establishment" in general.

SDS speaks of "participatory democracy" as an ideal form of society, but it is a system bordering on anarchy and one which is characterized by opposition to established authority.

The preamble to the constitution of SDS carries the following sentence which constitutes the cornerstone of "participatory democracy," SDS fashion:

It (meaning SDS) maintains a vision of a democratic society, where at all levels the people have control of the decisions which affect them and the resources on which they are dependent.

In other words, it would matter little to SDS as to whether an individual possessed or did not possess either the education or the experience, the imperative facts or the ability, to enable him to efficiently participate in or to control the decisions that are of critical importance to the policies of our republican form of government—a government of laws and not of men.

The "participatory democracy" of which SDS speaks has been seen in action on campuses all across America, where SDS members have fomented chaos and anarchy.

The "participatory democracy" of SDS was exemplified at its national convention in June 1965 at Camp Maplehurst, Kewadin, Mich. From the beginning to the end of that convention, all facilities at the convention site were "coed," and over 250 participants—regardless of sex or color—shared cabins and bathrooms. The facilities were filthy, but no more so than were many of the barefooted, bearded, unkempt delegates.

One of Detroit's Wayne State University faculty members, who was a participant in the convention, advocated that peace could be promoted by chain-ins and sit-ins on some of the main thoroughfares. It was also suggested that traffic be tied up in Washington, D.C., through an emergency crisis program which would call for the stalling of cars on expressways and lie-ins in front of fire stations and police stations. SDS members were also asked to violate the Espionage Act of 1917, as well as the Military Code of Justice and the Smith Act of 1940. A University of Chicago graduate, who was national secretary of SDS, advocated that members enter American military bases to distribute printed matter urging servicemen to desert and avoid participation in the Vietnam conflict.

J. Edgar Hoover, FBI Director, described SDS in an October 1966 issue of

the FBI Law Enforcement Bulletin as "a militant youth group which receives support from the Communist Party and which in turn supports Communist objectives and tactics."

A week later, the official SDS newspaper, New Left Notes, ran an article stating:

Well, for once J. Edgar Hoover is right. There are some communists in SDS. Every regular reader of "New Left Notes" must be fully aware of that fact, and he must also know that some of those communists have openly admitted their membership in both organizations. . . SDS is an open organization which welcomes all who seek for solutions to the problems of our day.

Former Attorney General Nicholas Katzenbach was also quoted in the press on October 17, 1965, as having stated that the Department of Justice had discovered "some Communists and some persons very closely associated with Communists" working for SDS.

Among those Communists who have been prominent in SDS meetings are Bettina Aptheker and Carl Bloice, two members of the National Committee of the Communist Party, U.S.A., who participated in the SDS national convention some time ago at Clear Lake, Iowa. These two Communist Party officials joined in a panel which discussed the subject "Working With Communists." Another participant on the panel represented the pro-Peking Progressive Labor Party.

Many Communist Party members joined in the SDS-organized demonstration which occurred during the highly publicized April 17, 1965, "March on Washington," to protest U.S. action in Vietnam.

SDS sponsored the appearance of Edward Lamansky, a Communist who works for the Progressive Labor Party, at the University of Washington in January 1966. Lamansky was also the leader of the student group which went to Cuba in the summer of 1964.

Among those highly active in SDS affairs has been Bruce David Dancis, who was elected SDS president at Cornell University in October 1966. Dancis was indicted by the Auburn, N.Y., Federal Grand Jury in April 1967 on the charge of mutilating his selective service card in the presence of a number of persons on the Cornell campus.

SDS has been very active in opposing military conscription, has engaged in campus demonstrations against Dow Chemical Co.—manufacturer of napalm—job applicant interviewers, and has staged fund-raising drives in support of medical care for persons injured in napalm raids in the Vietnam war.

SDS members have insisted also that university administrations not cooperate with the House Committee on Un-American Activities, more recently named the Committee on Internal Security.

The SDS has been involved in unrest at the University of Michigan revolving around a ban on disruptive sit-in demonstrations by the university and the refusal of the university to stop compiling class rankings for the Selective Service System's assistance in determining draft deferments.

The SDS engaged in a sit-in at the Ann Arbor Police Department following confiscation of an obscene motion picture by the police which was shown on the campus.

The SDS has been prominent in campus disorders at the University of California at Berkeley and at other universities throughout the land.

An SDS leader at the University of Chicago, Steve Kindred, expressed this view:

This University owes quite a lot of reparations. This whole society owes quite a lot of reparations. With what the University's done, and the way it's followed in the footsteps of the other major institutions of this society, it may burn some day. ("The New Left"—Senate Internal Security Subcommittee, op. cit.)

Publications of Students for a Democratic Society contain articles and poems which would shock the ordinary citizen—particularly citizens who are repulsed by the sight of four-letter words.

Favorite targets for attack in SDS propaganda publications include the military industrial complex, the draft, poverty, and discrimination.

For example, the January 20, 1967, issue of "New Left Notes" contained an announcement which read as follows:

Make draft resistance a reality. Keep the national office informed regarding draft resistance programs and activities in your area. Submit your reports and/or requests for information to: Resist, SDS, 1608 West Madison, Chicago, Illinois. . . . Watch 'New Left Notes' for the names and addresses of your local resistance agents. Why don't you organize a draft-resistors' union?

The February 3, 1967, issue of "New Left Notes" carried an article which made the following suggestion:

There are numerous ways of messing up draft boards. Some are only harassment techniques, while others may be good for organizing. . . . You have the right to see the file your draft board has on you if you make an appointment. . . . There is nothing to prevent you from absconding with all or part of your file, or, possibly inserting new data. . . . Go to a draft board and register under a false name and address. The fun ensues when this mythical person does not respond to any mail and fails to report for a physical or induction. Ultimately, Federal agents will spend much time attempting to track down people who do not exist. . . . It is possible to fake a IV–F without using drugs to wreck yourself. . . . At the physical itself, you could keep a straight pin on the inside of your shorts and prick your finger lightly when asked for a urine sample so that a drop of blood becomes mixed with the urine which would look very much like kidney trouble. . . . One thing which is very important to remember is that these centers are rarely on Federal property, in which case orders from soldiers should be resisted firmly and as loudly as possible.

The author of the above quotes appears to be Mark Allen Kleiman, who is reported to be a drug user and who has functioned as an organizer for SDS.

In December 1966, the National Council of SDS adopted a very strong "anti-draft resolution" at a meeting in Berkeley, Calif. The resolution stated, in part:

SDS reaffirms its opposition to conscription in any form. . . . SDS encourages all young men to resist the draft. . . . SDS members will organize unions of draft resistors. . . . The primary task of SDS is that of building a movement for social change in the United States. . . .

Among other targets of SDS criticism and abuse is America's foreign policy.

According to the so-called Walker report, which was authorized for release on December 1, 1968, by the National Commission on the Causes and Prevention of Violence, SDS was one of the groups which cooperated in one way or another with the National Mobilization Committee To End the War in Vietnam during the violent confrontation of demonstrators and police in the parks and streets of Chicago during the week of the Democratic National Convention of 1968.

While SDS chose not to be officially identified with the major antiwar demonstration planned by National Mobilization at Chicago, it opened movement centers and its main objective appeared to be the recruitment of disillusioned McCarthy supporters. The organization was largely committed to the organization of university campuses—especially at Columbia.

According to the Walker report:

The SDS publication, "New Left Notes," on August 19 published a guide to the convention, giving addresses of five movement centers in the city, and with respect to planning stated: "Hang loose and maintain contact mobility."

All those who are disturbed by the growth of SDS on college campuses would do well to ponder quotes from position papers drafted in anticipation of the Lake Villa National Conference in northern Illinois, which was called for the purpose of fusing the peace movement with support for black liberation. Perhaps the most thorough and deliberate paper was one jointly prepared by Tom Hayden and Rennie Davis.

Tom Hayden—to whom I have already alluded, and who worked on the 1961 summer project of the Student Nonviolent Coordinating Committee—SNCC—in Mississippi—went to Paris in early July of 1968 "for 2 weeks to consult with the North Vietnamese." He was reportedly active in the Columbia University rebellion in the spring of 1968.

Rennie Davis, like Tom Hayden, was a young activist who, after 1 year of graduate study at Michigan, went in 1965 to New York, where he worked as a community organizer for SDS. In the summer of 1967, he traveled to North Vietnam and joined the mobilization committee upon his return.

Davis was an organizer of the Resistance Inside the Army—RITA—and he was a principal participant in the New Politics Convention in Chicago where he gained a reputation for his theory of building local organizations as bases for militant political action.

Focusing on the Chicago Democratic Convention-related activities, the paper suggested that decentralized demonstrations would be combined with a massive assembly of all protest groups joining in a funeral march to the National Amphitheater if President Johnson was renominated—it being assumed at the time that Mr. Johnson would run for renomination.

Here are some excerpts from the Davis-Hayden paper:

Such a march could be led by retired generals, admirals and Vietnam veterans. The funeral procession might be organized by constituencies: blacks followed by clergy followed by women followed by farmers and faculty and workers and resistors and so on. This funeral would speak for those who say that the elections represent no choice and a complete breakdown of democracy. . . .

We must be arguing that the Democratic Party and the limits of the electoral system itself are what we oppose . . . our strategy is to build political organizations of our own rather than to "reform" the Democratic Party.

The summer would be capped by three days of sustained, organized protests at the Democratic National Convention, clogging the streets of Chicago with people demanding peace, justice and self determination for all people.

At the Lake Villa meeting, there was a discussion of tactics to be used at the Democratic Convention. Rennie Davis was quoted as saying:

I think we can do better than attempting to prevent the Convention from taking place, as some have suggested, by closing down the city on the first day of pre-Convention activity. . . . The delegates should be allowed to come to Chicago, so long as they give their support to a policy of ending racism and the war. I favor letting the delegates meet in the International Amphitheatre and making our demands and the actions banning those demands escalate in militancy as the Convention proceeds.

Excerpts from a National Mobilization key position paper, also written by Davis and Hayden, are as follows:

We must continually show that the anti-war movement is increasing in militancy and numbers. We can show the establishment that deeper social conflict at home will result from the Vietnam crisis. We can accelerate the breakdown of confidence in the government and military by stressing that the decisions which led to the Vietnam war were rigged in the same way and by the same people who are rigging the conventions and elections in 1968.

At a meeting in New York City in January 1968 sponsored by the National Lawyers Guild, Tom Hayden, according to minutes supplied by an informant, stated:

We should have people organized to fight the police, people who are willing to get arrested. No question that there will be a lot of arrests. My thinking is not to leave the initiative to the police. We have to have isolated yet coordinated communications. We don't want to get into the trap of violence versus passive action.

The following quote by Tom Hayden is taken from a Ramparts wall poster, dated August 25, 1968:

Consider the dilemmas facing those administering the regressive apparatus. . . . They cannot distinguish "straight" radicals from newspapermen or observers from delegates to the convention. They cannot distinguish rumors about the demonstrations from the real thing. . . .

There is a point beyond which the security system turns into its opposite, eclipsing the democratic image and threatening the security of the convention itself.

These remarks refer to the Democratic National Convention in Chicago:

The threat of disorder, like all fantasies in the establishment mind, can create total paranoia . . . at a minimum, this process will further erode the surface image of pseudo-democratic politics; at a maximum, it can lead to a closing of the convention—or a shortening of its agenda—for security reasons.

The chairman of National Mobilization is David Dellinger, whose efforts contributed significantly to mobilizing for the massive antiwar demonstration and march on the Pentagon in October 1967. Dellinger graduated magna cum laude from Yale College in 1936 and was elected to Phi Beta Kappa. He served two prison terms during World War II for refusing to serve in the Army. He has visited both Hanoi and Cuba at least twice and he organized a delegation of 41 members which met with North Vietnamese and National Liberation Front members in Bratislava, Czechoslovakia, in September 1967. In November of that year he was one of the 14 war crime tribunal members who met in Denmark to hear charges, against American forces, of war crimes in Vietnam.

After the 1967 march on the Pentagon, Dellinger wrote:

We wanted something with far more teeth in it, a real confrontation instead of a legitimatized one . . . we refused to negotiate the terms of the civil disobedience or direct action at all. . . .

. . . One of the lessons of the weekend was that it is indeed practical to forge a creative synthesis of Gandhi and guerrilla. . . . (Liberation magazine, November 1967)

Dellinger is the editor of Liberation magazine, a pacifist publication. According to FBI Director J. Edgar Hoover, Dellinger "has described himself as a Communist, although not of the Soviet variety."

I refer to Dellinger because he was chairman of the National Mobilization Committee to End the War in Vietnam—which organized the demonstrations which occurred at the Democratic National Convention—and because Tom Hayden, Rennie Davis, and other SDS leaders played a prominent part therein with him.

I have referred extensively to statements by Hayden and Davis because I feel that those statements—coming from SDS leaders—reveal the kind of seditious and revolutionary leadership which is at the head of the SDS movement on our college campuses and which now threatens our secondary schools. It will be remembered that Tom Hayden was the chief architect of the "Port Huron Statement," the "bible" of the SDS movement established in June 1962 at Port Huron, Mich.

I now wish to call attention to statements by J. Edgar Hoover, SDS members themselves, and others which will throw some further light upon the character and makeup of SDS and its methods and its objectives.

The FBI in its annual report released on October 1, 1968, stated:

The SDS has been the striking arm of student rebellions, such as at Columbia University in New York City, where violence erupted, including the kidnaping of academic personnel, the seizure of buildings, and the destruction of property.

According to the FBI report, Mr. Gus Hall, General Secretary, Communist Party, U.S.A., has described the SDS as one of the groups the Communist Party "has going for us." The FBI report goes on to state:

Two of SDS's recently elected national officers have publicly identified themselves as communists "with a small c" to signify that while they are communists, they are a brand different from the so-called "Old Left" Communist Party, U.S.A.

In June, 1968, the SDS held its National Convention at Michigan State University, East Lansing, Michigan. The mood was one of militancy, referred to as the "Columbia Spirit," meaning the aggressive violence of the Columbia University riot. One of the workshops dealt with sabotage and explosives. The participants discussed various devices which might be developed for use against Selective Service facilities. In addition, they discussed Molotov cocktails fired from shotguns and combustible materials and bombs which might be directed against communication and plumbing systems.

The heroes of the new left—of which SDS is the core—are Castro, Che Guevara, Mao Tse-tung, Ho Chi Minh, and others of the guerrilla type. A major influence in their writings has been Marxism. Karl Marx is frequently quoted, and they talk much about the concept of "alienation," by which is meant their separation from, and lack of allegiance to, the institutions of contemporary society. These institutions include, significantly, our educational system.

As one new leftist put it:

From the moment he enters school, the student is subjected to innumerable procedures designed to humiliate him and remind him that he is worthless and that adults are omnipotent.

One SDS leader says:

We have to build a movement out of people's guts, out of their so-far internalized rejection of American society, and present people with a revolutionary alternative to the American way of life.

After favorably quoting Karl Marx, an SDS writer makes the following statement:

It is important that we begin to talk in terms of five, ten, fifteen years because that is the time and energy it will take to build a Revolutionary movement and socialist political party able to take power in America. At this point, we in SDS must begin to write about and talk about socialist theory, so that we will be prepared to play a major role in developments, creating larger numbers of socialists, and developing socialist consciousness in all institutions in which we organize.

The news media not long ago quoted a top New Leftist as saying:

We are working to build a guerrilla force in an urban environment. . . . We are actively organizing sedition.

The New Left delights in desecrating the American flag, mocking American heroes, and disparaging American history. Its adherents are contemptuous of public speakers whose views are not in accordance with theirs, and they hiss and boo officials of our Government and show scornful disdain for the opinions of others who disagree with them. They preach tolerance but are virulently intolerant. They preach the doctrine that conditions in the social organization are so bad as to make destruction desirable for its own sake, independent of any constructive program or possibility. In this spirit of nihilism, the New Left

manifests a nauseating air of self-righteousness, and hysterically repudiates the older generation—defined as any person past 30, and this age minimum is rapidly decreasing.

The New Left movement is a nebulous, undisciplined conglomeration of students, faculty members, political and social malcontents, extremists, intellectuals, pseudointellectuals, intellectual tramps, and subversives. The anarchistic SDS is the catalytic agent, although its membership is small in number, and during the past half-dozen years has played a major part in organizing demonstrations and inciting violence. The disgraceful and obscene behavior of SDS members and others of the New Left has served to undermine the Nation's confidence in itself and in its goals.

Black extremist groups are becoming better organized nationally and the impact on black students is becoming more and more apparent as black student militancy and racial strife in the schools continue to increase.

(At this point Mr. CRANSTON took the chair as Presiding Officer.)

Mr. BYRD of West Virginia. Mr. President, Mr. J. Edgar Hoover in testimony before a House Appropriations Subcommittee on February 23, 1968, made the following statement regarding Students for a Democratic Society:

> The new left student movement in this country . . . is many-sided. It is political theory, sociology, and bitter protest. It is linked with civil rights, the fight against poverty, the American war in Vietnam. It involves students, faculty members, writers, intellectuals, beatniks, most of them being quite young. The mood of this movement, which is best typified by its primary spokesman, the Students for a Democratic Society, is a mood of disillusionment, pessimism, and alienation. At the center of the movement is an almost passionate desire to destroy, to annihilate, to tear down. If anything definite can be said about the Students for a Democratic Society, it is that it can be called anarchistic.
>
> In late June 1967, the Students for a Democratic Society held its national convention on the campus of the University of Michigan, Ann Arbor, Michigan. In continuance of past programs, the organization continued demonstrations against U.S. policy in Vietnam, radicalizing the student power movement by connecting it with radical off-campus issues, and the taking over of the colleges and universities by the students.
>
> The New Left identifies itself with the problems of American society, such as civil rights, poverty, disease, and slums. With its anarchistic bent, however, it refuses to cooperate sincerely with other groups interested in eradicating these same problems, and despite the new leftist's protestations of sincerity, he is not legitimately interested in bringing about a better nation. On the contrary, he is dedicated—in his bizarre and unpredictable ways—to cut the taproots of American society.
>
> The New Left should not be arbitrarily equated with the traditional old-line left. Although they become prey to the superior organizational ability and talents of the old-line subversive organizations, such as the Communist Party-U.S.A., the Socialist Workers Party, and the like, to simply identify them as Moscow or Peking Communists would be missing the point. To put it bluntly, they are a new type of subversive and their danger is great. In a population which is becoming increasingly youthful, the New Left can be expected to find wider fields of endeavor and to try to do all that it can to infect the rising generation with its anti-American prattle.

An interesting article on SDS was written by Ernest Dunbar, Look senior editor, and appeared in Look on October 1, 1968. The article, entitled "Vanguard of the Campus Revolt," begins with the following statement:

> The idealists, visionaries and truncheon-scarred campus guerrillas of Students for a Democratic Society have shaken the American university to its roots. But Columbia was only the first wave of an SDS campaign aimed at far more than the colleges.

The article went on to say that:

> SDS's ranks contain activists of all political varieties: Marxists, anarchists, Socialists, Democrats, Communists (pro-Moscow, pro-Peking, pro-Castro and lower-case "c" varieties) as well as the alienated apolitical types and hippie exotics.

The article points out that while pursuing the strategy of confrontation on the American university scene—where administrators have been imprisoned, buildings have been barricaded, clerical help has been harassed, classes have been disrupted, university switchboards have been tied up, expensive equipment has been destroyed, and speakers have been heckled—the SDS does not intend to limit its goals to college campuses.

The article states:

> SDS, has already turned on what it hopes will be an energetic drive to radicalize U.S. servicemen, factory workers, high school students and people in professions.

The eminently alarming sentence in the article is the following one:

> While college students do not find it easy to convert time-clock punchers to their revolutionary doctrines, SDS is winning numerous converts in its high school campaign.

The SDS laid plans in Colorado last October for subverting our high school youngsters, and passed a resolution to organize in the high schools to move students to overthrow the system by the process of confrontation. In a recent column by Robert S. Allen and John A. Goldsmith, entitled "SDS Aims at High Schools," the adopted resolution was quoted as having contained the following principal passages:

> One of the most important divisions of the American educational industry is the high school. This public institution affects the lives of 30 million Americans. The atmosphere of the high school is repressive, nonproductive and inhuman. Instead of educating young people, the high school attempts to press upon them the bankrupt values of a decaying society.
>
> We feel that high schools and the society which spawns need drastic change. Knowing that the school cannot change to the extent we want unless we change the system which uses it, we will organize in the high schools to move students to overthrow that system by confronting the issues that directly affect them.

Here, then, Mr. President, is the blueprint for destruction of the entire American educational system.

The blueprint calls for confrontations in the high schools of America—confrontations designed to provoke disorder, undermine the peace and safety of students, intimidate faculties, destroy discipline, and bring the educational community under the control of those who would use it as a means to revolutionize American society according to Marxist precepts.

SDS could become a menace in West Virginia, but our college campuses have thus far been spared, generally speaking, of incidents involving rebellion and anarchy, one notable exception being the unrest which has plagued Bluefield State College for several months—unrest that was marked by bombings, intimidation, and other varieties of confrontation techniques. The president of West Virginia Unversity, in the northern part of the State, recently vetoed SDS' effort to gain formal recognition at that institution, which is to his great credit. The organization is presently trying to make inroads at Marshall University in southern West Virginia.

The SDS could better be called "Students to Destroy Society," and that is exactly what the self-styled revolutionaries will try to do if they are able to gain a foothold in West Virginia universities and colleges. Our public high schools will be next on the list, and there already are symptoms indicating that militants from Marshall University are working through contacts with some of the high school students in the area.

Mr. President, I do not maintain that all of the persons, students or otherwise, who are associated with the relatively unstructured SDS—so unstructured that it might be thought of as a nonorganization rather than an organization—are Communists or Socialists. As in all generations of past history, one can expect to see some unrest among students and one can also expect to find dissenters. But the New Left goes far beyond this. Although some of the students who participate in SDS activities may simply be misguided but well-intentioned youngsters, I think it would be safe to say that these would constitute the exception rather than the rule. Certainly, the main core of the Students for a Democratic Society is composed of those for whom the tactic is confrontation and the aim is disruption. Many of these are pure revolutionaries and, as far as they are concerned, SDS spells "Trouble" in boxcar letters for the colleges and high schools of our country.

Under the guise of academic freedom, these arrogant, hard-core militants are determined to destroy our educational system, as it presently exists, and finally our Government itself. Under the guise of freedom of speech, they profess to seek a dialog, when actually they are contemptuous of anyone whose opinions differ from theirs, and they do not want anyone to be heard whose ideas do not conform with theirs. They seek a confrontation with established authority to provoke disorder, and, as J. Edgar Hoover has said:

> Their cries for revolution and their advocacy of guerrilla warfare evolve out of a pathological hatred for our way of life and a determination to destroy it.

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

Mr. BYRD of West Virginia. I ask unanimous consent that I may be per-

mitted to proceed for an additional 10 minutes.

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

Mr. BYRD of West Virginia. Mr. President, Dr. S. I. Hayakawa, acting president of strife-ridden San Francisco State College—and a major target of today's student rebels—had this to say during an interview with staff members of U.S. News & World Report:

> The radical group . . . always uses the slogans of "racial injustice" or "free speech" or "peace in Vietnam"—all the "liberal" shibboleths to which many people respond, or at least are unwilling to oppose.
>
> In answer to the question, "Are these the same students who so often say that they are speaking 'from conscience' and in the name of 'morality'?", Dr. Hayakawa responded: "Yes, and this claim is so hypocritical it makes you want to throw up."

Mr. President, in the Washington Post of February 18, 1969, Drew Pearson wrote:

> My conclusions from having visited many campuses is that it is time for University authorities to realize that they must provide education for the majority, not submit to disruption by the minority. Otherwise, education in their strike-torn colleges will gradually erode. The easiest way to prevent disruption is to get back to previous disciplinary rules and expel violators immediately.
>
> Today, in contrast with the past, striking students have been mollycoddled, given second and third chances and then allowed to remain in school. All of this puts a premium on violence.
>
> This is unfair to the majority of the students who are trying to get an education; also unfair to the taxpayers who put up the money for education and to the alumni who help to finance private colleges.

I could not agree more with what Mr. Pearson said.

Washington Evening Star columnist James J. Kilpatrick recently had this to say about appeasement of militants on college campuses:

> The campus of a college or university is like any other community. In the presence of violence, the rights of the law-abiding residents—the students who want to learn, the teachers who want to teach—have to be defended at any cost. These come first. Any compromise with this principle is an invitation to anarchy.

I concur with Mr. Kilpatrick.

Mr. President, it would be a serious mistake for educators, public officials, law enforcement officers, and parents to ignore or dismiss lightly the actions of black militants and SDS revolutionaries who threaten to take over the colleges and high schools. To allow them to do so would be to allow them to undermine and destroy our educational system, which constitutes the basic foundation pillar upon which our free and open society rests.

The action that has been taken thus far to stem the rebellion has been too little and almost too late. Concerted action on the part of all concerned Americans is needed to save our schools and colleges and universities.

Let me emphasize a point that needs emphasizing. The troublemakers, despite their widespread activities, form only a minority. The vast majority of students—and the vast majority of parents, and teachers, and school administrators—still believe in America. Most students still want an education.

This majority should rule. But what we have been witnessing on campus after campus is minority rule-or-ruin—often staged under the pretext of attempting to force a school administration to offer a so-called black studies program. If law-abiding and public-spirited citizens do not soon take a strong and determined stand against this small but militant and rebellious minority, the academic community—and a lawful and orderly society—will have been damaged beyond repair.

It is time, Mr. President, to end the violence. It is time to recognize the saboteurs for what they are. It is time to end minority rule-by-force.

To continue to countenance what has been going on is unfair to the students who want an education, unfair to parents who sacrifice to keep their sons and daughters in college, unfair to taxpayers who help support institutions of higher learning—unfair, in short, to the majority in America.

The spineless response, the overtoleration, that has provided the climate in which SDS and black militants have flourished has got to be replaced with discipline stern enough to protect the rights of the majority.

I am not advocating that our colleges and universities be turned into authoritarian educational enclaves. But we will have no educational institutions left if the institutions themselves do not take steps strong enough to preserve their physical and educational integrity.

Applications at Columbia University for its last freshman class were down 21 percent following the destructive rioting.

As Mr. Drew Pearson stated, in his column to which I have alluded:

> Any business firm that loses 21 per cent of its customers in one year is in danger of going out of business."

What is needed, I think, is the approach taken at Notre Dame, where those who threaten the university's existence will be given, in the words of its realistic and tough-minded president, the Reverend Theodore M. Hesburgh, "15 minutes" to think it over before they face disciplinary action.

High school principals should be encouraged to enforce discipline, and expel militant, insolent students who disrupt classes and disturb the peace and decorum of the school through disobedience, loud and obscene language, and belligerent conduct. These militants know better but they have no respect for order and decorum, and they have formed the impression that no restraints or penalties will be applied.

But the high school principals cannot apply effective sanctions unless they are assured of the full backing of the school boards, the public, and the press. Recently, in talking with a high school principal in West Virginia, I was told that if he attempted to discipline or expel a Negro student for disorderly conduct, a delegation from the local NAACP would be in the office of the county superintendent of schools the next morning, or would meet with the board of education at its next meeting urging that action be taken to reinstate the student and to discipline the school head. A school principal cannot long stand against this kind of pressure unless he feels he has the backing of his superiors and the public.

It is time for parents, and alumni, and boards of education, and boards of regents, and State officials, and church officials, and serious-minded students, and elected public officials at every level of our Government, and the majority of Americans who realize the vital importance of education to this Nation's future to rise up as one and demand that those who defy and disrupt and destroy be promptly expelled from the colleges and from the high schools and arrested for disorderly conduct and for destruction of property where this has occurred.

No one forces the average student to go to a particular college. It follows that if he goes he should be expected to abide by the college's rules and regulations. To permit anything else is to court chaos. There has been too much permissiveness already. If there had been a crackdown on participating students and faculty members at the beginning, the country would not have experienced the rash of rebellions that have occurred.

A school is a society in microcosm. Just as a society cannot long continue to exist without the rule of law, so a school, a college, or a university cannot long continue to exist without the rule of law.

The SDS, Mr. President, is the veritable antithesis of a lawful, and orderly, and democratic society.

Mr. President, what we put into the schools will, in a generation, dominate the Nation and be a controlling force in the lives of our people. If ours is to remain a republican form of government, if ours is to continue to be a government of laws and not a government of men, we must protect our public school system as well as our higher educational system against those who would destroy both and, in so doing, destroy the American way of life for future generations.

Ralph Waldo Emerson said:

> The true test of civilization is, not the census, nor the size of cities, nor the crops; no, but the kind of man the country turns out.

Mr. President, the kind of man our country turns out largely depends upon the integrity and quality of the system in which he acquires an education. If that system is destroyed, America will turn out a different kind of man. And the eclipse of our American civilization—the greatest in all history—will have become complete.

As the foundation is undermined, the structure is weakened; when it is destroyed, the fabric must fall.

Mr. President, I ask unanimous consent to insert in the RECORD various articles to which I have alluded.

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

[From the Weirton (W. Va.) Daily Times, Dec. 23, 1968]

SDS AIMS AT HIGH SCHOOLS

(By Robert S. Allen and John A. Goldsmith)

WASHINGTON.—The sinister scheme of the aggressive revolutionary Students for a Democratic Society to extend its notorious rioting, violence and lawlessness on college campuses to high schools is making headway.

SDS organizing of this kind is making inroads in high schools in New York, Chicago, St. Louis, New Orleans, San Francisco and the heavily populated Maryland and Virginia suburbs of Washington, D.C. The latter largely white and affluent areas appear to be particular targets in the far-flung SDS plot to "activate" and "radicalize" high school students so they will be ready for "extremist agitation" when they reach college.

This nationwide drive to suborn high school students was approved at a meeting of the SDS' National Council at the University of Colorado, Boulder, Colo., in October.

It was decided to employ a special "coordinator" to direct this campaign. He has still not been selected.

College and non-student SDS chapters were instructed to actively cooperate in infiltrating high schools and organizing of students. They were urged to take the lead in launching underground newspapers, conducting so-called "workshops" on the Vietnam war and anti-draft propaganda, and staging demonstrations on civil rights and other headline issues.

After much discussion and wrangling, the SDS Council adopted a resolution of which the following are the principal highlights:

"One of the most important divisions of the American educational industry is the high school. This public institution affects the lives of 30 million Americans. The atmosphere of the high school is repressive, non-productive and inhuman. Instead of educating young people, the high school attempts to press upon them the bankrupt values of a decaying society.

"We feel that high schools and the society which spawns need drastic change. Knowing that the school cannot change to the extent we want unless we change the system which uses it, we will organize in the high schools to move students to overthrow that system by confronting the issues that directly affect them."

Basically, these are the same tenets and tactics that underlie SDS revolutionary violence, lawlessness and disruption on college campuses. Now, SDS is undertaking to apply them to high schools.

HOW THEY'RE DOING IT

In Chicago, a high school organizing "conference" was held in the University of Illinois Circle Campus with around 150 attending—most of them local high school students.

The stellar attraction was Mark Rudd, Columbia University SDS leader, who delivered a harangue and then conducted a question and answer period, after which a movie was shown of the Columbia rioting and violence in which Rudd played a prominent role. This propaganda movie is a key feature of SDS proselyting.

In St. Louis a college SDS organizer is directing a group of high school students in publishing an underground paper—that has incurred the wrath of school authorities for indecency and defamation. Also being circulated there and in other cities is an increasing volume of SDS literature aimed particularly at high school students.

An article titled "High School Reform: Toward A Student Movement" by Mark Kleiman, identified as a California high school student; and a small leaflet titled "An Introduction: SDS. Our Struggle is Just Commencing." This is unsigned. With this leaflet is a copy of a mimeographed piece caption "Freedom School, An Experimental School for High School Students."

This so-called Freedom School allegedly was held in Takoma Park, Md., last summer under the auspices of SDS for the purpose of training high school student organizers.

Jonathan Lerner, 20-year-old Antioch College dropout, who attended the Boulder, Colo., conference last October, is in the forefront of SDS high school organizing in the capital's Maryland suburbs. He boastfully claims that from 25 to 30 high schools in that area are "SDS involved"—whatever that means!

"Most of our kids are white, middle-class and suburban," he proclaims suavely. "They run the gamut from McCarthyites to the New left. They are definitely not moderates. The kids get in touch with us. They come to us in various ways, through word of mouth and by direct contact. We are now averaging several letters and several or more telephone calls a day."

Lerner admitted that in most high schools SDS operates under a different designation. "Kids are afraid of that name," he conceded. "It's got a bad connotation so they are leery of it. But we're able to take care of that in various ways."

One way that he carefully did not mention was trickery and deception—inveigling high school students to attend an innocent-sounding conference that apparently was being conducted by highly reputable American University.

Actually, the university had nothing to do with the affair. As disclosed by this column, the so-called conference was an out-and-out SDS propaganda scheme. The leaflet advertising it listed a telephone number that was a complete give-away. This number was that of the SDS regional office.

Further, the site of the conference—the Kay Spiritual Life Center—is under the direction of Reverend Charles Rother, Methodist, who is a militant "peacenik," civil rights activist and long prominent in SDS-sponsored demonstrations and other activities.

IN THE OLD DOMINION

Lerner's counterpart in Virginia is Larry Yates, 18-year-old University of Michigan dropout, who claims to be the top SDS organizer in Northern Virginia. He is currently concentrating on densely populous Fairfax County where he went to high school and personally knows many students.

"The main thing in this kind of organizing he says knowingly, "is to hold weekly meetings at someone's house. It's important to gather and to 'rap' (expression for chewing the rag). Lots of these meetings are a waste of time, but it keeps the kids together so that they will identify with each other.

"It is true that a lot of kids have a negative attitude towards SDS. They have read and heard too many wrong things about it. But they are slowly getting over that and getting turned on. We're making progress. The kids know we're around."

One way of letting them know is underground (free press) papers. According to Yates, five Fairfax County high schools publish such papers. "The SDS supplied the press," relates Yates, "so it didn't cost much. The kids sold the copies and broke even."

[From the Washington (D.C.) Post, Feb. 18, 1969]

IT'S TIME FOR CRACKDOWN AT COLLEGES

(By Drew Pearson)

CLARKSVILLE, TENN.—During the past twelve months, this writer has visited approximately 50 college campuses, ranging from the University of Warsaw in Communist Poland and the Sorbonne in Paris to the University of Montana, the University of Pennsylvania, the University of Florida, Washington State, MIT, Stout State College in Wisconsin and Austin Peay State College here in Tennessee. It has been a cross-section of colleges, large and small, and at all of the American institutions I have addressed student assemblies and conducted student forums.

From this experience I believe I can accurately report that American students generally are alert, dedicated and far ahead of previous generations in their desire to tackle the problems of the world. They are not interested primarily in becoming engineers, businessmen or insurance salesmen, as was my generation in college. The majority want to devote at least part of their lives to helping their fellow men. They are interested in the Peace Corps, Vista or going into government.

There was a day when the top graduates of the Harvard Law School were immediately gobbled up by the top Wall Street law firms. That day is over. These graduates and others from the best law schools are now more interested in spending some time in Government or other productive community work. If they do sign up with big New York law firms, many specify that they must have time off to handle indigent clients or other community work.

MINORITY RULE

In contrast, there is a minority in many colleges, led by Negroes, which seems determined to disrupt education altogether. It has done so by reversing the American system of majority rule for a system of minority rule.

It has done this, moreover, by using a technique outlawed by American law and tradition—violence.

Minority rule by force and violence has almost paralyzed San Francisco State College, killed one college president, Dr. Courtney Smith of Swarthmore, and disrupted some of the most liberal institutions in America such as Brandeis, a Jewish university, the University of Chicago under liberal President Edward Levi, and the University of Wisconsin, long proud of its liberal Lafollette tradition. All have tried hard for several years to enlist more qualified Negro students, yet this is one of the demands of the Negro minority.

In each of the above institutions there has been a small minority of students which has used violence to sabotage education for the majority. In Swarthmore forty black students locked themselves into the admission office and disrupted education for a thousand others. At Brandeis the ratio was about the same. At Chicago, 400 students tried to force their demands on the 9,000-student University by occupying the administration building. At Columbia, a University where I once taught, about 400 students tied up an institution of 30,000 also by occupying the administration building where they rifled the private papers of President Grayson Kirk.

TOUGHNESS JUSTIFIED

My conclusions from having visited many campuses is that it is time for University authorities to realize that they must provide education for the majority, not submit to disruption by the minority. Otherwise, education in their strike-torn colleges will gradually erode. The easiest way to prevent disruption is to get back to previous disciplinary rules and expel violators immediately.

Today, in contrast with the past, striking students have been mollycoddled, given second and third chances and then allowed to remain in school. All of this puts a premium on violence.

This is unfair to the majority of the students who are trying to get an education; also unfair to the taxpayers who put up the money for education and to the alumni who help to finance private colleges.

In San Francisco State, only 350 teachers out of a total of 1100 belong to Local 1352 of the American Federation of Teachers. And

of these 350, only 200 wanted to strike. Yet this minority threw the entire campus into turmoil and got the backing of the San Francisco AFL–CIO Labor Council. This is something AFL–CIO President George Meany would hardly sanction—if he knew the facts.

What minority faculty members have got to realize is that alumni can strike, too. So can majority students. Applicants at Columbia's last freshman class were down 21 per cent, in contrast to Harvard and Yale, which had no riots and whose freshmen applications are up 10 to 15 per cent. Students don't want to enroll at a university that may be riot-torn.

Any business firm that loses 21 percent of its customers in one year is in danger of going out of business. Columbia can weather the slump. But it has been given a stiff reminder that the majority of students go to college to study, not to demonstrate.

More serious may be a Columbia alumni boycott in fund-giving. This is neither organized nor advertised, but it is a fact. If it spreads to other riot-torn campuses, it could be the most serious boycott of all.

[From the Wheeling (W. Va.) News-Register, Feb. 21, 1969]

SEES THE THREAT: NOTRE DAME HEAD SOUNDS A WARNING

Congratulations to The Rev. Theodore M. Hesburg, president of the University of Notre Dame for standing up and letting all know that he intends to run his university and any rebellious student with other ideas had better pack his bags.

Father Hesburgh announced the other day that he has established a timetable for squelching campus demonstrators who "substitute force for rational persuasion." He promised on-the-spot expulsion from the university for any student or faculty member who disrupts normal campus operations.

"Anyone or any group that substitutes force for rational persuasion, be it violent or nonviolent," said the Rev. Hesburgh, "will be given 15 minutes of meditation to cease and desist."

At that point, he said, demonstrators would be asked for campus identity cards. Those with cards will immediately be suspended and given five minutes more to cease demonstrations before being expelled from the university. Those without cards will be presumed to be nonmembers of the university community and will be subject to arrest as trespassers.

"Without the law," said Father Hesburgh, "the university is a sitting duck for any small group from outside or inside that wishes to destroy it, to incapacitate it, to terrorize it at whim . . . somewhere a stand must be made."

This is precisely the kind of tough talk that has been needed on the college campuses of America ever since the student uprisings began. No unruly student has the right to disrupt the education of other students. Young men and women attend college to gain an education and not to protest, riot or attempt to take over the administration of the educational institution. When they break the rules set down by the college they must pay the price, be it suspension for a semester or outright expulsion.

Likewise, if college authorities cannot maintain order on their campuses they have no alternative but to call for assistance from law enforcement agencies. There can be no other way if our institutions of higher learning are going to survive.

Father Hesburgh, we believe, is right in warning that "we are about to witness a revolution on the part of legislatures, state and national, benefactors, parents, alumni and the general public for what is happening in higher education today."

"If I read the signs of the times correctly," Father Hesburgh said, "this may well lead to a suppression of the liberty and autonomy that are the lifeblood of a university community . . . a rebirth of fascism. . . . We rule ourselves or others rule us."

It would be tragic if at the very time when support for higher education in this country is at an all-time high; when every campus in the land is displaying gleaming new physical plants; when curriculums are expanding and all sorts of aids are being provided for students; that a band of unruly, irresponsible, troublemaker students would reverse this progressive trend in education and turn many supporters away. That is the message Father Hesburgh has delivered and we believe he is reading the signs correctly.

[From the Washington (D.C.) Post, Mar. 3, 1969]

CONTINUED DISRUPTION AT BERKELEY MAY DESTROY A GREAT UNIVERSITY

(By Rowland Evans and Robert Novak)

BERKELEY, CALIF.—More ominous to the future of the University of California at Berkeley than the daily campus confrontation between helmeted state highway patrolmen and longhaired demonstrators is the cold, quiet fear now gripping the faculty.

Ever since the Free Speech Movement of 1964–65 transformed Berkeley into a cockpit for agitation, professors have criticized student radicals only at the price of rising vituperation from them. Now, faculty members feel, that price is going up. The fear of disruption of their classrooms and even of physical violence is now endemic among nonradical faculty members.

If the fear becomes reality, Berkeley could be headed for the same catastrophe as an educational institution that is now wrecking San Francisco State College across the bay. Berkeley is one of the greatest U.S. universities. Thus its degeneration—well along right now—is a tragedy of national proportions.

The sad course of events here was predicted to us almost four years ago by worried liberal professors. They forecast descent into chaos unless Roger Heyns, then newly arrived as Berkeley's chancellor, imposed much sterner discipline on the student rebels. Significantly, every one of those professors have since departed for calmer campuses.

In contrast to past presidents of San Francisco State, Heyns is no wooly-headed idealist coddling the revolutionaries. He believes they can actually destroy the University. But as a social psychologist, Heyns has used elaborate strategies—efforts at conciliation and continuous negotiation—rather than stern, implacable discipline.

As a result, Berkeley over the past five years has become a haven for agitators—a fact that has inexorably transformed the campus here. Students and faculty members fascinated by the tactics of radical politics have swarmed into Berkeley; each year there are mass transfers of students from other, tamer branches of the University of California who want to be "where the action is." Conversely, many students and faculty members most interested in the prosaic business of higher education avoid Berkeley.

This has basically distorted the view of politics given the student here. Conventional politics that is, Republican or Democratic—is absent. Of the incessant speech-making from the steps of Sproul Plaza, 90 per cent is of left-wing radical nature.

Berkeley is fertile soil for the hard-core 300 or so trouble-seeking student radicals out of a student body of 28,000 plus some nonstudent auxiliaries (having sympathy of perhaps 5,000 other students). When the university administration dragged its heels in beginning a black studies program, the radicals—black and white—found the perfect crucible for provoking a crisis.

Moreover, radical faculty members have lobbied strenuously against strong reprisal by Chancellor Heyns. They are now protesting publicly the presence of highway patrolmen, neglecting to mention that reinforcements were summoned only because of growing violence. Before the patrolmen arrived, demonstrators would "serpentine" in and out of university buildings, smashing windows and destroying property.

Faculty pressures against strong action have made Heyns sluggish in cracking down on student rebels, and the Board of Regents, newly packed with conservatives by Gov. Ronald Reagan, has now for the first time seized control of some student disciplinary problems at Reagan's urging. One Regent, an anti-Reagan moderate, while regretting the power grasp by a politically-appointed body, told us Heyns left him no choice but to go along with the Governor.

Anti-intellectualism in both the Governor's office and the Board of Regents is greatly enhanced by the campus disorder. With the general public pro-Reagan and anti-Berkeley, the Governor's narrow view of the University as fundamentally a teaching institution—with little creative or research activities—is helped.

All that can be safely predicted next for this tormented university is the almost certain departure of Heyns, perhaps by resignation but more likely by vote of the Regents, before the fall term.

For the Regents to find *any* qualified successor will be no small accomplishment. Because if the new chancellor is to save Berkeley, it may take a miracle.

"GANGSTERS" CASH IN ON STUDENT REVOLT

(Note.—Now it is a mobster-style quest for money that is turning up as the latest element in the violence on the U.S. campus.

(To get that untold story, members of the staff of "U.S. News & World Report" interviewed in their conference room a noted educator—and a major target of today's student rebels.)

Question. Dr. Hayakawa, is a conspiracy developing to disrupt higher education in America?

Anwser. That seems to be the case. Certain familiar faces appear and reappear—at Berkeley, Columbia University, the University of Michigan, San Francisco State College, and Chicago. In fact, the day the newspapers published the first list of those arrested at demonstrations at San Francisco State College after I became president, I got a telephone call from the police chief at Chico, Calif. He told me that the same people had been arrested the week before at Chico State College. So a kind of connection is becoming apparent.

Question. Are these disrupters enrolled students, or outsiders?

Answer. Many are outsiders, but they are closely in touch with students.

Question. You have called them "revolutionaries." What do you mean?

Answer. They're not interested in reform. That is, they don't simply want improvement of the educational system or establishment of a black-studies program. They actually want to close down or destroy the college or university.

Question. What seems to be their ultimate aim?

Answer. Insofar as the white revolutionaries are concerned—the Students for a Democratic Society—it is becoming increasingly clear by their record over the past few years that they simply want to destroy for the sake of destruction. In their view, this society is thoroughly corrupt and hypocritical, and deserves to be blown apart. When you ask: "What kind of society would you like to see in its place?" they answer vaguely or are silent.

In the case of black students, many revolutionaries see disruptive tactics as the only way of getting reforms. Once they see that reforms are being made, they are willing to give up their tactics, because they really

want a better deal in our society—not its destruction. That makes good sense.

But a third type of young revolutionary is now coming to light: the one who sees any uproar as a means of getting power and—more importantly—access to money. He seeks control of student-association funds which exist in most universities and colleges of America. Bluntly speaking, an element of gangsterism is developing in some of our institutions.

Question. Can this be proved?

Answer. I expect so. The State's attorney general has taken the books of the Associated Students at San Francisco State College for the past two years and has found clear indications of skulduggery in use of the student funds.

Question. How does this misuse of funds work?

Answer. At San Francisco State, student-body funds come to around $300,000 yearly. This represents the $10 "activity fee" that each student pays at registration to support all kinds of student enterprises—athletics, drama, lectures, concerts and so on.

Now, the most militant of the black students, with help from white radicals, have taken control of the Associated Students and are turning a considerable portion of these funds to their own uses. Instead of spending the money on activities supported in the past, they devise programs going under labels such as "tutorial help for ghetto youngsters" which are actually a way to ladle out patronage and reward their followers. There has been no satisfactory accounting for expenditures, and the programs themselves are pretty thin and unsupervised.

This is a systematic attempt on the part of some radicals to grab that booty waiting for them every year. And by working themselves into student government, they can draw pay from the college while carrying on their revolution.

Question. How do they win such jobs?

Answer. A school like San Francisco State College is a "street-car college" essentially: Most students go home right after their classes. Many are adults—the average age is 25, which means that some students are 30 or 40 years old, even older. Some have children to look after as soon as classes end. Others have to report to jobs. Our students include lawyers, policemen, insurance men, bankers, bartenders and all sorts of other occupations.

Therefore, the only students who can take a serious interest in campus politics are the few who are on the campus all the time, including the 800 living in our dormitories and the activists—many of whom make a profession of being part-time students and use their free time to work for power and money in student politics.

Question. Is this problem becoming widespread in America's urban colleges and universities?

Answer. I believe so. What I call the "gangsterism" of radicals at San Francisco State College has occurred often in the non-college context of our cities. You find it notably in "war on poverty" programs in one city after another where groups of militants may suddenly find themselves with their hands on a million-dollar appropriation for wiping out poverty. Then a big power struggle develops to see who will control those funds, and a lot of money somehow disappears and is never accounted for.

Therefore, the struggle for money and power is a very important element in racial disturbances, and I think this struggle is going to move increasingly from the "ghettos" into our urban institutions of learning, if we stand by and do nothing.

Question. Does this process enable student militants to bring education to the black masses?

Answer. It has nothing to do with education. It is just the availability of money which concerns this type of militant.

PATRONAGE AND PAYOFFS

Question. Why do you call it "gangsterism"?

Answer. These militants—all colors—in their pursuit of money and power will stop at very little in harassment and intimidation of all kinds. There have been incidents where carefully bent nails have been scattered all over the parking lots. There have been as many as 50 fires set in one day in different parts of the campus. Moderate students have been brutally assaulted, offices have been wrecked, college administrators have had their homes attacked. One professor had all tires slashed on his two cars, which were completely painted over with the words "fascist pig."

Is this sort of thing going to become widespread? Yes—wherever there is a chance of easy access to a lot of money. The disposition of student funds is an important area of decision making, and wise things can be done with that money—really creative things. But if a gang gets hold of it, then it will be drained off into patronage and payoffs.

Question. Are these the same students who so often say that they are speaking "from conscience" and in the name of "morality"?

A. Yes, and this claim is so hypocritical it makes you want to throw up.

Question. What about the faculty? Don't they have any control over student funds?

A. Not really, because the prevailing idea is that you can only teach responsibility to students by giving it to them.

Question. Will college authorities have to assume tighter control over these funds to protect them from takeovers?

A. We are in the process of reviewing the entire matter of student-controlled funds as we wait for the results of the attorney general's investigation. Certainly ways must be found for more responsive control over some of the abuses which have recently occurred.

However, total control by the college would surely inhibit the appropriate direction by student leaders of their own funds and affairs. This clearly becomes a task for the "silent majority." They simply must organize and energize themselves so that student control can be resumed in a healthy way and yet avoid excesses and even illegalities.

Question: Might gangsterism develop in another way if black militants win their demand for a completely autonomous department of black studies at San Francisco State College?

Answer: That is why we are insisting that this department be just like the others at our college—part of the regular administrative structure. A great deal of autonomy is retained by the departments, which can accept or reject applicants for faculty posts, but final decisions are reviewed by deans and the president. In this kind of a setup, I don't think there can be much chance of corruption in a department of black studies, because if they hire incompetent people or pay off gang friends with "cushy" jobs, the whole educational structure would be threatened—and the administration would not permit this.

I do think that a good black-studies department could be a real asset, intellectually, to the community. But so far, our black administrators and professors have not been able to produce such a department. I think that this is because they are being threatened by radical or gangster elements if they go along with the mainstream.

Question: Why did San Francisco State hire Dr. Nathan Hare to head up its black-studies department when he had been ousted from Howard University after some highly inflammatory statements?

Answer: I believe that Dr. Hare is not a true revolutionary. One part of him wants to be a professor, in the usual sense of the term. He got his Ph.D. in sociology at the University of Chicago, and has a respectable background in scholarship.

But another part of him, I think, wants to be a leader of the black revolution. He is the victim of many conflicting pressures: his desire to be a teacher and scholar, his personal concern with the legitimate demands of the black movement, and the intimidation of black radical militants.

WHY TEACHERS JOIN REBELS

Question: Is the teachers' strike at San Francisco State part of the revolutionary drive?

Answer: Yes, but I think that the strikers are mainly seeking power. I don't think they really want to close down the university—because they don't want to lose their jobs. What they want is more power in the academic structure, along with changes in salary and working conditions.

Question: Are the majority of teachers supporting the strike?

Answer: This is very odd. Two thirds of the faculty members have indicated that they are opposed to the strike, but some would resign if the strikers were fired *en bloc*. Of course, others would be tempted to resign if the strikers are not not fired.

There are divided sympathies among non-strikers.

Question: Have you fired any teachers who have made trouble?

Answer: No.

Question. Do you intend to?

Answer. The situation is this: Some of the striking teachers have said, "We're not going to drop our strike until all demands of the students are met." If they really mean what they say, they are not coming back to work—because not all of the 15 demands of the student militants are going to be met. Certainly we are not going to grant absolute autonomy to the department of black studies, and we are not going to admit all black students regardless of qualifications.

Question. Have you expelled or suspended any students?

Answer. Very few. We have an academic senate, composed of the elected representatives of the faculty, that is actually not very representative. This body has a voice in student discipline, but the antiauthority faction has tried to hobble the administration as much as possible.

Question. Can't you just call a student into your office and tell him that he is expelled?

Answer. Not really. I may suspend or expel students only after a hearing, but I want to work with the academic senate rather than fight it. Therefore, I don't want a head-on collision, although it may come to that eventually.

Question. Would wholesale expulsion of student troublemakers solve your problems?

Answer. Actually I think the problem can be much reduced in the coming semester, because the cases of about 500 arrested students are coming up. These are students picked up on criminal charges ranging from unlawful assembly to assaults on policemen.

Question. If convicted, they can be expelled, can't they?

Answer. I would think so. There is some talk that they cannot be punished both by civil and school authorities because this, allegedly, is double jeopardy. On the other hand, a bank cashier who absconds with funds can be punished twice: Civil authorities can put him in the jug, and the bank can fire him.

Question. Do troubles on the campus indicate that something is seriously wrong with today's students?

Answer. I look at it this way: Certainly there is a very intense impatience over social reform. I think this impatience is caused—at least in part—by television, which makes all social problems seem more urgent and intense.

Furthermore, television doesn't teach us

how democracy works. It is too much governed by the demands of "show business." Its commercials proclaim instant solutions for upset stomach, neuralgia or bad breath, and its news reporting sums up even complex events in half-hour programs with a neat wrap-up at the end. The boring details of the democratic process, such as hearings before city council, endless facts about taxation or school budgets—these you seldom learn on television.

Today we are dealing with a whole generation of youngsters who know about "democracy" as a slogan. But they don't know a lot about its actual operational requirements—the patience, the tedium, the long debates and compromises needed to arrive at democratic decisions.

Therefore, I have an unverifiable feeling that maybe one of our problems is that we have created within the younger generation, largely through television, a whole bunch of young people who are impatient with the democratic process because they don't understand it. They think that violent and immediate "confrontation," which has all the advantages of television drama, is the way to solve social problems.

The promise of democracy is never a guarantee that you will get your wishes. It's a promise that you will have a chance to state your wishes and try to argue other people into supporting you. So many young people seem to believe that if they want something, they simply must have it right now, and that there is something terribly wrong with the society that doesn't give it to them right now.

Question. Are many of them Communists?

Answer. I think most of the militants in the SDS are too revolutionary even for the Communists—who, after all, have an idea of the kind of world they want, however much you or I may disagree with it. In a way, some of these youngsters are more like the old-fashioned anarchists on the order of Prince Petr Kropotkin, who thought that if you abolished governments and the military, you would have a kind of heaven on earth—a Rousseau-istic utopia.

Actually, I don't see the worst disrupters as being either Communists or Kropotkin-style anarchists. They are just plain nasty.

WHICH YOUTHS GET "NASTY"

Question. Why do students in the humanities and liberal arts seem so much more inclined to be demanding—or "nasty"—than students enrolled in physical sciences and professional schools?

Answer. That is an interesting question. People who major in English and drama and philosophy often are people who are uncommitted. They are still in the process of finding themselves.

Youngsters who go into, let's say, nursing or chemistry or zoology know who they are. They know they are going to become nurses or chemists or zoologists. They're not floundering around with an "identity problem." If you are wrestling with that problem—not knowing what you want to do with yourself—and if you are also imaginative and have read a lot of existentialist philosophy and are intelligent, then the idea of revolutionary and dramatic confrontation may have some appeal to you.

Notice, too, that in marching with the pickets or in staging a confrontation, you are postponing for a little while your problem of identity. You may feel you are doing something "socially significant": You are "fighting racism," you are helping "establish social justice," you are involved in something dramatic—and the television cameras are focused on you. This, for some people, solves the "identity problem"—at least for the time being.

Question. Do the professional students get involved in troublemaking at all?

Answer. Quite a few social-welfare students tend to go along with the activists. But, on the whole, the people who want to become chemists, scientists, conservationists, nurses, businessmen and so on are not involved.

Strangely enough, our history department seems peculiary immune to activism—it is functioning almost 100 per cent. I had thought history was one of the liberal arts, but apparently it is a more intellectually sturdy discipline at San Francisco State.

Question. Why don't the hard-working students oppose the revolutionaries' grab for power and money?

Answer. I don't really know how to answer that question simply.

The radical group comes to no more than 500 students out of 18,000. But it always uses the slogans of "racial justice" or "free speech" or "peace in Vietnam"—all the "liberal" shibboleths to which many people respond, or at least are unwilling to oppose.

Furthermore, the serious students are spending too much of their time in the laboratory or library to get mixed up in student politics. And I think that the more dedicated a student is to his work, the more likely he is to be an individualist and the less likely he is to join a mob.

I believe the serious students are beginning to organize. But essentially they have no defenses against what is really an unprecedented state of affairs.

Q. Why do you say that?

A. Let's take a hypothetical case: Professor A is teaching his 11 o'clock class in Geology I. He has never felt it necessary for police to be stationed outside his door to keep out hooligans. But suddenly we have this situation where a bunch of hoodlums bust in on Professor A's class yelling, "This class is dismissed," or, "The Ice Age is irrelevant to our problems"—all the while threatening to beat up students and the professor if they don't comply with demands.

We have no defenses against this because it has not happened before. Lacking any other resources, what I have done is to rely upon the police ever since I became acting president.

Question. What, exactly, were your tactics?

A. First, I stationed the police in each building, so all the disorder was eliminated from the buildings of the central campus. Then later we drove the hoodlums off the central campus and onto the streets. And that is where they were when last seen.

Question. Has your personal safety been jeopardized?

Answer. I've never been fearful of my own safety, but the policemen keep telling me I should be, so I get a police escort to and from the school every day.

AT STAKE: REAL FREEDOM

Question. Is academic freedom on the campuses of America seriously threatened by the kind of disorders you have described?

Answer. I believe so. Until now, we have been organized to defend that freedom against attacks from the "right wing," from high political authority and from elements outside the college. But today the attack on academic freedom comes from the "left," from below—the disadvantaged, the militants and so on—and from within the college. And our defenses, like the guns of Singapore in 1941, are pointed the wrong way.

This is a serious problem. Through all the disruption there runs this theme: "Let's shut down the college so we can establish social justice and have racial equality." Clearly this argument is profoundly phony. It is as if these people were saying: "Let's get a relevant education—let's shut down education altogether." But, however phony, this kind of attack on academic freedom will force us to devise a whole new system of defense.

Question. What are some of the things that colleges ought to be doing to fend off these attacks?

Answer. First, we need firmer administration and a facing of the fact that universities don't run themselves. There must be a clearly understood network of obligations that relate instructors, professors, department heads and administrators to each other.

Secondly, we must have more-effective student participation in decision making.

Third, we seriously need more-effective student disciplinary procedures, as well as methods for resolving grievances.

Finally, we need better teaching—more dedicated, more innovative, more student-centered.

Question. Aren't many of these militants getting financial aid from the Government in the form of grants or loans? Could that aid be cut off?

Answer. Yes—and I would favor such a step except for students who are absent because their professors are on strike. According to the last figures I heard, about 89 of the 500 or so students arrested since last fall were getting some kind of financial aid—and certainly their aid is going to be reviewed. Under the law, actually, we are required to cut-off federal aid to students found guilty of participating in disorders.

Question. Do you think the taxpayers will continue to support colleges and universities that are in constant disorder?

Answer. I'm sure the taxpayers are going to rebel. There are already signs of this, as I have been able to observe in testifying before a congressional committee and in talking with State legislators in Sacramento.

Question. How much longer can these disorders go on before the whole educational system goes down the drain?

Answer. There is a limit, but I don't know just where it is. Certainly our colleges and universities can't sustain these disruptions indefinitely. And neither can our high schools—which appear to be next on the firing line.

On the other hand, I do see signs of hope that these disturbances will pass out of fashion in the very near future, so far as colleges are concerned. On our own campus, for instance, support seems to be growing in the academic senate for a stricter system of student discipline. We used to be outnumbered by about 3 to 1, but now it is closer to 4 to 3. We're sneaking up on them.

Furthermore, hundreds of our students have braved taunts and physical threats to attend classes that were open. A big majority of the 800 or so black students are going to class—or would like to do so if they weren't scared of being beaten up.

One of the very gratifying things to me so far has been the fantastic support I've been getting from the general public. There have been bushels and bushels of fan mail and telegrams—nearly 100 per cent in my favor.

Q. Where does this support come from?

A. It comes from our own students and from students in other institutions. It comes from parents. People have placed petitions of support for me in drugstores for customers to sign; then they send a whole stack of petitions along to me. They have even been wearing armbands proclaiming their support of me in various parts of San Francisco.

When you study the fan mail, something very interesting comes out of all this:

Much of the mail is from people who have been to college, graduating as recently as 1965 or as long ago as 1915. They see the American college system going down the drain because of the things that have happened in Madison and Ann Arbor and at Columbia University, and they see me as someone who is trying to preserve academic freedom and restore order.

But there is also an enormous amount of mail from people who never went to college and who say: "I want my children to go to college, and I'm glad you are there to preserve the college that we aspired to but could never attain."

SO MUCH FOR THE PUNKS

Q. Are these letters from the less affluent, for whom the militants claim to speak?

A. Exactly. People without advanced, formal education—servicemen, first and second-generation immigrants, working people—all seem to be 100 per cent in support of my position. So much for the punks who are abusing this wonderful privilege of going to a college that they now want to destroy.

VANGUARD OF THE CAMPUS REVOLT

(By Ernest Dunbar)

I saw him loping across the manicured campus of San Francisco State College, bearded and Christlike, carrying a large wooden cross. A student rebellion was swirling around us, chaotic, exhilarating, tinged with incipient danger. (In the face of the insurrection, State's president had fled, saying, as he boarded an Ethiopia-bound jet, that he was "tired of being the goat.") Second-echelon administrators were trapped in their offices, while the halls, gorged with demonstrators, resounded to the din of students pounding on doors and wastebaskets. Campus policemen, heavily outnumbered, wandered by, benign and neutralized. But the air was heavy with the expectation that tactical police might arrive at any moment and the tenuous benevolence give way to head-cracking, hair-pulling and groin-gouging.

I pulled the bearded crossbearer out of the melee and, on the steps of a fire escape in a now-deserted classroom building, asked him how he had arrived at his present state. The words came haltingly at first, then in a stream. He would not tell me his last name, but said I should call him Steve. He is 20, a sociology major. His family is steeped in the tradition of the U.S. Navy. His grandfather had been a naval officer, and his father and two brothers are officers in that service now. "But I couldn't see that," he says. In his high school days in a conservative California county, he spoke up for civil rights and against the war in Vietnam. That got him into trouble and, eventually, a suspension. When a screening committee of faculty members weeded him out of a high school election, that added to his resentment. After graduating in 1964, he went on to junior college and there attended his first meeting of Students for a Democratic Society. Steve recalls: "They had a member of Berkeley's SDS as a speaker, and it scared me to death. I thought these people were Communists. But then I began to weigh what they were saying and what I felt, and it was the same, even if the terminology was different." For a while, Steve dropped out of college. He couldn't see its value in his life. Now, he's back and he's a member of SDS. "I look back on what I did in high school, and it was dumb," he says ruefully. "I had nothing to back me up. If that suspension had happened now, there would have been a big protest." Steve says he has changed too: "Six months ago, I would have avoided conflict and confrontations. Now, I understand that you can't bring about change by doing nothing. Love is getting hit over the head by a cop for something you believe in. And I'm sold on the Movement because it's for change."

As the nation has come to automatically anticipate violent "long hot summers" in the ghetto, college administrators are bracing for another academic term of student unrest. Even the most remote university administration now knows that many students are unhappy about life in the groves of academe. Newspaper editorials grump about a generation hatched under Spock-tainted permissiveness; politicians threaten deans who hesitate about throwing the rascals out; administrators wonder whether to lay in a supply of Mace, and parents scratch their heads over how their gentle Johnny became the Che Guevara of his class. While there are as many reasons advanced for the campus explosions as there are affected universities, everybody seems to agree that the center of the vortex is the national organization called Students for a Democratic Society, or SDS.

With the spectacular shutdown of prestigious Columbia University in May, capping a season of academic eruptions led by SDS or its adherents, that organization has emerged as the most powerful engine of student protest. What is less well-known is what SDS is after, who its principal movers are and how it has captured the allegiance of some of the most brilliant students on the American campus.

FBI director J. Edgar Hoover, in a congressional appearance to plead for more men and money for his agency, recently termed SDS "a new type of subversive," warning, "their danger is great." The organization that he accused of being "infiltrated by Communist party members" (in 1966, he charged SDS was financed by the Communist party) has, according to Hoover, "seized upon every opportunity to foment discord among the youth of this country." Syndicated columnists Drew Pearson and Jack Anderson have asserted that the campus disturbances of 1968 were the result of "an international conspiracy," linking Columbia University SDS president Mark Rudd with student leaders Rudi Dutschke in Germany and Danny "The Red" Cohn-Bendit in France as the architects of that conspiracy.

To uptight college administrators, irate alumni and some bewildered parents, the Hoover-Pearson-Anderson explanations present an easily grasped rationale: conspiring Communists and surreptitious student schemers.

But SDS—indeed, the student world itself—is a lot more complicated that that. And for what the growing student disaffection may portend, both are worth a serious look.

Students for a Democratic Society came into existence in 1962, when young members of the old socialist League for Industrial Democracy quit the parent group and set up their own unit, SDS. Its founding meeting in Port Huron, Mich., drew 59 people from 11 colleges; and out of that meeting came the SDS credo, the "Port Huron Statement," drafted mainly by SDS's first president, a University of Michigan student named Tom Hayden. According to that document: ". . . We seek the establishment of a democracy of individual participation, governed by two central aims: that the individual share in those social decisions determining the quality and direction of his life; that society be organized to encourage independence in men and provide the media for their common participation."

The Port Huron Statement advocated something called "participatory democracy," a leaderless, decentralized system in which every man's view would be as important as that of his fellow.

SDS's central theme was and is that the present American corporate capitalist system manipulates and oppresses the individual, is run by a corporate/military elite that profits while the rest of the citizenry are only depersonalized pawns in the game. Basic to this thesis is the accusation that the nation's universities are key accomplices in this process, furnishing research and ideas to the military-industrial complex and psychologically conditioning students to take their places submissively in the corporate slots that await them. SDS is out to overturn this setup, starting where the system's strategic resources are located: in the universities.

In its early period, SDS endorsed liberal Democratic congressional candidates, later worked among poor whites and in black ghettos of the North. SDSers, drawing their inspiration from the Southern civil rights movement, in which many had earlier worked, did little to construct an elaborate political theory. Action was their style. They were content to leave the theorizing to the Old Left, whose wrangles and internecine warfare over ideology had, in SDS's view, used up much of whatever energies the aging radicals once had.

Some SDS founders came out of service with SNCC in the rural South, where they had suffered jail and beatings in their efforts to obtain the vote for blacks. They had sought a minimum of the American Dream—the ballot—for black sharecroppers in Mississippi and Alabama, and a number of them had been brutalized, in some cases by local law-enforcement officers. They were denied the aid and protection of the Federal Government in implementing rights they had been brought up to believe the Constitution guaranteed every American. These searing experiences were to have an important influence in shaping SDS's attitudes about the efficacy of the law, the nature of power and the lack of response of "moderates" to oppression heaped upon an impotent minority.

SDS now has its national headquarters in a squalid section of Chicago on the second floor of a building hunched between two short-order joints. The door to the building is kept locked, and you ring for admission, which is granted if you seem OK to whoever comes to the stairs to look you over. Top SDS people are leery of the press and of cops. They feel their views have been abused by the former, and their bodies, by the latter. Inside the dimly lit rooms that house the small administrative staff, anti-war, pro-Castro posters cover the walls along with other placards celebrating various revolutionary idols. Back issues of *New Left Notes*, the SDS newspaper, are piled up in random mounds.

After a lot of verbal maneuvering, Tim McCarthy, a young, laconic, open-shirted fellow who is assistant national secretary of SDS, agreed to talk to me—not in the office but downstairs in one of the greasy spoons. A lot of reporters come ringing that doorbell these days, and SDS people apparently figure that they might as well be eating (on the reporter's tab) while they are furnishing the facts to the minions of the mass media. It is also obvious that they would like to get said minions out of the place and into more neutral territory.

McCarthy did not go for a suggestion that we photograph in his office. He told me how a CBS crew was permitted to film a TV interview there "and one of the sound men turned out to be an FBI agent." (I tucked that bit away in my mental miscellaneous file from which it was retrieved when, sometime later, the three major networks complained to the Justice Department that FBI men were in fact masquerading as TV newsmen to get evidence against draftcard burners.) McCarthy, like other SDS leaders I've spoken to around the country, operates on the assumption that his phone is tapped and his mail opened. He is 26, was a founding member of the State University of Iowa's SDS chapter, and has been in the group for two years. (He has since gone out into the field as an organizer.)

SDS's national hierarchy consists of three national secretaries, elected yearly, and an eight-man national interim committee. Below them come some 20-odd organizers who operate across the country on $15 a week and "a little help from our friends." Being an SDS national officer doesn't mean what it might in some other kind of association. "There's not a great deal of hero worship in this organization," McCarthy said. That turned out to be an understatement. Other SDS people I talked to around the nation were unaware of the names of some key national officers. And while the group's national convention sets general policy lines, in reality, each chapter decides for itself what its goals and strategies will be, dictated by the particular circumstances of its campus.

This abhorrence of form is evident in SDS's membership rules. Anybody who wants to can become a member. "National members" are those who pay $5 dues to the national organization, but only about 6,000 of 35,000 members (on 300 campuses) are national members.

SDS has changed since those early days after Port Huron. "We wouldn't say we were anti-imperialist in 1965," McCarthy said. "Now, we do. The word has become more respectable, partly because we keep using it. We demand you listen to the content, not the emotive value of the words we use." SDS has changed in other, more significant, ways. From nonviolent sit-ins and marches, it has shifted to what it calls "resistance" that sometimes involves violent confrontations. In a document called "Toward Institutional Resistance," Carl Davidson, one of SDS's major theorists and a national officer, remarked last year: "Some of us have fared better than others, but nobody goes limp anymore, or meekly to jail. Police violence does not go unanswered: Sit-ins are no longer symbolic, but strategic: to protect people or hold positions, rather than to allow oneself to be passively stepped over or carted off."

SDS's ranks contain activists of all political varieties: Marxists, anarchists, Socialists, Democrats, Communists (pro-Moscow, pro-Peking, pro-Castro and lower-case "c" varieties) as well as the alienated apolitical types and hippie exotics. Remembering a college generation of the fifties that had been frightened into silence by Communist witch-hunts, SDS's organizers deliberately decided to open its ranks to anyone of whatever political creed, and so to remove the Red-baiting weapon from its enemies. Like participatory democracy, which usually manifests itself in interminable, often dull debate, the SDS policy of opening its arms to everybody doesn't always work out well. SDS is increasingly threatened with a take-over by student members of the Progressive Labor party (PL), a disciplined, secretive Communist cadre sympathetic to Peking, or, alternatively, with being torn apart by anarchists.

A look at the way SDS chapters function on several campuses across the country reveals a number of similarities and some important differences. Many of the issues SDS focuses upon stem from its determined opposition to the Vietnam war: issues such as the draft, on-campus recruiting by the military, the CIA and war-connected firms like Dow Chemical Company. With equal vehemence, it opposes the ROTC and university involvement in military research. The reform of university structure and curricula, the student's participation in administration, the admission of more minority-group students and opposition to dismissal of radical faculty members are also key SDS goals.

The targets at each university vary according to the political climate of the campus as well as the relative sophistication of the student body. At Princeton or Wisconsin, the issue may be the school's stockholdings in the Chase Manhattan Bank, an institution that is attacked for its commercial participation in apartheid South Africa's commerce. At Dartmouth, the crusade may be over ROTC. The issues, whatever they may be, are fixed upon to expose what SDS calls the university's collusion with undemocratic, militarist or racist practices—and to show the student that he has the power to change all that if he will.

Though SDS frequently acts in alliance with black student groups on campus, there is an embarrassing gulf between the white radicals and the black activists. The blacks insist on running the own show for their objectives, which frequently turn out to be a demand for a greater hunk of the Establishment action, and they suspect the motives and attitudes of middle-class white radicals. A member of San Francisco State's Black Students' Union accused SDS there of "pimping off the moral fervor of the black revolution." Some white radicals see these attacks as black racism, and keep a pained distance. Older SDS people say they see the wisdom of the black demand that white revolutionaries organize the white community (a job they agree is formidable and just in its embryo stage) and maintain comradely but aloof postures toward the blacks.

Though young, SDS organizers are frequently shrewd judges of the human animal. John Kauffman, 22, a student at the University of Wisconsin in Madison, told me about how he organized for SDS in dormitories there. "We talk nitty-gritty, basic radicalism, getting control of your life from the forces which are manipulating you," he said. "Dorms are a prime area to work in because the people in them are in frequent contact, will be together for a number of months and live in generally repressive circumstances. We start on the top floor of the dorm with a list of people we already know. We call meetings and talk to students about draft resistance, the nature of the university, and how you change these things. Then we help them call meetings of people on other floors, and we exchange ideas and information on what they are doing."

Soon the ferment spreads to all floors of the dorm. "Our main problem," Kauffman says, "is that people feel they are impotent. You have to convince them that they *can* change things. That means coming back to talk with them again and again.

"We started with the rule: 'No parties on Friday night.' We demanded we be allowed to give a party on Friday night. Then we went to the rules on having visitors in your room, then to the price of rooms, which is high here. You have to give the issue a nitty-gritty context, and the price of rooms, visiting rules, parties are all things that affect everybody in the dorm no matter what their politics. You show them that radicalism is in their interests!"

Kauffman transferred to Wisconsin from Hobart College (Geneva, N.Y.), where his earlier organizing effort in the student government had not worked out well. "The president threatened to throw me *and* the student government out," he recalled, "so the students backed down. But we learned from that mistake. Now, when an administrator calls one of us in, he has to see all of us. They'll have to enlarge their offices!"

The enshrinement of "leaders" or an "elite" is a constant fear of SDS people. When registering with the student-affairs office, an SDS chapter will often file the names of a number of chapter members with no title or ranking. (Besides discouraging elitism, this practice also makes it hard for administrators to single out individuals for punishment.) John Fuerst, a bespectacled graduate student at Wisconsin, is one of the key figures in SDS activity on that campus and leads the Wisconsin Draft Resistance Union, another SDS project. "Over thirty percent of the people who have joined WDRU have never been involved in any political activity before," he told me. "Four years ago, they would have been affected by the draft, but they still wouldn't have taken any action. Now, they will. It's a radical thing in America when people begin to act out of their needs." The WDRU mobilized 800 people in three hours to mount an egg-throwing, tumultuous protest against a campus visit by draft director Lt. Gen. Lewis B. Hershey.

Fuerst, a 1967 Columbia University graduate, helped organize Columbia's SDS chapter and recruited its eventual head, Mark Rudd, into that unit. Like Rudd and most of SDS's revolutionaries. Fuerst comes from a comfortable middle-class background. His father is city manager of New Rochelle, an affluent New York City suburb.

SDS is repeatedly denounced for not having an alternative to the system it is attacking—often by critics who, in the same breath, score the organization for thinking it has the only solutions. But Fuerst shrugs off the charge: "Our job is not to give answers or to put another bigger, shinier product on the shelves; it's to get people to the point where they can take power in their own lives."

Bob Minkoff, a 25-year-old Ph. D. candidate at the University of Texas, Austin, agreed. "I can give you a few ideas," he said, "but I can't tell you who'll collect the garbage after the revolution! The ways will come out in the struggle." Like many in the Movement, Minkoff derides the oft-heard criticisms of the behavior of radical youth: "I explain to our kids that just as the middle-class kid is alienated, so are his parents, but they don't know it. All those pills, tranquilizers, and liquor their parents are on, we make kids realize that comes from being hung-up. Take those parents who marry and divorce, marry and divorce—I call that serial polygamy—is that really different from my sleeping with one person after another? We make people realize they're hung-up because they grew up in a hung-up society that doesn't recognize human values."

SDS in Texas takes on a different style from Wisconsin, Columbia or San Francisco State. "We are not trying to make the administration here make changes," says Gary Thiher, an SDS leader, "We are trying to get the students to see that *they* should be controlling the university." But Thiher and his associates have an uphill fight. Recently, the Texas Senate passed a law making any regulation passed by the state's Board of Regents a state law. In turn, the Regents have ruled that anyone participating in a demonstration that disrupts a school's functioning will be automatically expelled.

Thiher, a philosophy student, and Thorne Dreyer, another SDS worker, publish *The Rag*, one of the better of the myriad "underground" newspapers that carry the comments, analyses and exposés written by SDS's sages and the gurus of the New Left. Austin's SDS has contributed several prominent figures to the national SDS scene, but last year, the bullet-punctured body of one of its most publicized activists was found stuffed in a freezer in the Austin grocery store where he worked after school. Locals attributed his death to a holdup attempt, but many Texas SDS people think otherwise.

On more conservative campuses, to belong to SDS is still a cause for scandal or reprisal, and its members are reticent about acknowledging their affiliation. Moreover, its activists often work in *ad hoc* committees set up to focus on a specific issue but encompassing people from more prosaic campus groups. Not everyone on such committees is aware of who is SDS and who it not. At Chicago's Roosevelt University, a student coalition seeking the reappointment of controversial professor-author-North Vietnam visitor Staughton Lynd was headed by Paul Shain, a non-SDS apolitical type, but the Lynd backers were basically an SDS group. At San Francisco State College, where students are pushing a variety of demands, SDS allies itself openly with organizations representing blacks, Mexican-American students and others. Its campaigners work diligently for the cause they join, and, since SDS tends to draw its key activities from among the most gifted students on campus, Columbia's Grayson Kirk was not the first university president to find himself out-field-marshaled by a fuzz-faced undergraduate.

SDS has evoked emotions ranging from sympathy to apoplexy among faculty. Its move to "resistance" and power confrontations with administrators has left many professors adrift in their classroom rhetoric as student guerrillas fought their way into academic provinces that had heretofore been under faculty rule. Many teachers were shocked by the rebels' tactics, but some of the same teachers admitted the justice of student demands. Like administrators and parents, the professors are fairly ignorant of the men and ideas that move the SDS types. At Wisconsin, SDS organizers held a seminar for interested faculty, using a list of writers, philosophers and economists admired by the New Left. After several meetings, the faculty members complained to the

undergraduate seminar leaders that there were too many books listed for them to read in the scant time their crammed schedules allowed.

While shaking up the American university scene with the tactic of confrontation, SDS and its adherents have imprisoned administrators, barricaded buildings, wrestled with police, harassed clerical help, disrupted classes, heckled speakers, tied up university switchboards and driven military and corporate recruiters from the campus. In return, they have received bloodied heads, expulsions, suspensions, lost student deferments—and were thus drafted. Some have gone to jail. The U.S. House of Representatives has voted to deny Federal funds to students who demonstrate, and several state legislatures have passed laws with similar intent.

But each clash with the police or university authorities has delivered increasing numbers of angry or alienated students into the psychological arms of SDS—and that is no accident. SDS seeks to "radicalize" students by exposing the universities' complicity in enterprises ranging from chemical- and biological-warfare research to a personnel-agency relationship with the corporate world that belies acadame's exalted claim that its mission is simply the pursuit of knowledge. And SDS seeks to show that a university administration's ultimate weapon is force, not the consent of its constituents.

At the same time, the student organization has attacked outmoded educational and administrative practices that have stifled generations of more tractable undergrads. The widespread alienation of the young bred by the Vietnam war has been a key factor in the success of the SDS movement, but it is not the only ingredient. The sense of powerlessness before huge, impersonal forces that pervade the student community has been no small ally.

As the vanguard of the student revolt, SDS has seen some of its heresies gain respectability. When it held the first large anti-Vietnam war demonstration in Washington in 1965, it brought down upon itself the wrath of the Attorney General, the FBI, outraged congressmen; a Federal investigation followed. But today, even Richard Nixon talks about "de-Americanizing" the war, and the dove, if not the national symbol, has at least become an acceptable member of the political aviary. Similarly, the judgment contained in the 1962 Port Huron Statement that "The awe inspired by the pervasiveness of racism in American life is only matched by the marvel of its historical span in American traditions" has been echoed six years later in the Kerner Report, commissioned by President Johnson.

The SDS-led attack on the university-affiliated Institute for Defense Analyses, which performs services for the Department of Defense, forced IDA recently to loosen its direct links to the campus. And at Duke, George Washington, New York University and many other schools—including embattled Columbia—major reforms have been announced that will give students—and faculty—a far greater voice in the running of these institutions.

But the organization that spurred these changes never intended to limit its goals to the campus, nor does it see these gains as ends in themselves. SDS has already turned on what it hopes will be an energetic drive to radicalize U.S. servicemen, factory workers, high school students and people in the professions. While college students do not find it easy to convert time-clock punchers to their revolutionary doctrines, SDS *is* winning numerous converts in its high school campaign. And it is drawing more and more servicemen to its anti-war coffeehouses set up near military bases in an attempt to radicalize troops.

As SDS expands, it is being troubled by a swarm of problems that go to the group's very foundation. One of the biggest is how to tackle effectively the problem of organizing outside the college community. There is sharp disagreement within the leadership over whether poor whites, blue-collar workers or the so-called "new working class" of technicians, scientists and academics are the most promising populations to woo. A major worry that eats at SDS's best activists is how to maintain their radical zeal once they've graduated. An SDS document noted: "The Movement is one of the only places where people can and actually do try to deal with each other as human beings, after college. However, if the only alternative we can offer adults is to join the Movement and live like the younger organizers, or stay put and give money, we have little to offer." Several organizations have been formed to channel the energies of the post-campus SDSer, but no one has yet satisfactorily resolved the hang-up of the Movement vs. the mortgage.

The fluid, sometimes confused SDS structure, in which each chapter calls its own shots, has given the movement verve and excitement, but has also made for a patchwork of programs, some admirable, some frivolous, but with little coordination.

Lastly, while many SDS activists deny the need to have political alternatives to the structures they would dismantle, others feel it is imperative to go beyond sporadic confrontations to work out a coherent, long-range political philosophy.

Sometimes inspired, often chaotic, the Students for a Democratic Society represents an effort by a key minority of the Nuclear Generation to break out of a political and moral maze built by their elders. It is an upheaval being duplicated around the world, in Communist and non-Communist countries alike. What began on the campus may well prove educational for our entire society.

HOUSE WAYS AND MEANS COMMITTEE REFUSES TO CHANGE METHOD OF CALCULATING NATIONAL DEBT CEILING

Mr. BYRD of Virginia. Mr. President, the Ways and Means Committee of the House of Representatives Thursday refused President Nixon's request to change the method of calculating the ceiling on the national debt.

By a bipartisan vote of both Democrats and Republicans, it refused to eliminate from the debt ceiling Government borrowings from the trust funds.

I applaud the action of the Ways and Means Committee.

I appeared before the committee Wednesday and urged that it reject the proposal submitted by President Nixon and Secretary of the Treasury Kennedy.

Under able questioning by committee members, Secretary Kennedy admitted that the proposed plan would permit the administration to spend, during the next 4 years, $40 billion more than it takes in, and yet that $40 billion would not be subject to the debt limitation.

To put this figure of $40 billion into perspective, I cite these figures, Mr. President:

During the nearly 8 years of President Truman's administration, the national debt was increased by $33 billon; during President Eisenhower's 8 years, the national debt increased by $23 billion; during the 8 years of the Kennedy-Johnson administrations, the national debt was increased by $70 billion.

Again, Mr. President, I applaud and commend the House Ways and Means Committee. I think it struck a blow for good government when it refused to eliminate from the debt ceiling vast sums of moneys which the Government borrows from its own trust funds, the largest being social security.

As a strong advocate of social security, I do not want to run any risk whatsoever of jeopardizing the integrity of the social security funds, which funds mean so much to the American people when they reach their twilight years.

U.S. CASUALTIES IN VIETNAM

Mr. BYRD of Virginia. Mr. President, U.S. casualties in Vietnam this past week, February 22 to March 1, totaled 3,069.

Of this total, 453 were killed, 2,593 were wounded, and 23 are missing.

The total of American dead last week was the seventh highest incurred in any week in the Vietnam war.

Reports from the allied command in Saigon make clear that the enemy has concentrated his attack on American installations and managed to kill significantly more U.S. soldiers this year than during the first week of the enemy's Tet offensive last year.

Mr. President, almost weekly for a number of months now, I have expressed the view in the Senate that the American fighting men in Vietnam have become the forgotten men.

Will not the Nation pay heed to last week's casualty figures—3,069?

During the calendar year 1968, the United States suffered an average of 2,000 casualties per week. So, last week's casualty figure is 50 percent greater than the average week of 1968.

For those who feel the Vietnam war will go away if nothing is said about it, I cite the fact that during the 2 months of January and February of this current year 1969, the United States suffered 12,667 casualties. This in just 2 months.

I shall continue, Mr. President, to focus attention on the casualty figures. Are we going to continue to draft Americans, take them from their communities, their homes, and their families, and send them to Southeast Asia to fight, and yet, not give them full protection from the enemy onslaught?

Wishful thinking is not going to end the war in Vietnam. That war, in my judgment, is the Nation's dominant problem and should have first attention by the new President and his new team.

ORDER OF BUSINESS

Mr. SCHWEIKER. Mr. President, I ask unanimous consent to address the Senate for 25 minutes, for the purpose of introducing a bill during the morning hour.

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

S. 1433—INTRODUCTION OF DRAFT REFORM BILL OF 1969

Mr. SCHWEIKER. Mr. President, I have long been interested in achieving meaningful reform of present draft procedures. I know that a number of my colleagues agree that we must do everything

that we possibly can to reform the inequitable and outdated means we are now using to register, classify, and induct young men into the military services.

While the various bills which have been introduced this year are not identical in all respects, it is clear to me that there is growing sentiment in this body that much needs to be done if we are going to have a draft system which will, at the very least, be fair to all whose lives it touches, even though it may never be totally acceptable to our young population. To implement some of the reforms which I feel are critically needed Mr. President, I am introducing today the Draft Reform Act of 1969. I believe this bill will go a long way toward accomplishing some of the changes which need to be made, and would provide the following:

First. Limit the time that a young person is draft-eligible to a 1-year period except in cases of a dire national emergency. This would eliminate the present uncertainty clouding a young man's life for as long as 7 years.

Second. Uniform national standards which each local board would be required to follow for induction, classification, and deferments. This would provide equal treatment for all and eliminate many of the present inequities.

Third. One national manpower pool, with random selection by Selective Service System headquarters of those eligible for induction. This would insure that a person's place of residence or date of birth would not be a factor in his induction.

Fourth. Student deferments, whether for college, graduate school, junior college, vocational school, or apprentice training, with the express stipulation that the individual would be exposed to the same 1-year liability for drafting immediately following the completion of his educational training or at age 25, whichever came first. This would permit educational and training deferments but close all loopholes.

Fifth. A 6-year term for the Director of Selective Service with the advice and consent of the Senate. This would provide closer congressional review of Selective Service System administrative procedures and policies.

Mr. President, I am pleased to announce that I have been joined in cosponsoring this proposed legislation by the following Senators: the Senator from Indiana (Mr. BAYH), the Senators from Kentucky (Mr. COOK and Mr. COOPER), the Senator from California (Mr. CRANSTON), the Senator from Kansas (Mr. DOLE), the Senator from Maryland (Mr. MATHIAS), the Senator from Oregon (Mr. PACKWOOD), the Senator from Illinois (Mr. PERCY), the Senator from Pennsylvania (Mr. SCOTT), and the Senator from Idaho (Mr. JORDAN).

As a Member of the other body, representing the 13th District of Pennsylvania, I have been active in a number of ways during the last few years, in an effort not only to reform and modernize our draft system, but also to work toward the eventual creation of an all volunteer army.

In 1965 it came to my attention that Pennsylvania's draft quota was larger than the State's share of draft-eligible men. At that time Pennsylvania was providing 10.3 percent of the young men being drafted during a given month in this country, whereas its draft age population was only 6.4 percent of the national total of draft age men. In effect, Pennsylvania was being penalized because its relatively more efficient system of processing registrants was resulting in its reporting more men as eligible for induction.

After reviewing the procedures then being used by Selective Service officials for determining their monthly quotas, and after discussing with them possible ways of making the calls more equitable for each State, I asked them to establish a fairer formula for determining a State's draft quota, and they accomplished this.

During 1966 a number of my colleagues and I gave very close study to possible ways of reforming the draft system. The more I studied the system, and the more mail that I received from constituents giving details of the problems which they were experiencing with their local draft boards, the more I became convinced that only a full scale revision of the existing draft structure would be adequate to clean up what can only be described as a horse-and-buggy system in the jet age.

Numerous examples of the inequities of the system cross my desk every day. I recall one rather vividly. Two pilots, both working for the same airline, both flying cargoes of critically needed materials to South Vietnam, both doing exactly the same job—one of them was classified 1–A by his local draft board, the other was given a critical skills deferment by his local board in another State. Interestingly, the more experienced pilot was drafted. Many similar instances have come to my attention since then.

The problem of student deferments has been a serious one for some time. A man who goes to college and completes his 4 years of college, in the 4 years alloted to him, usually will have no difficulties. If the man starts 4 years of college, and, because of sickness, financial hardship, or some other unforeseen reason, he drops out for a term, Selective Service's position has usually been that he is not making "normal progress"; therefore they usually reopen his classification and take his 2–S student deferment away from him and give him a 1–A. Naturally, the man will have appeal rights, but in the meantime, he has uncertainty hanging over his head. He does not know whether, in fact, he will have to be drafted or whether Selective Service will eventually tell him he can go back to school, or at least will not draft him until the end of that school year.

There have been all too many cases of young men being drafted while going to junior college, or to a training school of one sort or another. There has been no standard policy for these people. It is all up to the local boards.

If a young man wants to go to a 2-year vocational training school immediately after high school, then I feel that we should let him. I feel that he has every right in the world to learn a trade, and we can just as well make him eligible for the draft for a year after his 2 years, instead of interrupting his schooling. These have been some of the problems which we have had to face.

During 1967 I introduced my own draft reform bill which contained many of the provisions in the bill I am introducing today. The Johnson administration had established its own commission to make recommendations on reforming the draft, and one would have hoped that with all of the public attention which was being focused on the draft, some meaningful changes would have been made.

Unfortunately, this was the case. Today, most of the reforms which my colleagues and I have advocated for so many months have not yet been made. I feel the changes which we are advocating today in this bill are long overdue. It seems to me that no reasonable man could argue that we are seeking change merely for change's sake.

I believe that we can and we eventually will have an all-volunteer army. But, in the meantime, I see no reason why the people of this country should accept a system for recruiting soldiers which is not fair to all, and which could, with relative ease, be made responsive both to the needs of the country in general, and to the needs of our young people in particular.

One of the most effective means of doing this will be to enact the legislation which I am introducing today, or legislation similar to it, which will provide a specified term for the Director of Selective Service. I admire General Hershey's long period of outstanding public service and dedication, but I feel that new leadership and new ideas are needed in the top post in this critical agency of our Government. General Hershey is a fine, patriotic American who has served his country well, and I feel that it is now time for someone else to take on the critical responsibilities which he has carried for so long.

In his March 1967 message to Congress, President Johnson directed the establishment of a task force to review the recommendations for restructuring the Selective Service System which had been made by the National Advisory Commission on the Draft, more commonly known as the Marshall Commission. As my colleagues will recall, the Marshall Commission recommended a number of very sweeping changes in the Selective Service System; many of those changes met with my approval. However, in directing the establishment of this task force, the President included the present director of the Selective Service System as a member of the task force. I cannot conceive how a director of any agency could be expected to take a rational and unbiased look at a report critical of the agency which he was heading.

The task force recommended, among other things, that "the present structure of the Selective Service be retained." It also recommended that "the proposed improvements suggested or supported by the task force in chapter IX, which require no legislation, be transmitted to the Director of Selective Service System for his consideration." In other words, the task force, with the

Director of Selective Service sitting as a member, decided that nothing should be done, despite the sweeping changes recommended by the President's Marshall Commission.

No wonder our young population is disappointed and disillusioned with the workings of the system which affects them as a group more than any other in the country.

The provisions of the legislation which I am introducing today are the very minimum which need to be accomplished if we are to have a system which can truly be called fair. While my colleagues and I may differ on some of the details of the various proposals which have been introduced this year, and while I will, of course, be most anxious to see that these provisions, at a minimum, are enacted, it seems to me that the most important thing we must do is to realize that the eyes of our young people are upon us, and that they are expecting us to produce meaningful draft reform.

I therefore hope that all of my colleagues who feel so inclined, will want to join me in cosponsoring this bill; even more important, I hope that all of us who favor reform in the draft can work very closely together to see that real changes are made this year.

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

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

The bill (S. 1433) to amend the Military Selective Service Act of 1967, introduced by Mr. SCHWEIKER (for himself and other Senators), was received, read twice by its title, referred to the Committee on Armed Services, and ordered to be printed in the RECORD, as follows:

S. 1433

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 "Draft Reform Act of 1969".

SEC. 2. The Military Selective Service Act of 1967 is amended as follows:

(1) Subsection (c) of section 1 is amended to read as follows:

"(c) The Congress further declares that involuntary service in the Armed Forces should be required only when necessary to insure the security of the Nation, and that whenever involuntary service is required, the obligations and privileges of serving in the Armed Forces and the reserve components thereof should be shared generally, in accordance with a system of selection which is fair and just, and which is consistent with the maintenance of an effective national economy."

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(2) Section 5 is amended by striking out subsections (a) and (b) and inserting in lieu thereof the following:

"SEC. 5. (a)(1) The selection of persons for training and service under section 4 shall be made as provided in this subsection from 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.

"(2) Each local board shall transmit to the Director the name of each person registered with it, the classification assigned to such person, and such other information as the President may prescribe by rule or regulation. Such information and all changes with respect to such information shall be transmitted by each local board to the Director as expeditiously as possible.

"(3) Quotas of men to be inducted for training and service under this Act shall be established from time to time by the President and such quotas shall be met by the selection of persons from the primary selection group, after the selection of delinquents and volunteers, to the extent that such primary selection group has a sufficient number of qualified registrants to meet such quotas. The order of induction of persons in the primary selection group shall be determined by a random selection system prescribed by the President.

"(4) As used in this section the term 'primary selection group' means persons who are liable for training and service under this Act, who at the time of selection are registered and classified and who are—

"(A) between the ages of nineteen and twenty and are not deferred or exempted;

"(B) between the ages of nineteen and thirty-five and, on or after the effective date of the Draft Reform Act of 1969, were in a deferred status, but are no longer in such status; or

"(C) between the ages of twenty and twenty-six on the effective date of the Draft Reform Act of 1969 and are not deferred or exempted.

Notwithstanding the foregoing provisions of this paragraph, in order to provide for the effective administration of this subsection, the President is authorized, in the case of persons described in subparagraphs (B) and (C) of this paragraph, to postpone, on the basis of age, the inclusion of any such persons in the primary selection group for any period not exceeding four years following the effective date of the Draft Reform Act of 1969.

"(5) Unless selected for induction or unless otherwise deferred from induction into the Armed Forces, a person shall remain in the primary selection group for a period of one year. Any person who is in a deferred status upon attaining the age of nineteen shall, upon the termination of such deferred status, and if qualified, be liable for induction as a registrant within the primary selection group irrespective of his actual age, unless he is otherwise deferred under authority of this Act. Any person who is removed from the primary selection group because of a deferment shall again be placed in the primary selection group, if he otherwise qualifies, whenever such deferment is terminated. In no event shall any person be placed in the primary selection group for any period or periods totaling more than one year; nor shall any person be liable for induction as a registrant within such group after he has attained the thirty-fifth anniversary of the date of his birth.

"(6) No order for induction shall be issued under this Act to any person who has not attained the age of nineteen years unless the President finds that such action is necessary to meet the military manpower requirements of the Nation.

"(7) 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 Act or in the interpretation and execution of any provision of this Act.

"(8) Nothing in this section shall be construed to prohibit the President, under such rules and regulations as he may prescribe, from providing for the selection or induction of persons qualified in needed medical, dental, or allied specialist categories pursuant to requisitions submitted by the Secretary of Defense.

"(9) 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 Act, 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 by a commissioned officer may, in lieu of the oath prescribed by section 3331 of title 5, United States Code, take such oath of service and obedience as the Secretary of Defense may prescribe."

(3) Section 5 is further amended by redesignating subsection (c) as subsection (b).

(4) Paragraph (1) of section 6(h) is amended to read as follows:

"(1) Except as otherwise provided in this subsection, the President shall, under such rules and regulations, as he may prescribe, provide for the deferment from training and service in the Armed Forces of persons satisfactorily pursuing a full-time course of instruction at a university, college, junior college, community college, technical college, vocational school, or similar institution of learning, or who are satisfactorily pursuing, on a substantially full-time basis, an apprentice-training program or similar occupational instructional program, and who requests such deferment. A deferment granted to any person under authority of this paragraph shall continue until such person completes the requirements for his baccalaureate degree, completes the training program, fails to pursue satisfactorily his course of instruction or training or attains the twenty-fourth anniversary of the date of his birth, whichever first occurs, except that in the case of any person who has been awarded a baccalaureate degree and has been accepted by a university or college to engage in post-graduate work on a full-time basis, such person shall continue to be deferred until he completes the requirements for a post-graduate degree, fails to pursue his post-graduate work satisfactorily, or attains the twenty-fifth anniversary of the date of his birth, whichever first occurs. Notwithstanding the foregoing provisions of this paragraph, student deferments under this paragraph shall be discontinued upon a declaration of war by the Congress after the effective date of the Draft Reform Act of 1969, except to the extent that such deferments are determined by the President to be necessary to the maintenance of the national health, safety, or interest."

(5) The fifth sentence of paragraph (2) of section 5(h) is amended to read as follows: "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 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; except that no person who has been deferred from training and service in the Armed Forces on the grounds prescribed in the first sentence of this paragraph or in paragraph (1) of this subsection may thereafter be deferred under the provisions of this sentence on account of a marriage contracted after the date of enactment of the Draft Reform Act of 1969 or on account of a child born more than nine months after such date of enactment."

(6) Paragraph (2) of section 6(h) is further amended by striking out the last sentence and inserting in lieu thereof the following: "Notwithstanding any other provision of this Act, the President shall, in the administration of this Act, establish, whenever practicable, national criteria for the classification of persons subject to induction under this Act, and, to the extent that such action is determined by the President to be consistent with the national interest, require

such criteria to be administered uniformly throughout the United States."

(7) Paragraph (3) of section 10(a) is amended to read as follows:

"(3) The Director shall be appointed by the President, by and with the advice and consent of the Senate, for a period of six years. The term of office of any person serving as Director on the day before the effective date of the Draft Reform Act of 1969 shall expire on such date."

SEC. 3. The amendments made by section 2 of this Act shall take effect on the ninetieth day after the date of enactment of this Act.

BOARD OF VISITORS TO THE U.S. MILITARY ACADEMY—APPOINTMENTS BY THE VICE PRESIDENT

The VICE PRESIDENT. The Chair, pursuant to Public Law 84–1028, appoints the following Senators to the Board of Visitors to the U.S. Military Academy: The Senator from Florida (Mr. HOLLAND), the Senator from Nevada (Mr. CANNON), the Senator from Michigan (Mr. HART), and the Senator from New York (Mr. GOODELL).

THE BOARD OF VISITORS TO THE U.S. NAVAL ACADEMY—APPOINTMENTS BY THE VICE PRESIDENT

The VICE PRESIDENT. The Chair, pursuant to Public Law 80–816, appoints the following Senators to the Board of Visitors to the U.S. Naval Academy: The Senator from Washington (Mr. MAGNUSON), the Senator from Maryland (Mr. TYDINGS), the Senator from Pennsylvania (Mr. SCHWEIKER), and the Senator from Florida (Mr. GURNEY).

THE BOARD OF VISITORS TO THE U.S. AIR FORCE ACADEMY—APPOINTMENTS BY THE VICE PRESIDENT

The VICE PRESIDENT. The Chair, pursuant to Public Law 84–1028, appoints the following Senators to the Board of Visitors to the U.S. Air Force Academy: The Senator from Louisiana (Mr. ELLENDER), the Senator from North Dakota (Mr. BURDICK), the Senator from Colorado (Mr. DOMINICK), and the Senator from Arizona (Mr. FANNIN).

THE BOARD OF VISITORS TO THE U.S. MERCHANT MARINE ACADEMY—APPOINTMENT BY THE VICE PRESIDENT

The VICE PRESIDENT. The Chair, pursuant to the provisions of Public Law 78–301, appoints the Senator from Virginia (Mr. BYRD) to the Board of Visitors to the U.S. Merchant Marine Academy.

THE BOARD OF VISITORS TO THE U.S. COAST GUARD ACADEMY—APPOINTMENT BY THE VICE PRESIDENT

The VICE PRESIDENT. The Chair, pursuant to the provisions of Public Law 81–207, appoints the Senator from New Mexico (Mr. MONTOYA) to the Board of Visitors to the U.S. Coast Guard Academy.

REPRESENTATIVE MOORHEAD ON MAJOR ECONOMIC ISSUES

Mr. PROXMIRE. Mr. President, one of the delights of being vice chairman of the Joint Economic Committee is the stimulating and rewarding association with able Members of both Houses. In the last Congress, when I had the honor to be chairman of the Joint Economic Committee, we were strengthened substantially as a committee by the addition of Representative BILL MOORHEAD, of Pennsylvania. He has been an able and hard-working member of the committee to whom I am very grateful for his participation and contribution.

On February 25, my good friend BILL MOORHEAD addressed the Economic Club of Pittsburgh on the subject of major economic issues before the Congress this session. It is a most informative speech and I commend it to the attention of Senators. Among other things, he indicates that the traditional gap that has existed between economists and politicians has diminished substantially. This is an important point which is supported by the experience of many of you, I am sure, and by my own experience.

He also makes some cogent statements about the importance of tax reform and its relation to the promotion of economic stability. I feel most strongly that we must reform our tax system to make it more equitable, and I am encouraged by BILL's remarks on the subject.

BILL MOORHEAD has addressed himself most ably to a number of current economic problems. I ask unanimous consent that his speech be printed in the RECORD.

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

A VIEW FROM THE 91ST CONGRESS

(Remarks of Representative WILLIAM S. MOORHEAD, Democrat, of Pennsylvania, before the Economic Club of Pittsburgh, February 25, 1969, Pittsburgh, Pa.)

First of all I would like to say that I am very happy to be here, and especially with a captive audience of economists. I have just been the captive audience of the economic officials of the Nixon Administration for a week at the hearings of the Joint Economic Committee. If you don't understand why that is an ordeal, remember that an economist has been defined as a man who would marry Elizabeth Taylor for her money.

Today I would like to talk with you about what I think will be the major economic issues before the Congress this session. More importantly, however, I would hope that today I could establish a relationship with all of the members of the Economic Club of Pittsburgh so that I could turn to you when I need advice on economic issues facing the nation; and so that you would feel free to volunteer advice when I either don't have the time or the perception to seek it from you.

Before I get into my main subject, therefore, I would like to make some observations about the gap between economists and politicians—very similar in some respects to the generation gap. However, I believe the economic-political gulf is contracting and I'm not sure about the generation gap.

When I first went to Congress I heard many interesting and intelligent debates on subjects of defense hardware, housing, manpower training, medicare and so forth. When the subject became economics—interest rates, the Federal Reserve, the international monetary system—the level of the debate declined.

At that time there were, to my knowledge, no professional economists in the House of Representatives. Today only two Members are professional economists and neither of them serve on the three major economic committees. This is significant and very unfortunate because the major constitutional power of the Congress of the United States is economic.

In today's nuclear age, Congress' traditional role in shaping foreign policy has been diminished by necessity. Decisions in military and foreign affairs demand instant response by the President. However, in the field of economics the Congress can and should reassert its constitutional role.

Believing this, I sought membership on committees having to do with economic matters, and I have tried to educate myself in the field of economics. I hope that you will help me continue my education.

In my first term in Congress I became a member of the Committee on Banking and Currency, which, as all of you know, has legislative jurisdiction over domestic monetary policy, and which, as some of you may not know, has considerable influence in foreign policy by reason of jurisdiction over the international financial and economic institutions such as the World Bank, International Development Association, International Finance Corporation, International Monetary Fund, Inter-American Development Bank, and the Asian Development Bank.

In later Congresses I became a member of the Government Operations Committee, whose mandate is "budget and accounting measures," and whose duty is "studying the operation of Government activities at all levels with a view to determining its economy and efficiency."

Later I sought and obtained membership on the Joint Economic Committee.

Membership on this Committee will, I hope, help me to bridge the gap between economists and politicians.

The Joint Economic Committee is an unusual committee. Most committees are established under the rules of the Senate or the rules of the House of Representatives.

The Joint Economic Committee is a statutory committee. It was established by the Employment Act of 1946 to provide advice to the legislative branch on matters economic. A parallel group, the Council of Economic Advisors, was similarly established to advise the President as head of the Executive Branch.

The Employment Act is a unique piece of legislation. It vests no new powers in the Government, but declares for the first time in our history the explicit responsibility of the Government to conduct and use all of its plans, functions, and resources "to promote maximum employment, production, and purchasing power."

This is a significant responsibility, especially today, considering the role of growth in our economy in achieving so many of our social goals.

One of the main difficulties in dealing with the economic problems of the United States is this gap in understanding between professional economists and professional politicians.

The gap exists because too few politicians are educated in economics and too few economists fully understand politics.

One of the functions of the Joint Economic Committee is to help bridge that gap.

The gap exists because economists are essentially specialists and politicians are among the most extreme of the generalists.

The difference between a specialist and a politician was once described as follows: A specialist is a man who gets to know more and more about less and less until he knows everything about nothing. Whereas, a poli-

tician is a man who gets to know less and less about more and more until he knows nothing about everything.

If, indeed, economists do have the specialized knowledge and training required to solve the nation's economic problems, your first job is to persuade politicians of that fact.

I believe you are doing that job and that the gap has narrowed considerably over the last 8 years. I think that we in the Congress have been educated on the theory of the management of aggregate demand through both the tax cut of 1964 and the tax increase of 1968.

It was just 8 years ago this month that the third recession of the Eisenhower Administration hit bottom. For 96 months since then the American economy has experienced the longest and strongest uninterrupted advance in history. It has been a stunning performance. It is worth noting that the purchasing power of households has risen from the recession trough in February 1961 by one-third and that is after taxes, and after adjusting for price increases.

I think that this expansion has shown that economists and politicians, on the whole, have indeed been communicating.

A strong beginning was made by Walter Heller, the Chairman of the CEA under Kennedy and Johnson. He began the dialogue, and let us hope it continues.

I think that this meeting here today is indication that you share my feeling of the great importance of discussions between politicians and economists.

Certainly we have plenty to talk about. Never, since I have been in Congress have economic issues so completely dominated the scene:

Inflation, balance of payments, the international monetary system, one-bank holding companies, taxes and tax reform, and the coming battle over the division of the post-Vietnam fiscal dividend.

Just to name the items in such a list staggers the imagination.

Anything like a thorough discussion would take us several days.

I'll just touch them lightly.

Continued inflation throughout 1968 was the headline news as the year-end figures were released. But I noted that the 4th quarter increase in GNP and the monthly consumer price increase for December were both the smallest for comparable periods all year.

It is my hunch that the Revenue and Expenditure Control Act of 1968 is beginning to take effect. This may be the message we should get from last week's shake-out in the stock market.

The inflationary outlook which looks so bad at first may turn out to be better than we think.

Contrariwise, the balance of payments outlook, which looks so good, with the first annual surplus in eleven years may not be so rosy.

The improvement in 1968 reflected a massive inflow of foreign capital—inflows which are unlikely to continue. Meanwhile, our merchandise trade surplus dwindled to the vanishing point.

The international monetary system presents similar paradoxes. We are on the way toward implementation of the most important reform since Bretton Woods—special drawing rights. Sixty seven members with 80% of the weighted votes are needed for ratification. At the present time the count is 29 members with 47% of the weighted vote.

I am confident that a sufficient number of IMF members will ratify the SDR facility to bring it into effect this year.

Despite progress toward SDR's, the international monetary system is, in my opinion, in disarray. Three money crises in 12 months indicates a monetary system in need of some overhaul. I believe that we should be studying ways to get some more flexibility into our exchange rates or an international money crisis could lead to a world-wide depression.

The top priority item before my Banking and Currency Committee—one-bank holding companies—could have particular importance to Pittsburgh.

A major reason for Pittsburgh's success and importance is that it is a corporate headquarters town. The recent wave of take-overs of corporations headquartered in Pittsburgh could mean, if it continues, that Pittsburgh will lose the industrial and civic leadership it has built up over the years.

Some of the conglomerates and the big banks are beginning to realize what an opportunity for corporate take-overs the one-bank holding company offers to them.

As you know, Congress in 1933 barred banks from engaging in non-banking activities. In 1956, The Bank Holding Company Act applied the same general rule to multi-bank holding companies, but exempted holding companies owning only one bank.

That Act was passed to prevent undue concentration of control of banking and to keep the business of banking somewhat separate from the rest of American business. Until the last two or three years this exemption was used primarily in small towns. But the fad has just recently hit the big national banks. In the last four months of 1968, plans were completed or announced for the creation of 99 new ones involving banks with deposits of $90 billion. The suddenness and significance of this spate of activity is clear when these figures are compared with those of last September 1 when 684 one-bank holding companies involved banks with deposits of $18 billion.

Because of feeling of reform is in the air, I think we are going to pass one-bank holding company legislation.

Reform is also in the air for Federal taxation.

As you know, Mr. Mills began hearings on the subject a week ago, today, which I believe will have very far-reaching consequences. Fortunately, the talk is not about another study but a program of reform.

The study has just been completed by the Johnson Administration Treasury. It is not slanted toward partisanship, but toward a modernized tax system with equity for people in all income brackets.

By far the greatest innovation coming from the Treasury study is the concept of a "minimum tax."

The Treasury plan seems an ingenious combination of the fair and the politically acceptable. We are all aware by now of the Treasury findings that "many persons with incomes of $1 million or more actually pay the same effective rate of tax as do persons with incomes of one-fifth as large." This happens largely because some types of incomes are not taxable; half or more of income from capital gains, interest on municipal bonds, part of the income from oil and other mineral properties. In addition, there are ways of taking large deductions against that part of income that is taxable—such as oil drilling expenses, or on the interest borrowed to buy stocks, with which to make capital gains. To meet this situation, the Treasury proposed a minimum tax graduated from 7 to 35% to catch these people with large incomes who now pay nothing because of these loopholes in the present law.

The essence of the proposal is that it gets at the problem of the tax escapee without tackling the deep philosophical and political question of whether the tax free exclusions are justified in the first place.

We can then examine the question of the overtaxation of the poor. The Treasury study shows that Federal income taxes are now being collected from 2.2 million families who are living in poverty. At a time when there is much talk about a negative income tax—the automatic payment of benefits to those below the poverty line—this exaction of substantial taxes from the poor is especially indefensible. Significant relief for families in this group could come from increasing the minimum standard deduction from the present $200 plus $100 per allowable exemption to $600 plus $100. The annual revenue loss would be $1.1 billion. The important fact of this reform is that $835 million of this would provide relief for families with gross incomes below $5,000.

It seems pretty clear from the Treasury reform package that meaningful reform to make our tax system more fair—which means making the rich pay something like a reasonable share and lighten the burden on the poor—will not bring in the billions that many thought would make tax reduction possible for the balance of the country. This may be difficult to accept, but tax changes that save $30–$80 a year for millions of low income families easily offset other changes that add as much as several million dollars each to the tax bills of some 40,000 wealthy taxpayers who now largely escape tax.

However, I firmly believe that reform to achieve tax equity is highly desirable in itself and should be the major thrust of reform in the Congress this year.

We should, in addition, consider reforms to improve the tax system as a mechanism to promote economic stability. Presidents Kennedy and Johnson have sought to achieve this by asking Congress to give the President standby power to raise or lower tax rates temporarily to stimulate or depress demand. Congress will never grant this power because a politically unscrupulous President could, a few months before an election, insure the election of his party by handing the people a tax cut. Furthermore, Presidential power to cut taxes is not necessary. Congress learned in 1964 that a tax cut can be good politics as well as good economics.

Therefore, on several occasions, I have urged that the Congress delegate to the President only the power to raise, but not the power to lower, the tax rate.

In August of 1966, an election year for me, I had the good economic judgment, though very questionable political judgment, to introduce a bill giving power to the President to raise taxes 5 percentage points during the adjournment of Congress. In retrospect, I think the country would have been better off if the Moorhead bill had become law and a 5 percent surtax had been imposed in 1966. I am inclined to think that a 5 percent surtax in 1966 would have obviated the necessity of the 10 percent surtax in 1968 and there would have been less inflation.

A national struggle even more basic and important than tax reform is shaping up—a national struggle that will affect the course of our destiny as a nation for years to come.

When the war in Vietnam is over, there will be budget savings estimated at 19 to 20 billion dollars, which would be achieved over a period of 2, possibly 3 budgets.

The struggle is over how the post-Vietnam fiscal dividend shall be divided among the military, the private sector through a tax-cut and to the public sector through social programs.

The most disturbing thing is that post-Vietnam demands for new weapons systems, and especially an anti-ballistic missile system, will be so great that they will use up all, or almost all, of the fiscal dividends that are so crucially needed for our domestic goals.

One of the reasons the military may be able to get away with this is that the Bureau of the Budget does not have effective control over the Defense Department.

Mr. Mayo, President Nixon's Budget Director, testified last week before the Joint Economic Committee and it was clear from his answers to questioning that the Bureau of the Budget does not scrutinize the mili-

tary budget to the extent or in the same way they handle domestic programs. In all other Departments of the Government, budget examiners conduct an independent analysis and review which is submitted to the Director of the Budget. In Defense, budget examiners work not independently, but with their defense counterparts and the analysis and review is submitted first to the Secretary of Defense, rather than to the Budget Director.

Only after the Secretary has approved it, is the Review submitted to the Budget Director.

In legal parlance, the burden of proof has been shifted. Whereas other Secretaries must go to the President to have him overrule the Budget Bureau, in the case of Defense, the Budget Director must go to the President to overrule the Secretary.

In mid-March the Military Operations Committee, on which I serve, will hold hearings on defense procurement and it is my hope that we can bring to light this budgetary situation.

It is essential that Congress get a handle on the military budget, or otherwise the wonderful opportunities to use the post-Vietnam fiscal dividends in our domestic sector—both public and private—will vanish.

We have been discussing isolated and largely unrelated specific economic issues facing the first session of the 91st Congress.

I would now like to discuss with you and seek your help on a more fundamental and basic politico-economic situation.

For some time now I have been interested in and concerned about the institutional problems surrounding fiscal policy actions—both on the part of the Congress and the President.

Congress has virtually abdicated its Constitutional role in the overall budget process.

One of the most important functions of the budget process is to judge the combined impact of Federal spending and taxes on employment, prices and economic growth.

By varying its own spending levels, Government can affect total spending, and it can further influence spending by consumers and business by means of tax policy.

Congress does not properly or adequately participate in these decisions.

By fragmenting its decisions on the budget, Congress rarely, if ever, looks at the budget as a whole or considers its impact on the economy, on credit markets, or on our balance of payments position.

In reality, the Congress makes fiscal policy by legislating expenditure authorizations and revenue measures through two separate and unrelated processes. Revenue measures are considered by the House Ways and Means and Senate Finance Committees, and in the case of appropriations they are considered by the respective Appropriations sub-committees in a dozen or more individual legislative actions.

Therefore, the overall impact on the economy of the total fiscal package of the Federal Government is not weighed by the Congress at the time of individual actions. For example, during the 1st session of the 90th Congress, there were 14 regular appropriation bills enacted. The dates on which these bills were signed into law ranged from June 24, 1967, to January 2, 1968. All of these bills were authorizing expenditures, thus it would have been futile to try to establish any realistic total expenditure estimates before Congress completed action on these measures. In addition to the 14 regular appropriation bills referred to above, the Congress enacted 3 supplemental appropriation measures which granted appropriations in excess of $16 billion. All of these legislative acts were considered and authorized without explicitly relating them to the impact they would have on the overall economy.

There must be a better way.

I am now working on some proposals which hopefully will lead to a more reasonable and workable economic stabilization process. I would welcome any suggestions or criticisms from you.

This is the way I see the proposal working:

1. The President would send up his Budget and Annual Economic Report as usual in January, but he would include a recommended rate of a tax surcharge, which might be positive, zero or even negative based on his budget and his view of the economy.

2. The Joint Economic Committee, after independent analysis and hearings starting in early January, would propose a joint resolution establishing Congressional opinion of the economic prospects for the current year which would be debated and passed by March 1.

3. The Revenue and Appropriations Committees of both Houses would also begin hearings and studies early in January designed to produce a legislative budget resolution for debate and approval by April 1. This legislative budget would be debated against the background of the economic assumptions approved on March 1. It would include the following:

a. The Congressional target for total spending;

b. The Congressional target for total lending;

c. The foreign exchange costs of the spending-lending programs;

d. A program for financing the spending-lending budgets including passing, amending, or rejecting the President's surcharge proposal;

e. A program for financing the foreign exchange cost of Federal programs; and

f. An explanation and defense of the priorities involved.

4. After approving a resolution embodying an economic opinion and a legislative budget, the Congress can proceed as usual with its fragmented approach to the budget. They will, however, be able to do so against their own target and their own budget.

This is not an impossible recommendation. The Congress essentially followed this very procedure in the Revenue and Expenditure Control Act of 1968.

It is responsive to the constitutional intent of vesting control over money in the Congress.

In the surcharge, both the Congress and the President would have a vehicle for making an overall fiscal decision in a fairly routine way, without declaring or acknowledging any emergency, and with assurance that the decision is temporary.

It offers some hope to a rational approach to resolving the priority of claims on Federal resources that I see looming ahead.

It will put the Congress back on a more equal posture with the President in fiscal matters.

VICE PRESIDENT AGNEW'S ADDRESS ON OCEANOLOGY

Mr. FONG. Mr. President, all who view the oceans as the last, vast unexplored and undeveloped frontier on this planet will be heartened by the remarks of Vice President AGNEW on marine affairs. His remarks are especially noteworthy because they are the Vice President's first public statement on this subject since he became the Chairman of the National Council on Marine Resources and Engineering Development.

Last fall President Nixon pledged strong leadership in opening new opportunities in the seas. He said his administration will make full use of the Marine Resources Act of 1966.

That act, which I was privileged to cosponsor, established the Cabinet-level Council, presided over by the Vice President and composed of the heads of six departments and several agencies. Its main task is to advise and assist the President in planning and coordinating Federal marine activities.

Vice President AGNEW underscored the new administration's commitment to oceanography in a speech delivered in New York City on February 24 at the American Management Association's briefing session on "Oceanology—The Challenge to Industry."

The Vice President recognized both the opportunities and challenges involved in the wide scope of marine science affairs, including national security, foreign affairs, fishing, recreation, resources development, pollution abatement, transportation and trade, scientific research and exploration.

At the explicit request of President Nixon and in accordance with its legal mandate, Vice President AGNEW said the Council will "continue to develop a comprehensive program of marine affairs; clarify agency responsibilities where they overlap; carry out long range policy studies; and coordinate a program of international cooperation."

It is gratifying to know that the Marine Resources Council will give first consideration to the recommendations of the Commission on Marine Science, Engineering, and Resources. This Commission, created under the same 1966 act which established the Council, recently completed an outstanding report—a plan for national action titled "Our Nation and the Sea." The Council's review and recommendations to the President on the Commission's report will contribute much to shape our national oceanographic effort.

Vice President AGNEW brings to his oceanic mission the valuable experience he gained while serving as Governor of Maryland, a coastal State. I am confident he will apply his informed knowledge in striving for solutions to marine problems at the international, national, regional, and local levels.

As one who has actively worked for the advancement of marine science and technology, I wish for the Vice President every success in his capacity as Chairman of the Marine Resources Council. I extend to him and to the other members of the Council my wholehearted encouragement and cooperation.

I ask unanimous consent to have printed in the RECORD the Vice President's remarks on "Oceanology—The Challenge to Industry."

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

OCEANOLOGY—THE CHALLENGE TO INDUSTRY

(Address by Vice President SPIRO T. AGNEW)

A turn of the century writer defined the ocean as "a body of water occupying about two-thirds of a world made for man, who has no gills." With all the millions of words written about the ocean and its fathomless allure—this precisely, if irreverently, reaches to the root of our problems.

Our nation, its history and greatness are inextricably linked to the sea. Ninety percent of our international commerce is transported by ships; seventy-five percent of our population lives in coastal areas. Fifty million people look to our coastal waters for recreation. All two hundred million Americans depend upon the ocean and its resources for life. Our national power, security, and

defense require mastery of the sea. At the same time advances in international cooperation in the peaceful development of resources furthering the prosperity of all nations, can be achieved by unlocking the secret treasury that is the sea.

Millions of years ago life first emerged from the oceans. Now—to flourish—life shall return there. America has always looked to the sea and found success. Now it is time for fresh vision.

As chairman of the National Council on Marine Resources and Engineering Development, I welcome the opportunity to serve at this moment when we stand on the threshold of penetrating mysteries of the deep and tapping the ocean's rich potential.

The Council, established by Congress in 1966, has a broad mandate to promote fuller realization of the sea's promise. The 1966 Legislation assigned a leadership role to the Federal government but anticipated a full partnership with state and local governments, and with industry and universities.

The fact that the American Management Association has devoted this briefing session to oceanology indicates private leadership's recognition of this important subject. I hope it also implies your readiness to participate in vital oceanographic programs.

The rich agenda for this conference reflects many of the facets of our national interest in the sea and underscores the importance of industrial involvement in all phases of our broadened ocean endeavors.

Last fall President Nixon stated that an integrated and comprehensive program in oceanography would receive priority attention by his Administration. And as recently as last week, he urged that we now move forward to develop specific policies and programs. We recognize the key role of industry in marine affairs—in providing the necessary entrepreneurship, in developing the unique and complex tools that are needed, in harvesting marine resources—and I can assure you that this Administration is interested in a public-private partnership whether it concerns land, sea or air.

The development of a comprehensive oceanography program first requires coordination. The scope of marine science affairs delineated by Congress encompasses national security, foreign affairs, fishing, recreation, resource development, pollution abatement, transportation and trade, scientific research and exploration. Numerous federal agencies are involved.

The National Council on Marine Resources and Engineering Development will serve as the focal point and forum for this extraordinary range of important interests. All reports from both Republicans and Democrats give the Council high marks in mobilizing our resources, focusing attention on major policy issues, and stimulating ideas and action in all sectors of the marine community.

The President has explicitly requested the Council to provide advice on our ocean policies and programs—and where we go from here.

In response to that assignment and in accordance with its statutory responsibilities, the Council will continue to develop a comprehensive program of marine affairs; clarify agency responsibilities where they overlap; carry out long range policy studies; and coordinate a program of international cooperation.

The President is deeply interested in firmly establishing America as a first-rate maritime power.

We intend to build on our existing technological readiness—the arsenal of ships, research submersibles, buoys, laboratories, instruments, and manpower developed since World War II—to the fullest extent.

We intend to rely upon our talented scientists and engineers.

We intend to blend together the wide and varied interests and capabilities of our states, our industrial and academic communities, and our Federal establishment.

We intend to use the science of oceanology to serve the pressing needs of our society. The knowledge of the seas must be used to serve the cause of world peace.

And we shall pursue these policies—as the Nixon Administration shall pursue all national policies—with an emphasis on realism and a reliance upon the technological genius of our nation.

More than a decade of study and analysis has passed since Congress initially recognized the importance of a national marine program. In 1970 the International Decade of Ocean Exploration will begin. The past years have been a time of preparation, the present year should be one of organization, so that the next decade can be one of cooperation climaxing in realization of the sea's promise.

Yet, even as we explore the depths of the open sea in concert with other nations, we shall complement this effort with a decade of coastal development. Here our goal is to balance economic development with conservation of irreplaceable national resources.

As advisor to the President, the Council on Marine Sciences will give first consideration to recommendations of the Commission on Marine Science, Engineering and Resources. This Commission was composed of distinguished Americans from many different areas—industry, banking, science, state governments. It had a set of Congressional advisors of both parties. It is to be commended for looking at our ocean interests in the broad perspective of the nation's stake in the sea and for adding a further dimension to our understanding of needs and opportunities. While some of the recommendations are controversial, there are cases where bold steps are needed to take advantage of emerging opportunities in this field.

However, apart from the particular points of controversy, the report provides a revealing balance sheet of what we know and what we need to do if America is to enjoy a leadership position in marine science.

We know that the world's ocean contains a storehouse of food critically needed in developing areas where malnutrition rages.

We need improved processes for manufacturing fish protein concentrate (FPC) and the development of marketing and distribution systems. For FPC can make significant contributions toward bringing these vast unused resources into the diets of protein deficient populations.

We know that the oceans provide an indispensible commercial highway with traffic growing at an ever-increasing rate. We know, too, that our existing ports and harbors cannot accommodate the larger and deeper draft ships that are rapidly entering service.

We need to incorporate new technology into our port system, and we need to integrate this system into the transportation needs of the entire nation. The Federal government must work closely with local and regional port authorities and industrial interests to achieve this goal.

We know that the seabed, and particularly the continental shelf, contains a reservoir of fuel and minerals for our expanding economy. At the same time, many of these resources are presently uneconomical to recover. Also, the recent oil spill near Santa Barbara was a grim reminder of related environmental hazards that we still do not completely understand, nor are fully able to control.

We need more knowledge in these areas and we need to develop sound national policies balancing environmental and economic interests.

Delay in this area could be devastating. Consequently, the Administration is now reevaluating the government's offshore leasing policy for fuels and minerals and, with the assistance of industry, we will seek to develop a framework for managing this resource for the benefit of all of our citizens.

We know that the oceans provide us with a deterring shield to protect our country. However, we have no monopoly on Naval technology.

Improved capability to operate in the deep oceans, developed jointly by the Navy and industry, is needed for our national security.

We know that the nation's future in the sea depends on an adequate supply of trained specialists, particularly ocean engineers and technicians, for the technological development of marine resources in the 1970's.

We need an expanded Sea Grant Program to assist in fulfilling this need.

We know that the world's ocean has an important influence on global weather patterns. New technology is at hand to extend our capabilities to obtain the extensive observations required to understand and predict environmental conditions.

We need to continue our work with industry toward the development of buoys, spacecraft, and other platforms to collect oceanographic and meteorological data.

While particularly emphasizing these areas, I wish to point out that the Administration is not unaware of many other aspects of marine affairs which deserve attention. The legal regime of the oceans and seabeds, the decline of our domestic fishing industry, the need for more adequate protection of life and property on the water and along the shores—these and many other problems will receive our earnest consideration.

Finally, I would like to turn to that part of marine environment which I know best—the coastal zone.

As past Governor of Maryland, I claim considerable experience with the blessing and curse of coastal land. Maryland, as you know is almost bisected by the Chesapeake Bay. The Bay is 195 miles long and up to 40 miles in width, and covers more than 4,000 square miles. It receives fresh water from the Susquehanna, Potomac, Rappahannock, York, James and many other rivers, mixed with salt water tides from the Atlantic Ocean.

The shores of the Bay are homes to 4 million people. It supports a commercial fishery resource valued at more than $65 milion annually, one which provides a livelihood for 20,000 persons. It is a thoroughfare for more than 100 million tons of waterborne commerce each year and provides a prime location for industry, with easy access to markets, labor and transportation. It is a first class tourist attraction and recreation retreat for tens of thousands from all levels of our society. They flock to the Bay to enjoy swimming, boating, fishing or sightseeing. Some 60,000 sport boats use its waters.

At the same time, the Bay is the final repository of wastes from all these people and all these industries. Its shorelines are eroding at an alarming rate and some of its islands have disappeared within my memory. Its wetlands are being transformed to accommodate the needs of a growing population. Sediments washed from the uplands and excavated from navigation channels cover thousands of acres of the bottom of the Bay.

We do not know in detail the effects of any of these activities, much less the complex interactions which occur. But we do know that the Bay, and the rest of the Nation's coastal zone, cannot continue to accommodate all of the diverse demands being imposed upon it at random and at an increasing rate, as it has in the past.

During my tenure as Governor of Maryland, we developed and saw enacted the most massive pollution abatement program in the state's history. Even this program—which more than tripled all past efforts—is just the beginning of what must be done.

The problems of Maryland may be applied equally well to many of the bays, sounds, estuaries, and shorelines of all the coastal and Great Lakes states. The total resources of the coastal zone must be better managed.

A system of management is needed that permits each use to be considered in its own right, but subordinate to the total economic, social, esthetic, and cultural needs of the people as a whole.

Over two years ago the Council began to examine the coastal zone, using the Chesapeake Bay as a case study. Congress has taken a number of initiatives to examine estuarine conservation and development. And the Marine Commission took a sharp look at the coastal zone and submitted many recommendations for improved management.

All of these considerations can contribute to a sound system of coastal management which takes into account national, regional, and local interests. Such a system should of course recognize the appropriate role of the states and private enterprise—seeking a harmony of compatible uses for the nation's sake. We will seek to put the Federal house in order by strengthening coordination of Federal programs in the coastal zone, by eliminating the conflicts and unnecessary overlaps resulting from the fragmentation of responsibilities and programs among more than a dozen departments, agencies, councils and committees. We hope to increase public awareness of the need for wise management of coastal lands and waters. We will examine steps as to responsibilities of the individual states in the development of their coastal zone resources, and provide for closer collaboration between state and federal agencies.

In conclusion, I want to underscore that this Administration will implement the full terms of the Marine Resources and Engineering Development Act. We are reviewing goals and programs of the prior administration. We are examining the Commission findings. And we will be developing a clear program of our own for the future.

THE BREZHNEV DOCTRINE

Mr. DODD. Mr. President, I have received from Mr. Stefan Korbonski, the chairman of the Polish delegation to the Assembly of Captive European Nations, a most impressive analysis of the international implications of the so-called Brezhnev doctrine. I invite the attention of Senators to this analysis because I believe it spells out the intentional possibilities inherent in this doctrine better than any other statement I have come across.

Mr. Korbonski brings to his analysis impressive personal background credentials. Prior to World War II, he was a distinguished member of the Warsaw bar and a leader of the Polish Peasant Party. During World War II he was in charge of all civilian resistance in Poland. During the fraudulent surface democracy which preceded the installation of the totalitarian Communist regime in the postwar period, Mr. Korbonski played a courageous role as a leader of the parliamentary opposition to the Communists.

Since the recent death of Prime Minister Mikolajczyk, he remains the one authentic spokesman in exile of the free Poland which once existed and which, I am confident, will someday soon exist again.

Mr. Korbonski points out that:

In the wake of the Soviet invasion and occupation of Czechoslovakia, the Soviet Government moved to elevate their action to the status of a doctrine, which would, in advance, sanction Soviet military intervention in numerous other countries.

Mr. Korbonski also points out that the Soviet Government has reserved to itself the right to define what constitutes a Socialist country. Potentially, its definition, he says, might be broad enough to include not only the Communist governments of Central Europe, but also Communist China and Cuba and the several Arab governments which describe themselves as "Socialist." It also could have application to Socialist or Communist governments which may in the future emerge in Europe or elsewhere.

Because I believe that this matter requires the most careful thought and analysis, I ask unanimous consent that the complete text of Mr. Korbonski's letter be printed in the RECORD.

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

ASSEMBLY OF CAPTIVE EUROPEAN NATIONS, POLISH DELEGATION,
Washington, D.C.

DEAR SENATOR DODD: In the wake of the Soviet invasion and occupation of Czechoslovakia, the Soviet Government moved to elevate their action to the status of a doctrine, which would, in advance, sanction Soviet military intervention in numerous other countries.

The so called "Brezhnev Doctrine" was proclaimed by Leonid Brezhnev at the Congress of the Polish Communist Party held in Warsaw on November 11–16, 1968 in the following words:

"When the internal and external forces hostile to socialism seek to turn back the development of any socialist country to restore the capitalist order, when a threat emerges to the cause of socialism in that a country, a threat to the security of the socialist commonwealth as a whole, this is no longer a matter only for the people of the country in question, but it is also a common problem which is a matter of concern for all socialist countries.

"It goes without saying that such a action as military aid to a fraternal country to thwart the threat to the socialist order is an extraordinary, enforced measure. It can be caused only by the direct actions of the enemies of socialism inside the country and beyound its boundaries—actions which create a threat to the common interests of the socialist camp."

Mr. Brezhnev's doctrine proclaims Soviet Russia's right to military intervention, in the circumstances enumerated in his declaration,

(a) In all European countries governed by communist regimes—Poland, where his doctrine was publicly proclaimed; Czechoslovakia, which became its first victim and whose invasion made it imperative for Kremlin rulers to find some doctrinal justification; East Germany; Hungary; Bulgaria; Albania; Romania; and, last but not least, Yugoslavia.

(b) In Communist China. Under this doctrine Soviet Russia having reserved for herself the sole right to define what is a "socialist" country, and when and by whom it is threatened, could intervene militarily to support anti-Mao factions.

(c) In Cuba, in case the Cuban communist regime would be in danger of being overthrown by anticommunist forces.

(d) In the United Arab Republic and Algeria, since they also have dictatorial governments which call themselves "socialist."

(e) In all countries which may in the future be governed by dictatorial governments that call themselves "socialist."

(f) In all countries where, by way of democratic elections, the communist party should come to power, for instance in Italy or France, which have the most powerful communist parties outside the Soviet Union. If, by a miracle, a newly elected communist regime in either of these countries did not abolish free elections and were then defeated in the next elections, according to the Brezhnev doctrine, Soviet Russia would be authorized to intervene militarily to prevent the change of government from "socialist" to democratic.

The true meaning and significance of the Brezhnev doctrine puts it beyond the category of average policy statements. It has to be classified as a doctrine of the same rank as Marx's and Lenin's doctrines of the dictatorship of the proletariat and class struggle. Its universal application and the caliber of its threat to the whole world outside Soviet Russia calls not only for repudiating statements on the part of the American Government, but, in my opinion, it also calls for a congressional declaration of repudiation.

On behalf of the Polish Delegation to the Assembly of Captive European Nations which represents the true feelings and aspirations of the Polish people who hopes for self-determination were damped by the Brezhnev doctrine, I respectfully request the Honorable Members of the United States Congress to adopt a resolution repudiating the Brezhnev doctrine.

Respectfully,
STEFAN KORBONSKI,
Chairman.

OIL-DRILLING OPERATIONS OFF THE CALIFORNIA COAST

Mr. CRANSTON. Mr. President, last Friday I introduced a bill to ban oil drilling permanently and completely in the Santa Barbara channel.

The bill also provides for a temporary halt to drilling on all Federal tidelands off the coast of California until we have assurances that oil operations will not endanger our beaches and marine resources.

I am also asking the Department of the Interior to present to Congress and the President an oil drilling and producing program that will protect our coastlines against pollution and other damage to the environment and to ecological values.

I am requesting that the Department prepare now a schedule for phasing out oil production in the channel should Congress deem that necessary.

I am taking these steps because I am convinced that present technology cannot provide adequate guarantees against further spills, and because weak Federal regulations and inspection procedures for tidelands oil production threaten the Nation's coastlines with new oil spill disasters similar to that at Santa Barbara.

The hearings in Santa Barbara earlier this week by the Senate Committee on Public Works revealed a pitifully weak Federal program for planning, developing, and supervising oil production on the tidelands, and a complete lack of planning and techniques for dealing with spills when they occur.

One month ago, the Union Oil Co. well in the Santa Barbara channel blew out and began pouring 21,000 gallons of oil daily into the ocean and onto the southern California beaches.

Today, oil is still pouring either from that well, from another well, or from nearby fissures on the ocean floor.

Not only have the company and the Department of the Interior been unable to control its well, but they have failed completely to deal with the massive oil slicks in the ocean.

Now we are told that the thick, black petroleum may be fouling beaches as far south as Los Angeles, 100 miles away.

On the basis of what we found out at the Santa Barbara hearings, I am convinced that drilling for oil in the channel should never have been permitted.

I am also convinced that neither the Federal Government nor the oil industry is ready for deep-water oil production in Santa Barbara channel. The technology is not far enough advanced. Safeguards have not been developed. Inspection and regulations are inadequate. And no effective oil spill cleanup techniques exist.

I am suggesting that the following steps be taken:

First. I am asking for funding by the National Science Foundation of a 2-year study, to be conducted by the University of California at Santa Barbara, of the earthquake geology of the Santa Barbara channel and of the threat of earthquakes to oil production there.

That study, which would cost $58,000, would provide us with detailed information on the types of earthquakes occuring in the channel and their effects on the rock structures and oil facilities there.

The Santa Barbara area has had four major earthquake activities in the last 150 years, and there were 66 quakes in less than 2 months last summer in the same area where wells were being drilled until a month ago.

Second. We must proceed with the utmost caution until we hear the full report of the Public Land Law Review Commission, headed by Representative WAYNE ASPINALL.

The review the Commission is conducting of the operation of the Outer Continental Shelf Act is the first since 1953.

It is clear from the Santa Barbara disaster that such a review is vitally needed. Newspaper and magazine reports of one study submitted to the Commission raise serious questions about the complex operations on the tidelands. Those operations appear to threaten recreational and marine resources and seem to be conducted with little or no regard for the wishes of the States or communities affected by them.

I say let us stop, look, and listen until we have a better idea of what is going on off our shores in the name of development. Our Nation's beaches and marine resources are at stake. We cannot afford any more Santa Barbara disasters.

Third. The Santa Barbara disaster is an example of a deplorable failure by our Federal agencies. Not a single inspection by a Federal engineer or technician was made in the 2 weeks that elapsed between the start of drilling and the blowout of the Union Oil well on platform A.

The Federal Government today has exactly two men to supervise oil operations off Santa Barbara on tidelands for which $600,000,000 was paid in leases.

In addition, there is grave question whether the proper drilling program was followed on that well. If additional casing had been required, as many engineers have suggested, there may never have been a blowout.

But the further fact is that we are in no position to make a good judgment about the matter because the U.S. Geological Survey refuses to divulge information about the drilling program and the geology of the lease in question.

That is another matter that must be investigated by Congress.

Fourth. We need immediate research studies to improve techniques and systems for dealing with marine oil spills both from wells and oil tankers.

Today, men armed only with common straw and rakes are being asked to clean up the oil mess on the beaches. A dozen different methods have been experimented with for controlling the oil slick at the platform.

All have failed miserably. The fact is, there are no effective means for dealing with oil spills. They must be developed through Government research.

Santa Barbara has been a sad and costly demonstration of the follies of haste and shortsightedness. It must never again be repeated.

TV STATEMENTS BY SENATOR BYRD OF WEST VIRGINIA ON COAL MINE SAFETY LEGISLATION AND STUDENTS FOR A DEMOCRATIC SOCIETY

Mr. BYRD of West Virginia. Mr. President, on March 3, 1969, I made statements for television regarding the need for coal mine safety legislation and the threat which the Students for a Democratic Society pose to the Nation's high schools.

I ask unanimous consent that transcripts of the statements be printed in the RECORD.

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

MINE SAFETY LEGISLATION

I have great sympathy for the coal miners who are seeking improved conditions in the mines. Hearings have been started by a Senate Committee in Washington on new health and safety legislation, and I am hopeful that measures can be adopted which will bring about the improvements that are needed. I am glad, also, to note that a new medical compensation bill covering 'black lung' is being enacted by the West Virginia Legislature. The Appalachian Regional Health Laboratory in Morgantown, which I obtained for West Virginia, will conduct research on mine health problems, which can have great benefits for the future. All who work in the mining industry should have the best health and safety conditions that modern technology can provide.

SENATOR BYRD WARNS OF SDS

The mis-named Students for a Democratic Society, which has led the way in fomenting demonstrations and disorders on our college campuses, has pledged to carry its disruptive, violent tactics into our high schools as well. It could become a menace in West Virginia. The SDS laid plans in Colorado last October for subverting our high school youngsters. It passed a resolution to organize in the high schools, to move students to overthrow the system through a process of confrontation. The SDS could better be called Students to Destroy Society, and that is exactly what it will try to do, if it gains a foothold in West Virginia colleges and universities. Our high schools will be next on the list.

TRENDS IN THE AIR FREIGHT INDUSTRY

Mr. PEARSON. Mr. President, I have a deep personal and official interest in aviation and air transportation. Aviation is an exciting and dynamic field. The industry's dramatic growth and the advances in aviation technology have been prime movers in this dynamism. One characteristic which shows the maturity of the air transportation industry has been its ability to broaden and diversify its scope of activity. The air freight industry is one of these broadening economic activities. Since I have recently had the opportunity to become more closely acquainted with this industry, I would like to discuss some of the air freight industry trends I see emerging.

Most certainly technology has been a prime force in the creation of this new area of economic activity. The technology of jet aircraft has made the economics of the air freight business amenable to public needs and demands. The advantages of length of haul and speed of haul have made the economic problem less of an obstacle to the growth of air freight.

And today, this aeronautics technology is evolving at an ever-increasing rate. Aircraft manufacturers, seeing the potential of the air cargo industry, are constructing their aircraft with this cargo potential in mind. The Boeing 747, which just recently took its initial test flight, promises a dual purpose, passenger-cargo load and is capable of over a 100-ton payload. Both McDonnell Douglas and Lockheed are in the process of constructing subsonic aircraft solely for the purpose of cargo carriage with maximum load capabilities. The Lockheed L–500, called by some the "flying freight train," is currently projected to have a maximum payload of 150 tons. The continued application of this air technology can provide the means for boosting, by record proportions, the cargo carrying capacity of our air carriers.

And the market developing around this new technology shows promising trends. Since World War II, the total annual domestic cargo load has increased from 14 million to 1.4 billion ton-miles—a 100-fold increase over approximately 2 decades. On the international side, the ton-miles payload has increased 640 percent in the last decade. But after these accelerated growth figures are acknowledged, it is far more difficult to understand that the air cargo share of the total domestic intercity freight market is still less than 1 percent. Of course, these statistics, calculated in ton-mile measurements, do not take into account the higher value of air cargo commodities, but they do indicate the broad opportunities for increasing air transportation's share of this freight market.

The character of air freight cargo is distinct. Commodities which have been attracted to air freight services are generally those of high intrinsic value in which air speed of delivery is of the utmost importance. Machinery and machine parts of all kinds, clothing, chemicals, perishable foods and plants make up the bulk of air freight commodities. And it is true that the nature of these

commodities has not changed greatly in recent years. But with the possibility that current trends toward lower air freight rates will continue, the spectrum of these commodities is sure to broaden.

All indications project a bright future for air freight. I see, for example, that in 1968 capital investment for the major airlines is $2.86 billion and that this figure is approximately three times the average annual investment of these industries over the past 8 years. And with the 1968 statistics of airline traffic now in, the new figures show that the air freight is increasing at a rate more rapid than that of passenger travel. In particular, the regional lines are showing a healthy and developing market as their 1968 air freight volume is nearly a 40-percent increase over 1967. Moreover, the fact that the major aircraft manufacturers are willing to invest large sums of money in designing single purpose cargo aircraft suggests that the future is good. All of these facts and statistics simply show in a general way that many enterprising individuals are willing to place some stake in the future of air freight.

While the potentials of the air freight industry are large, this industry does face real political problems, for an expansion of the air freight market depends upon a better understanding and a greater degree of coordination among the shippers, carriers, and regulatory bodies responsible for their promotion and development. Currently there is a lack of understanding and a lack of coordination among the various modes of transportation. And I think this fact stems from the inhibiting regulatory structure which has developed around the transportation industry.

In the past, the various modes of transportation have been segregated by means of pricing, by means of regulation, through technology and in the public mind. This existing pattern necessarily lends itself to a splintering of regulatory policy that militates against cooperation and coordination among the modes.

The issue of intermodal coordination, I think, has been the underlying conflict for many transportation problems that have come before the Congress. And there is no doubt in my mind that questions of intermodal coordination will be the most important transportation issues before the Congress in the next 5 years. Congress has created a framework for interagency communication on intermodal questions. The Federal Aviation Act provided for the establishment of joint boards composed of members of the regulatory agency concerned with transportation to consider and resolve problems that cross intermodal lines, and the failure to utilize this device is inexcusable.

I think that the creation of the Department of Transportation has been a major step toward recognizing the issues and problems in intermodal coordination. Through the leadership of the Transportation Department, which has a congressional mandate to facilitate coordination in transportation, new political force can be directed toward the revision of the current inhibiting structure. Government and industry must work together to create a framework in which the different modes can discuss problems of mutual concern, can explore the means to take advantage of the benefits which each mode has to offer, and can contribute positively to the advances in transportation technology.

If we can make progress toward better intermodal communication and move toward a truly national transportation system, I think there are many benefits which air freight can provide to the community and to the economy. If you will permit me one diversion, let me explain just one of the beneficial consequences that I see. As a U.S. Senator from Kansas, I have a deep personal interest in and concern for our Nation's rural areas. And I think that the transportation potentials offered by air freight can be a new force in attracting industry to these rural areas.

Historically, transportation costs have been one of the major determinates of plant location. The economics of transportation have tended to pull industry into our overcrowded and expensive urban areas. Particularly in recent years, the rural areas, which are the source of many raw materials, have lost processing, production, and manufacturing facilities to the more urbanized areas—a major factor being transportation costs. The rural areas can offer relatively lower labor costs, a compatible social environment, and with new transportation opportunities, an excellent environment for industrial expansion.

BUREAUCRATIC STUPIDITY

Mr. YOUNG of Ohio. Mr. President, Federal authorities turned a deaf ear recently to Donald B. Leach, a Columbus, Ohio, nursing home owner, who has put into action a meritorious plan to cut down on waste in the medicare program. Mr. Leach estimates he has reduced drug costs for his convalescents by about 15 percent simply by using individual doses rather than requiring medicare recipients to purchase their drugs by the bottle. Medication, he found, is often stopped by the medical staff before the bottle or box of medicine is consumed. Regulations require unused medicine to be returned to the pharmacist. One druggist received back $1,600 in unused drugs during a period of 1 month.

Strange to relate, Mr. Leach's plan hit a roadblock in Washington. Bureaucrats like to spend and spend. Saving taxpayers' money is too often regarded as unorthodox and reprehensible by some lame-brain appointee drawing down a big salary. Also Mr. Leach was then warned by bureaucrats in the Social Security Administration to start adhering to regulations—no matter how silly and costly—or else.

DEPLOYMENT OF THE SENTINEL ANTI-BALLISTIC-MISSILE SYSTEM

Mr. PEARSON. Mr. President, follow-through with a pledge made during the 1968 campaign, President Nixon has initiated reviews of national policies affecting a broad range of problems. One of the most important of these reviews is in the area of national security.

I am referring to the present activity directed toward the reevaluation of the proposed Sentinel anti-ballistic-missile system. This system, which is basically composed of ground-to-air missiles, armed with nuclear warheads and guided by means of radar, is designed to intercept and destroy incoming nuclear warheads carried by enemy missiles. In the Senate a great deal of debate has arisen over the desirability of proceeding with the deployment of the Sentinel system.

There are, in my view, several reasons why opposition to the system has gained so much strength.

A principal reason is that Sentinel, particularly the "thin" version now under discussion, has been presented to the Congress as a marginal system, one that cannot do much harm and should be deployed just in case it will do some good. And for this marginal system the cost to the American taxpayers is estimated variously from $6 to $10 billion.

Another reason is that the rationale for Sentinel has changed so many times that those of us on Capitol Hill who follow these matters are beginning to question whether there is any real justification for deploying Sentinel at all. First, we heard that it would defend against the Chinese. Then we heard it was really directed against an attack by the Soviet Union. Now we hear it will make a good bargaining tool in arms control talks with the Russians. And that it will protect our coastal cities against submarine-launched missiles.

Perhaps the most important reason among all those behind congressional opposition to Sentinel deployment is the conviction—one I share—that the present balance of nuclear terror is sufficient to prevent the nuclear holocaust we all fear. While I am concerned about recent efforts by the Soviets to expand their nuclear arsenal, I believe our country is under no compulsion to deploy a system of questionable value in response to Soviet activity. The idea that Russia is "catching up" with us in the nuclear arms race is not a valid one. Both we and the Soviets have the capacity to absorb an initial strike and proceed to inflict unacceptable damage on the other side. In this situation there is no such thing as "catching up" or "reaching parity."

These are some of the reasons why in my opinion a large number of Senators, perhaps a majority, entertain serious reservations about Sentinel deployment. No one who has studied the issue believes we should stop research and development programs that might lead to a significant breakthrough in antimissile technology. I, for one, am very much in favor of continuing—and as soon as possible expanding—such programs.

However, I have serious reservations about deploying the present system at this time. Some of the underlying reasons for these reservations have been mentioned. There are further, more specific reasons that concern the merits and drawbacks of the weapons system itself, as I understand it in light of our overall position in international politics.

First. I have some serious reservations about the reliability of Sentinel as it is presently conceived. With the present enormous destructive capacity of nuclear weapons, just one warhead that slips through unharmed will render an antimissile defense system a failure. Previous antimissile systems such as Nike X have been rejected because they were judged unable to provide a material increase in the security of our Nation. Also, it has been recognized that an ABM system, considered one of the most complex engineering undertakings ever attempted, cannot be tested as a complete system—yet it must work perfectly the first time.

Now we are being asked to approve funds to deploy Sentinel, which is at best only a step or two advanced from Nike X. Until we can place much more confidence in Sentinel's reliability, I believe we should not spend the money to deploy it.

Second. Related to my reservations about the reliability of Sentinel are further reservations concerning its military effectiveness. Over the long-term technology as we now know it portends that offensive weapons will be more flexible and therefore more effective than defensive ones. Given the "present state of the art," as the experts say, the technology of anti-ballistic-missile systems is far more costly and complex than the technology of devices that can effectively penetrate Sentinel's radar warning shield. Among these devices are decoy objects carried by attacking ICBM's, multiple warhead missile and nuclear explosive devices to bring about temporary radar blackout.

We are developing our own multiple warhead missile and there is no reason to believe the Soviets and the Chinese will not do the same. This is especially true if we give them an incentive by deploying a thin, relatively vulnerable ABM system.

Third. I believe the action and reaction pattern of previous nuclear arms competition between the United States and the Soviet Union strongly suggests that our deployment of Sentinel will begin a new phase of the arms race. It makes little difference whether we say Sentinel is intended to defend against China or Russia. The fact will remain that we and the Soviets will have entered a new competition in defensive weaponry, a competition I believe to be unwise.

Fourth. Because of my reservations about the technical, military and strategic aspects of Sentinel, I do not believe its present deployment can be justified as a bargaining tool in talks with Russia, or as a thin defense against predicted Chinese ICBM capability during the 1970's. My reservations about the Sentinel system itself lead me to believe it would make only the most questionable contribution to American security as a whole. Therefore, I do not believe the system should be accepted by Congress or the American people because of its side benefits.

Fifth. Proceeding with deployment of Sentinel at this time would be inconsistent with the expressed intent of the Nuclear Nonproliferation Treaty to bring about arms limitations talks "at an early date." If the Senate is going to ratify this treaty, as both President Nixon and Secretary Laird have requested, then we should not, in my opinion, proceed to mock the spirit of the treaty by deploying a new weapons system at this time.

These, then are some of my more specific objections to proceeding with the deployment of Sentinel. They are by no means intended to reflect ill on the men who designed the system or those who favor its early deployment.

The question here is not one of endangering America or "leaving her naked," as some have suggested. Sentinel is not a weapons system of essential importance to American security at this time. It is not a system in which our policymakers could have a high level of confidence during a crisis. And yet it is an expensive system, particularly so in a time that urgently calls for budgetary restraint.

I believe our best defense in this age of nuclear standoff is a realistic approach to the dangers inherent in further arms competition. Realism, by the same token, also calls for pursuit, through research and development, of potentially fruitful ideas in the area of defensive weapons. In fact, such research and development may be our best bargaining tool when it comes to negotiations with the Soviet Union.

Therefore, I urge our Government to defer deployment and divert our energies toward further research. If this research indicates at some later time that anti-ballistic-missile defense offers substantial prospects of increased security for our country, then I will move to have the issue reassessed again.

SELECTIONS REVIEW

Mr. DODD. Mr. President, a necessary prerequisite of effective democracy is the interest and active participation of its citizens in the political process. It is therefore discouraging to note that less than half of the people in this Nation were able to identify their Congressmen when a recent study was conducted.

In the past two decades, the problems of our legislators have increased in number, size, and complexity. This situation calls for an acute awareness by the public of the workings of its Government. This goal can only be promoted by an educational system which encourages realistic appraisal, not only of what is accomplished in the legislative branch of Government, but how, in essence, the system functions.

In light of this concern, I believe I should draw the attention of Senators to a relatively new periodical entitled "Selections From the CONGRESSIONAL RECORD and Review."

This noteworthy publication has been adopted for use by many schools across the country as a valuable supplement to social studies textbooks. It contains excerpts from major congressional debates, in addition to many articles concerning such significant topics as the operation of various Government services, vital issues which the Government faces today, and profiles of prominent legislators.

It is small wonder, then, that Selections Review has been acclaimed by educators and Government officials alike as a great step forward in the process of American political education.

I extend my congratulations to the editors of this fine publication, and I commend it to the attention of the Senate.

FEDERAL AID TO EDUCATION

Mr. EAGLETON. Mr. President, the distinguished Senator from Virginia (Mr. SPONG) has recently spoken about an area of great concern in the field of Federal aid to education. His remarks are printed in the CONGRESSIONAL RECORD of February 28, 1969, on pages 4897 and 4898.

He has rightfully indicated that Congress has not yet met the need to coordinate the Federal appropriations and allotment process with the yearly school budget process.

The failure to provide information concerning receipt of funds often destroys the budgetary planning of individual school districts. This uncertainty adversely affects the orderly procurements of equipment and materials as well as the necessary recruitment of qualified personnel for the upcoming school year.

Late and uncertain funding are problems faced by all school districts, but they impose particular hardships on impacted areas.

The impacted areas program has been one of our most successful Federal aid programs since its inception in fiscal year 1951.

This program, which provides aid for the maintenance and operation of schools in federally impacted areas under Public Law 874 currently assists approximately 4,000 school districts containing about 40 percent of the Nation's children.

Under this program in my home State of Missouri, 138 school districts in 39 counties and the city of St. Louis receive between $7,000,000 and $8,000,000 with payments ranging from $1,950 in Polo District in Caldwell County to $940,000 in the Waynesville District in Pulaski County.

This program is not only important to Missouri; it is important to the Nation as a whole.

Senator SPONG admirably elucidates the difficulties of this fine program due to late and uncertain funding and points the way toward constructive solutions. I, therefore, invite the attention of the Senate to his excellent speech on this important problem.

IMPACT OF AN $80 BILLION DEFENSE BUDGET

Mr. FULBRIGHT. Mr. President, the growing debate over the impact of an $80 billion defense budget and the manner in which it is spent is eliciting comment from many areas of our public media. One most interesting editorial appeared in the most widely read professional journal of the aerospace industry, which often reflects the interests of those who are virtually affected by the way the Pentagon allocates its funds.

Because of the perspective which this editorial takes, I thought it would be of interest to Senators. I therefore ask

unanimous consent that the editorial, entitled "The Defense Dilemma," published in Aviation Week & Space Technology of February 24, 1969, be printed in the RECORD.

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

THE DEFENSE DILEMMA

(By Robert Hotz)

The U.S. and the U.S.S.R. are facing a dilemma in defense expenditures. Both are spending more and getting less in the way of protection and relative stability of position in relation to each other. In both countries, the defense dilemma has reached such proportions that it is forcing major policy changes on the two governments.

The U.S. appears to be heading for a point of diminishing return in the amount of money it can prudently pour into its defense establishment and toward a dead end in the mainstream of technological development that once gave it a significant superiority over the Soviet Union.

A decade of furious technical development has given the Soviet Union the opportunity to draw close enough to the U.S. in land- and sea-based nuclear missile power to erode the margin of measurable military significance. The same decade of inflationary spiral has also drasticaly reduced the genuine military value bought by the U.S. defense budgets that have risen about $40 billion in that interval. During the last half of this decade, the U.S. involvement in Southeast Asia has drained nearly half of the defense budget into the rat hole of Asian combat.

At the same time that the twin drains of inflation and the Vietnam war were drastically reduced the real protective power the defense budgets could provide, the Defense Dept. was also subjected to an era of fiscal juggling that makes the most piratical corporate raider look like a Boy Scout. In order to conceal the real effects of inflation and the true costs of the Vietnam war, the corporate assets of the Defense Dept. were drained from virtually all areas of future development to pay the mounting costs of the present.

MORTGAGED FUTURE

What the Republican Administration is really taking over in the fiscal affairs of the Defense Dept. is a hollow shell with its future well mortgaged to pay past-due bills. Although operations analysis and cost-effectiveness studies were used to justify almost any desired decision during the past seven years, self-critical analysis was not encouraged.

Nevertheless, some independent souls with long experience in defense matters defiantly made their own fiscal analysis. Their results indicate that the Pentagon is from $20 to $80 billion short in financing its current requirements. This is a pretty sizable deficit even for the biggest business in the world. It is pretty grim news for the taxpayers whose tattered shirts must be wrung further to plug the gap. This is one of the reasons so many misgivings are now crystallizing around the Sentinel anti-ballistic missile system. It is becoming apparent that deployment of this system will add an enormous new increment—from $15 to $20 billion—to the defense budget without offering any real possibility of making the nation more secure. In addition, the U.S. is beset by a wide variety of domestic problems whose solution requires increased federal funds. The U.S. taxpayer is beginning to realize that he faces the prospect of being squeezed in an intolerable tax wringer unless some forms of government expenditure are curbed. Hence the growing resentment and rebellion against an astronomical defense budget that represents the largest slice of the tax dollar.

The USSR is facing a similar situation. Even a casual traveler in Russia during the past few years noticed the rising pressure of the Soviet people on their government for a better life as at least a partial reward for their arduous labors. The Soviet government truthfully could tell its people that they were living better than any generation in Russian history. But the increasing flow of western visitors since the Iron Curtain was partially lifted in 1954 also convinced the Russian people that the best in their history still ranked far below any western standard. Their appetite for better clothes, cars and consumer goods has been growing into such a strong tide of public opinion that even the gray elders in the Kremlin cannot ignore it.

NO REAL SECURITY

The tremendous progress of the Soviet Union in modern military technologies has been achieved at an even higher relative cost than that in the U.S. And, like the U.S., the Soviets have found no real military security in the mighty array of supersonic aircraft, nuclear missiles and submarine fleets. They have been hard-pressed to keep within hailing distance of U.S. military technology. They have been unable to exert any real leverage with their military power except along the geographic borders of the Soviet empire.

These then are the internal pressures that are driving the leaders of both countries to seek some sort of accommodation to level off or limit the portions of their national budgets they must devote to military forces. For with both countries already operating at an oppressively high level of defense expenditures, any new technological race or even a drastic expansion of present force levels could ignite economic and political explosions. We suspect that neither of these two titans wants to diminish its sphere of influence or change its basic power thrust. Rather, the goal of any summit discussions appears to be to lay down a new and less expensive set of ground rules under which the old game of international poker can be played.

How the history of the final half of this century unfolds may be determined largely by the relative pace of the rising domestic pressures within the U.S. and the USSR in relation to the ability of both governments to devise non-nuclear methods of manipulating the international power structure.

RETIREMENT OF LAWSON B. KNOTT, JR., AS ADMINISTRATOR OF THE GENERAL SERVICES ADMINISTRATION

Mr. BYRD of Virginia. Mr. President, on February 28 Mr. Lawson B. Knott, Administrator of the General Services Administration, retired after nearly 34 years of Federal service. He has served in a most brilliant and dedicated manner over a long period of time and he deserves the recognition of us all.

The position of head of the General Services Administration is one of the most difficult in Government involving vast amounts of money and the management of land, buildings, and supplies to operate the Federal Government. Mr. Knott directed these vast activities in a most capable and impartial manner, fully protecting the Federal Government while at the same time performing responsive service for the thousands of people interested in the GSA activities.

Mr. Knott, a 56-year-old native of North Carolina, has been Administrator since June of 1965 following 7 months service as Acting Administrator and nearly 4 years as Deputy Administrator.

He started his career in Federal service in 1935 with the Department of Agriculture, served in the U.S. Army during World War II, and remained with the Army in a civilian capacity after the war until 1956 when he joined the General Services Administration.

A graduate of Duke University and an attorney, Mr. Knott during his long Federal career held legal and administrative positions relating to real property management before his promotion to GSA's top executive posts.

As Administrator of General Services, he has directed an agency with 39,000 employees and a wide range of responsibilities including the construction and operation of Federal buildings, procurement, and distribution of common-use supplies, and the issuance of procurement regulations, operation of the National Archives and Federal Records Centers, utilization and disposal of excess and surplus property, management of stockpiles of strategic and critical materials for use in national emergencies, and transportation and communications management.

I commend him for his notable career in the Federal service and wish the best for him and his family in his richly deserved retirement.

MAJ. GEN. JOHN A. LANG, JR., WINNER OF THE EXCEPTIONAL CIVILIAN SERVICE AWARD

Mr. ERVIN. Mr. President, on January 27, 1969, Secretary of the Air Force Harold Brown presented to Maj. Gen. John A. Lang, Jr., the Air Force's highest decoration for public service, the Exceptional Civilian Service Award.

As one who has been familiar with General Lang's distinguished and varied public service to his community, his State, and his Nation, I rejoice in this well-merited recognition which he has received. I ask unanimous consent that a release made by the Public Information Division of the Department of the Air Force, and the citation which accompanied the Exceptional Civilian Service Award be printed in the RECORD.

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

[From the Department of the Air Force, Office of Information, Public Information Division]

JOHN ALBERT LANG, JR., THE ADMINISTRATIVE ASSISTANT TO THE SECRETARY OF THE AIR FORCE

John A. Lang, Jr., was born in Carthage, North Carolina, on November 15, 1910. He graduated from the University of North Carolina with a Bachelor of Arts Degree in 1930. He received his Master of Arts Degree from the same institution in 1931. From 1931 to 1932, he continued graduate study at Mercer University. He is a member of Phi Beta Kappa.

Mr. Lang married the former Catherine Gibson on November 20, 1947, and they have four children.

From 1931 to 1933, Mr. Lang headed the English Department at the Georgia Military Academy. He then served as President of the National Student Government Federation in New York City from 1933 to 1935. From 1935 to 1938, he was Assistant to the Director, CCC Camp Educational Program, U.S. Office of Education. Following this position, he was State Administrator, National Youth Administration in North Carolina from 1938 to 1942.

Mr. Lang's civilian career was interrupted

in May 1942 when he enlisted as a Private in the U.S. Army Air Force. He saw over four years of active duty during his military service with 18 months overseas duty in Alaska, North Africa and Italy. He separated from the service with the rank of Major in June 1946. In the same month he accepted appointment as Major, USAFRes, the beginning of a long career with the Reserves which has continued down to the present. On May 19, 1967, Mr. Lang was promoted to the rank of Major General, AFRes. His mobilization assignment is Assistant to the Superintendent, United States Air Force Academy, Colorado.

His decorations include: Legion of Merit, Army Commendation Medal, National Defense Medal, European Theatre Medal with two stars, Asiatic-Pacific Theatre Medal, American Theatre Medal, World War II Victory Medal, Reserve Officers Service Ribbon.

Mr. Lang resumed his civilian career as Staff Assistant, Better Health Association in Raleigh, North Carolina, from 1946 to 1947. For the next fourteen years, 1947 to 1961, he held the following staff positions in the U.S. Congress: Administrative Assistant to Honorable Charles B. Deane (N.C.), 1947 to 1956; Staff Specialist, House Government Operations Committee, 1956 to 1957; Administrative Assistant to Honorable Robert E. Jones (Ala.) 1957 to 1961.

Mr. Lang joined the Office of the Secretary of the Air Force on July 17, 1961 as Deputy for Reserve and ROTC Affairs. During the 1961 Berlin crisis and the Cuban crisis, he was cited for "Exceptional Civilian Service" in the rapid mobilization of Air Force Reservists and Air Guardsmen. He served in this position until February 17, 1964, when he was appointed to his present position as The Administrative Assistant to the Secretary of the Air Force. He is responsible for the management and administration of the Office of the Secretary of the Air Force, including advisory services on Departmental management and administrative matters. From May 28, 1965 to June 5, 1966, he was assigned, as an additional duty, to the position of Acting Special Assistant for Manpower, Personnel & Reserve Forces. In this position, he was responsible for the direction, guidance and supervision of all matters pertaining to the formulation and execution of plans, policies and programs relative to: Manpower and organization, military and civilian personnel, reserve components, security, military boards and the Air Force Personnel Council.

PERSONAL DATA

1. Born in Carthage, North Carolina, on November 15, 1910; son of John A. Lang, Sr. and Laura K. Lang.

2. He was married to Catherine Gibson on November 20, 1947. They have four children—John A. III, Richard G., Laura Catherine and Martha Elizabeth.

3. Residence: 2430 32d Street, S.E., Washington, D.C.

4. Mr. Lang is a member of Bolling Air Force Base Officers Club.

[Presented by Secretary of the Air Force Harold Brown on Wednesday, January 29, 1969, the Pentagon]

CITATION TO ACCOMPANY THE AWARD OF THE EXCEPTIONAL CIVILIAN SERVICE AWARD TO JOHN A. LANG, JR.

Mr. John A. Lang, Jr. has rendered exceptionally distinguished service as The Administrative Assistant to the Secretary of the Air Force from 6 June 1966 to 20 January 1969. In this demanding position, Mr. Lang has demonstrated an inexhaustible capacity to assume responsibility and discharge it effectively and expeditiously. His wealth of experience in management and administration, accumulated in thirty years of public service, has enabled the Office of the Secretary of the Air Force to function smoothly and effectively in administering the affairs of the Department. Moreover, Mr. Lang has been particularly effective in dealing with substantive issues in a variety of sensitive problem areas which demanded a high order of initiative and judgment. His mature counsel and calm approach under incessant and most demanding pressure have been substantial factors in enabling the Secretary of the Air Force to fulfill his statutory role. Mr. Lang's devotion to duty and dedicated performance reflect the highest traditions of career government service and have contributed directly to the accomplishment of the Air Force mission. In recognition of his distinctive achievements and outstanding service, he is hereby awarded the Air Force's highest decoration for public service, the Exceptional Civilian Service Award.

TRANSPORTATION COMPETITION

Mr. EAGLETON. Mr. President, the new concepts constantly being advanced by the major transport companies under the spur of competition benefit the public by providing improved service to the public at lower cost.

The Waterways Journal, published in St. Louis, in an editorial in its January 18, 1969, issue, stressed that the surest way to maintain and improve efficiency is to encourage vigorous, healthy competition among the various modes of transportation.

I wish to share this editorial with Senators and ask unanimous consent that it be printed in the RECORD.

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

NEW CONCEPTS

Confucius, according to the Chinese, once was asked if he could sum up all the wisdom of the ages in one sentence. After some thought, he replied: "This, too, shall pass away." The ancient sage recognized that change is inevitable.

F. A. Mechling, executive vice-president of A. L. Mechling Barge Lines Inc., expressed the same conviction in modern phrasing when he addressed a meeting of the Grain and Feed Dealers National Association in New Orleans on January 9. Answering his own question, "is transportation change worth the cost?" he warned that "if we don't look 10 to 20 years ahead, we may all lose sight of the tremendous technological advances possible for the future."

It is to the credit of the inland waterway transport industry and its leaders that it has been setting an example in developing new ideas in transportation, using bigger and more efficient equipment, new types of barges and new concepts of utilizing the inherent advantages of other modes of transportation. In the 1960s, as Mr. Mechling pointed out, the emphasis has been on lowering the cost of each transport function. The 1970s, he said, should be a decade in which the developments of the '60s are coordinated.

He cited as an example current discussions going on with the Toledo, Peoria and Western Railroad and the Continental Grain Company. The railroad serves 19 counties in Illinois with its mid-point at Peoria. Within 30 miles of the rail line in those counties, 369,000,000 bushels of grain were produced in 1967, much of it shipped for export. Assuming that Continental Grain Company can assure sufficient volume. Mr. Mechling believes it "is highly probable that a system of incentive volume rates could be developed which would be more flexible than rent-a-train, match rent-a-train's economics and not require anyone to put up $1,000,000 in advance."

There are serious objections to the Illinois Central Railroad's rent-a-train tariff, as The American Waterways Operators, Inc., emphasized in exceptions filed this month to the recommended report and order of an ICC examiner. The AWO emphasizes that the tariff not only violates Section 6(1) of the IC Act, but also that there is no way to determine in advance the effective cost to the shipper. Moreover, the effective rate is secret from competing carriers and grain shippers, and the proposal is designed to, and will in effect tie the rent-a-train shipper to the use of the rail service.

The plan now being discussed by Mechling with the Toledo, Peoria and Western envisions the development of large riverside agricultural centers. Its advantages are obvious. It provides, as Mr. Mechling explained, an extra competitive dimension for the interior farmer. He can ship directly to the most favorable market by rail, or by using a rail-barge route, and get the benefit of service and rate competition. The agricultural centers would be the source of river-delivered commodities suitable for back hauls for both trucks and railroads, thereby spreading costs and taking advantage of the economies by high volume. The centers, he explained, would have fertilizer blending and storage facilities, as well as tanks for petroleum and liquid chemicals. They could also provide feed and seed storage facilities.

How the plan can work is illustrated by another example cited by Mr. Mechling. Discussions are also under way to reorganize the distribution of Canadian potash, he pointed out. There is an indicated saving of between 30 and 34 per cent over the present all-rail movements into St. Louis and Guntersville, Ala., if the potash can be moved by rail into Minneapolis and St. Paul and from there on by barge.

One thing that has not changed over the years, Mr. Mechling said, is the basic concept that "the surest way to maintain and improve efficiency is to encourage vigorous, healthy competition among the various modes of transportation." The American secret of industrial and agricultural success, he said, "has been to keep stimulating that self-powering cycle of increased volume and new investment, improved efficiency and lowered costs."

PROJECT MONEYWISE-SENIOR IN HAWAII

Mr. FONG. Mr. President, the Senate Special Committee on Aging, of which I am a member, has received much testimony over the years about inadequate income among most older Americans.

While the committee and Congress must continue efforts to secure an adequate retirement income for our senior citizens, it is also important that we take whatever action is possible to assure that the elderly get full value for the limited number of dollars they have in today's marketplace.

For that reason I am very much pleased that a course called Project Moneywise-Senior has just been concluded in Hawaii under the auspices of the Administration on Aging in cooperation with the Bureau of Federal Credit Unions. Participants in this workshop learned how to prepare a budget, avoid fraud and deception, practice good buying habits, mobilize group efforts to combat financial ills. The State of Hawaii, I am happy to announce, is among the first in the Nation to participate in this course.

A news release issued by the Department of Health, Education, and Welfare contains the details of this admirable effort to give helpful information where it is needed most. I ask unanimous con-

sent to have the release printed in the RECORD as a model for action elsewhere.

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

A FIRST FOR HAWAII: PROJECT MONEYWISE-SENIOR

Senior citizens in Hawaii will be among the first in the nation to participate in a new consumer education course under the auspices of the Administration on Aging.

The course, called Project Moneywise-Senior, teaches senior citizens how to stretch their often limited, fixed incomes and how to recognize the sharp practices of unscrupulous merchants.

Instructors for the course report that older Americans are one of our most financially exploited groups. Low income and loneliness, and declining health and despair combine to make senior citizens prime targets of smooth talking confidence men and "get rich quick" schemes.

Participants will learn how to prepare a budget, avoid fraud and deception, practice good buying habits, and mobilize group efforts to combat financial ills. Special emphasis will be placed on nutrition, food fads, and health frauds—areas often cited as pitfalls for the older consumer.

Forty participants, many of them senior citizens, are enrolled. They will be trained to conduct consumer education programs among their friends and neighbors. Project Moneywise-Senior will be held at the Old Lihikal School, School Street, Kahului, Maui, Hawaii, February 17 to 28.

Project Moneywise-Senior will be conducted by the Bureau of Federal Credit Unions of the Social Security Administration. It is another effort by the BFCU, the supervisory agency for Federal credit unions, to respond to the needs of the times. Earlier, in 1966, the Bureau originated Project Moneywise, a highly successful consumer education training program for low-income people.

A credit union—truly a "self-help" organization—is a cooperative savings and lending institution of people having a common bond of association, occupation, or residence. In a credit union, the limited-income person finds, for the first time, that he can borrow at reasonable rates of interest, cultivate the habit of saving regularly, and receive financial counseling to get the most out of his income.

Director for Project Moneywise-Senior is Mr. William M. O'Brien, Assistant Director for Education and Training. Instructors include two from the original Project Moneywise team: Mr. Joseph Bellenghi and Mr. Richard Clinkscales; and a Home Economist, Mrs. Mary Jane Kaniuka.

AGENDA, PROJECT MONEYWISE-SENIOR, KAHULUI, MAUI, HAWAII, FEBRUARY 17, 1969, TO FEBRUARY 28, 1969

[Date, time, and subject]

Monday, February 17, 9 to 10 a.m., registration, introduction, and orientation; 10 a.m. to 4:30 p.m., overview of the problem of the aged.

Tuesday, February 18, 9 a.m. to 4:30 p.m., overview of the problems of the aged, including consumer problems.

Wednesday, February 19, 9 a.m. to 12 noon, exploitation of the aged; 1 to 4:30 p.m., budgeting for the senior citizen.

Thursday, February 20, 9 a.m. to 12 noon, budgeting for the senior citizen; 1 to 4:30 p.m., food and nutrition for older Americans.

Friday, February 21, no classes—holiday.

Monday, February 24, 9 a.m. to 4:30 p.m. food and nutrition for older Americans, including food fads, etc.

Tuesday, February 25, 9 to 11 a.m., consumer food programs of USDA; 11 a.m. to 12 noon, and 1 to 3 p.m., health frauds and quackery; 3 to 4:30 p.m., credit union operations.

Wednesday, February 26, 9 a.m. to 4:30 p.m., consumer counseling.

Thursday, February 27, 9 a.m. to 12 noon, co-ops and buying clubs; 1 to 4:30 p.m., communication skills and teaching techniques.

Friday, February 28, 9 to 11 a.m., communication skills and teaching techniques; 11 a.m. to 12 noon, panel discussion, "Prospects for the Future"; 1 to 4:30 p.m., open forum and closing ceremony.

EXPLORATION OF BLANCHARD SPRINGS CAVERNS, ARKANSAS

Mr. FULBRIGHT. Mr. President, the Arkansas House of Representatives has passed a resolution commending some of the individuals who were instrumental in the exploration and development of Blanchard Springs Caverns in Stone County, Ark.

The Blanchard Springs Caverns, which are located in the Ozark National Forest, are being developed by the U.S. Forest Service and within the next few years the caverns will be open to visitors. The caverns are among the most spectacular in the country and should become an outstanding tourist attraction.

Hail Bryant, Hugh Shell, and others, including Mike Hill, Paul Buchanan, Jr., Charlie Rogers, Ronnie Sims, Robert Hanford, and Billy Sneed, devoted many months to exploring, mapping, and photographing the caverns and unselfishly made the result of their exploration available to the National Forest Service.

It is fitting that they were honored in this resolution passed by the Arkansas House of Representatives. I ask unanimous consent that the resolution be printed in the RECORD.

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

H.R. 39

Resolution commending Hail Bryant, Hugh Shell and others, for their unselfish efforts in the exploration and development of Blanchard Springs Cavern

Whereas, Hail Bryant and Hugh Shell of Batesville, Independence County, Arkansas, have explored over 1,000 caves including some under contract for the government; and

Whereas, in the late 1950's Hail Bryant and Hugh Shell learned of Half-Mile Cave located approximately one-half mile from Blanchard Springs in Stone County and for the next few years undertook extensive exploration of such cave; and

Whereas, in the course of these explorations, it was discovered that this cave constitutes one of the great undiscovered natural wonders of this region; and

Whereas, Hail Bryant, Hugh Shell and many others including Mike Hill, Paul Buchanan, Jr., Charlie Rogers, Ronnie Sims, Robert Hanford and Billy Sneed, have devoted many months to exploring, mapping and photographing this cave and unselfishly made the results of their exploration available to the National Forest Service and the news media which has attracted nationwide attention to such cave; and

Whereas, their efforts were instrumental in the National Forest Service obtaining funds from the Federal government to erect an elevator and entrance into such cave; and

Whereas, this cavern with its large chambers and passageways and its previously undiscovered underground river and its natural beauty of stalagmites, stalactites, drapes, pallet, and aragonite are of awesome beauty and will constitute a major tourist attraction comparable to Mammoth Cave and other major caves in this nation; and

Whereas, the pioneering spirit, the determination and unselfish efforts of the persons named above have played a major role in the discovery and development of Blanchard Springs Caverns which will constitute one of the major tourist attractions of this State and region in the near future; Now, therefore, be it

Resolved By the House of Representatives of the Sixty-Seventh General Assembly of the State of Arkansas, That Hail Bryant, Hugh Shell and the other persons whose efforts have been instrumental in the exploration and development of Blanchard Springs Caverns, including Mike Hill, Paul Buchanan, Jr., Charlie Rogers, Ronnie Sims, Robert Hanford and Billy Sneed, are hereby commended for their untiring and unselfish efforts leading to the discovery, exploration and development of the Blanchard Springs Caverns as a previously unknown natural wonder of this State and region, and for their generosity in making available the results of their explorations and scientific data gathered therefrom which were instrumental in the present efforts to develop Blanchard Springs Caverns; and be it further

Resolved, That appropriate copies of this Resolution shall be prepared by the Chief Clerk of the House of Representatives for presentation to Hail Bryant, Hugh Shell, Mike Hill, Paul Buchanan, Jr., Charlie Rogers, Ronnie Sims, Robert Hanford and Billy Sneed.

PRESIDENT NIXON'S EUROPEAN TRIP

Mr. PEARSON. Mr. President, it has been 6 years since an American President has visited the European continent.

It was, indeed, time for us, in a personal sense, to renew ties with our European allies. In retrospect, the President's decision to do so was wise and timely.

In his 8-day journey to five European capitals and the Vatican confidence within the Atlantic community seems once again firmly established.

Beyond that the trip has created new spirit in our relations with our European friends. We are turning a new page in the history of United States-European relations. I am encouraged by this. It holds a great promise for closer ties with the nations of Western Europe, for a strengthened alliance, and for new initiatives in the cause of peace.

I join with Senators in welcoming President Nixon home from a trip which can only be described as an outstanding success.

THOMAS MASARYK—1850 TO 1937

Mr. PERCY. Mr. President, today, on the 119th anniversary of his birth, free men honor the memory of Thomas Masaryk, one of the greatest European statesmen of modern times.

This gifted son of a humble coachman possessed exceptional aptitude for learning. He was graduated from the University of Vienna with honors and became a lecturer there in 1879. But when he realized that he could serve the cause of his countrymen better at home, he relinquished his position in Vienna and returned to Prague. There he threw himself into the whirlpool of politics. He was elected to parliament, and in parliament he was the outspoken champion of peoples oppressed by the regime in Vienna. At the outbreak of the First World War he fled to France and then went to Eng-

land, where he laid the foundation of the future Czechoslovak Republic.

It was a difficult but highly rewarding task that Masaryk performed during the war in presenting the Czechoslovak cause to Allied leaders. With others, he succeeded in convincing these statesmen, our own President Wilson among them, that the cause of Czechoslovakia was the cause of humanity. Triumphant in his efforts, he was elected first president of the newborn Czechoslovak Republic in 1918, and guided the destiny of his country until 1935 when he resigned at the age of 85.

By the time of his death in 1937, he had already secured for himself a place among the immortals of European history as a man dedicated to the cause of freedom.

THOUGHTFUL REMARKS OF ALAN CRANSTON

Mr. NELSON. Mr. President, late last month, the Senator from California (Mr. CRANSTON) delivered a thoughtful speech to the United World Federalists in Washington, D.C., on January 29.

While to some this talk may have appeared to be hard hitting, it seems to me that it was a well thought out and a candid approach to a subject that so profundly affects all of our lives—Vietnam and the quest for world peace.

The crisp and constructive observations of Senator Cranston are well worth the Senate's attention. Accordingly, I ask unanimous consent that his excellent paper be printed in the RECORD.

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

REMARKS BY SENATOR ALAN CRANSTON

I'm particularly delighted today to see so many men and women I've known so long.

Some of those who joined with us to found United World Federalists have dropped by the wayside over the years, some discouraged, perhaps some even embittered. But some of you, and many more like you across the land and around the world, have meanwhile enlisted in the struggle for world peace through world law. Event after event, and war after war, prove and prove again, that nothing less than world law will suffice.

Now we fight a bloody war in Vietnam, face famine in Africa. We witness in the Middle East the ominous and familiar cycle of terrorism and reprisal repeating itself endlessly. Czechoslovakia serves as a reminder that brute force is still on the loose in Central Europe.

Casting appalling shadows in the background are the problems of nuclear proliferation. Mirv missiles and antiballistic missile systems, and the increasingly desperate race between food and population in two-thirds of the world.

There are those who would choose to retreat into the comfortable cocoon of our isolationist past. In disgust and despair, they would build bombs instead of bridges.

But that is not a realistic choice. We live on a small and dangerous planet. We can no more withdraw from the world, we can no more ignore the rest of the world, than we can retreat to the suburbs and escape the social and economic problems of our cities and rural areas.

Nor can we build a good society at home if we practice irresponsibility abroad. We must continue the most urgent task of mankind: We must create the institutions and the environment that will enable us to move forward along the road to enduring peace. We must acknowledge the tragic mistakes we made in Vietnam—but we must not allow those mistakes to put us out of the business of conducting an active and outward-looking foreign policy.

There are a number of specific steps I believe we should be taking now to right our course. Let me suggest some of them.

We must sustain and support the struggle to move the Vietnam war from the battlefield to substantive discussions at the conference table. At the same time, without waiting for successful negotiations to produce peace, we must rapidly reduce the American combat role. As soon as possible, we must extricate all our troops from the conflict.

I was shocked this week by the totally uncritical, unstinted praise of our present Vietnam policy uttered this week by U. Alexis Johnson, the Nixon Administration's highest ranking career diplomat.

That is hardly what the American people were promised by President Nixon last August when he called for "a new Administration that has given no hostages to the mistakes of the past—an Administration neither defending old errors nor bound by the old record."

Ambassador Johnson believes "our Vietnam policy is paying dividends." We've heard that before. It's the same old tune we've heard from both Ambassador Bunker and Ambassador Lodge—two other old Vietnam hands who have switched to the Nixon team.

I think it's time we paid more attention to the American people, high time we paid attention to knowledgeable men who have not helped devise or administer our unsuccessful Vietnam policies, high time we paid less deference to the Vietnamese and American mandarins in Saigon. There is little reason to believe that security in the provinces of South Vietnam is any better now than when the Lodge and Bunker statements were made a year ago.

Alexis Johnson should know that the real dividends of our Vietnam policy are a nation divided at home, and a record low in our prestige abroad.

Despite their having retained a pretty old new team of diplomats—the tired triumvirate of Lodge, Bunker and Johnson—the Nixon administration, I pray, will infuse new ideas and fresh approaches in the search for peace.

There are hopeful signs that some of the old attitudes are changing, and that some members of the old cast are having second thoughts.

The world is waiting, anxiously and hopefully for President Nixon to provide us imaginative, constructive leadership—the leadership of the peacemaker—that he so eloquently envisioned in his Inaugural Address.

Actually, President Nixon and Secretary of State Bill Rogers may well have been very wise—and known exactly what they were doing—in appointing Johnson, Lodge, and Bunker. They do know the ins and outs of the Vietnam situation at firsthand—however erroneous their conclusions may have been in the past.

They do have the confidence of Saigon officials. And if President Nixon plans a dramatic change in our Vietnam policies, the participation of old hands involved in our past policies there may facilitate that change.

These men are, of course, not decision makers. They will get orders at their delicate posts from Washington.

Since 1961 we have given the Government of South Vietnam $82 billion dollars in help. As of this week, 30,795 American boys have died there and 194,324 others have been wounded. By contrast, Communist military assistance from Russia and China totaled $2 billion from 1965 to 1967. And as far as I am aware, no Russians or Chinese boys have been killed.

It seems to me that we have done more, much more, than anyone could reasonably expect us to do to meet our commitments in Southeast Asia.

I am convinced that the South Vietnamese government will not fight its own fight until we announce a firm timetable for a phased withdrawal of our troops from Vietnam.

The South Vietnamese must learn to stand on their own.

We must, of course, strengthen the United Nations and other international organizations through institutional and procedural reforms. We must funnel more aid and actions through the United Nations.

Even the most dedicated supporters of the United Nations must admit that its performance has been less than satisfactory in recent years.

The Security Council's failure in the Middle East is deeply disappointing, and so have many of its Middle East resolutions. The record is inexcusable. In the fall of 1966, the Soviet Union vetoed a mild and ambiguous condemnation of Syrian terrorist attacks against Israel. But then the Council passed a resolution condemning a raid Israel had launched in retaliation.

This month, the Council condemned the Israeli raid on the Beirut airport, but onesidedly made no mention of the Arab terrorist attack on the El Al plane that took a human life and triggered the retaliatory raid.

The unhappy habit of bloc voting in the General Assembly has lessened that body's effectiveness as a forum even to air, let alone solve, serious international problems.

Moreover the multiplication of staffs of various United Nations agencies, along with the overlapping jurisdictions, have often served to retard progress rather than promote progress. It is hard to take seriously a United Nations organization when an 8 week conference consists of 2 weeks of speeches in plenum, 2 weeks of the same speeches in committees, 2 weeks more of the same speeches in subcommittees, and 2 weeks to negotiate and discuss the real issues.

Those of us who care deeply about the United Nations must seek reforms that will make the U.N. and its institutions more accurately reflect the realities and responsibilities of member states.

It is absurd that Upper Volta, Chad, and the Central African Republic, three small landlocked African countries, could conceivably outvote the United States and the Soviet Union at a U.N. meeting on the law of the sea—or on any other matter.

Progress will not be easy, but I am convinced that until the U.N. is reapportioned, it will be impossible to add significantly to its powers.

There is one step that the United States could and should take, on its own, right now. We should repeal the Connelly amendment. Our reservation on the jurisdiction of the World Court has been copied by other nations. As a result the world community has been deprived of a useful vehicle for settling international disputes.

The junior Senator from California would be delighted to see the Court able to decide such matter as the width of territorial seas. That is a legal question that should be solved by legal means, not by the seizure of vessels and the unilateral imposition of fines or economic reprisals.

A move now to repeal our reservation would demonstrate our determination to promote the rule of law in the international community.

Since trade, monetary policy, and foreign assistance are becoming increasingly interdependent, we should do far more than we are doing to channel foreign aid through multilateral agencies, like the World Bank. We should strengthen and broaden the man-

date of organizations like the Organization for Economic Cooperation and Development. Senate approval of the United States' portion of the funding of the International Development Association—the soft loan window of the World Bank—should be a priority item at this session of Congress.

We must also ratify the Nuclear Nonproliferation Treaty, begin strategic missile talks with the Soviet Union, and move first to scale down and then to control, the arms of all nations, great and small alike.

I think there is something obscene about public officials proclaiming that any effort in those fields must wait until we can negotiate from a position of superiority—whatever that terms means in an age of nuclear missiles, nerve gas, and napalm. Mankind already has enough weapons to blow, fry, burn, and mutate itself out of existence.

I say: Let's seek agreement on reducing the arsenal we have now—before it's too late.

Those are just a few of the many things I believe we should be doing.

As most of you know, I've had as many ups and downs in my political career as our U.W.F. has had in its life. Those of us who banded together after World War II had a clear idea of the kind of world we wanted to build. We knew then, and we know even more surely now, that all the evil, ambition, greed and danger in the world was not wiped out in the Nazi defeat.

Those of us who have fought and now fight for a rational world order have been joined by the most promising generation in the world's history. The one clear signal our youngsters are giving us, from New Hampshire and Chicago to Moscow and Prague, is that they are fed up with wars, both hot and cold, and that bureaucracy and technology must not be allowed to trample the human spirit.

Across a gap of twenty or so years I salute our youngsters; I admire them and I look forward to working with them.

And I offer them a quote from William the Silent, which has a special meaning for someone like myself who has spent much of his life jousting with the devisive forces of fear, reaction and despair:

"It is not necessary to hope in order to undertake or to succeed in order to persevere."

DR. GLEN L. TAGGART INAUGURATED PRESIDENT OF UTAH STATE UNIVERSITY; SCHOOL CELEBRATES 81ST FOUNDERS DAY

Mr. BENNETT. Mr. President, this weekend, Utah State University has a dual occasion for celebrating—a distinguished educator, Dr. Glen L. Taggart, is being inaugurated as 11th president as USU celebrates the 81st anniversary of its founding.

Dr. Taggart comes to Utah State with solid credentials in education, government service, and foreign relations. He is replacing one of Utah's leading educational figures, Dr. Daryl Chase, as head of the Logan, Utah, school.

The new President, who is a native of the Logan area, most recently has been dean of international studies and programs at Michigan State University. From 1964 to 1966 he was on leave of absence from Michigan State to serve as vice chancellor, or president, of the University of Nigeria.

Utah State, which is part of America's great land-grant system, has come to be recognized as one of our Nation's leading educational institutions in helping less developed countries surmount the basic technological problems that inhibit growth and a high standard of living. Under Dr. Taggart's leadership, these international programs will undoubtedly receive a vigorous new impetus.

Utah State University has made numerous invaluable contributions toward bettering the lot of citizens in Utah, the Nation, and the world. Our State and Nation can be justly proud of the history and potential of this fine university.

THE PRICE OF A GOOD CREDIT RATING

Mr. PROXMIRE. Mr. President, the National Observer on March 3, 1969, carried a most informative article by Douglas Davis, concerning his problems in maintaining a good credit rating. In today's complex credit economy, I am sure that thousands or even millions of individuals have at one time or another encountered difficulty in keeping their credit records straight.

Mr. Davis relates a 2-year struggle of his with various credit card companies, creditors, and credit bureaus to maintain his good credit rating. About 2 years ago Davis was rejected for credit by a number of creditors. Repeated attempts to obtain an explanation from his various creditors produced no results.

Because of some unknown reason he was listed as a bad credit risk. His American Express card was even canceled. In attempting to correct the situation, Mr. Davis relates the following experience:

But I didn't get really upset until American Express canceled my new card last month. Until then, I had accepted, however reluctantly, the mysterious decisions of the credit machine that touches us all, in one way or another. But no more. When I received that cancellation, I picked up the phone and dialed my "Customer Representative," in New York City, a mythical figure named "R. Brophy," to whom I had been writing for months, with no answer. Mr. Brophy, predictably, wasn't in (to this day, I don't believe he exists), but a girl identified as his secretary told me not to worry about the cancellation. "It's a computer error," she said.

"Well, please correct it," I said. "This cancellation could damage my credit rating."

"Oh, I can't do that," she said. "You'll have to talk to another department. Just a minute, I'll switch you."

Another department came on. It, too, couldn't help me. Soon I found myself talking to a third department.

"That's not our job," a man at the other end said. "You have to talk to your customer representative, Mr. Brophy."

I exploded, shouting, "I just talked to them. Now you take care of this yourself."

The voice on the other end was surprisingly chastened. "Yes, sir," it said.

American Express finally relented and reinstated Mr. Davis' credit card, but only after considerable effort on his part. How many Americans have had the same frustrating experience?

Next, Mr. Davis visited the credit bureau to attempt to restore his good credit rating. In reviewing his record, he was shocked by a number of inaccuracies found in his file. To quote from Mr. Davis, as he reviewed his file:

I blanched as the "facts" went by. Half of them were wrong (One example: the Raleighs, Inc. entry read "declined credit," though I had charged an $85 overcoat there just one week before). More important, the report omitted all kinds of good news—the two car loans paid off at my bank; my accounts in solid standing with a wide variety of companies, including Sears, Gulf Oil, and Sun Oil; my checking and saving account balances; even my income (listed simply as "unverified").

His most frustrating experience, however, was in attempting to straighten out his record with his local bank. Although the bank finally conceded that an adverse credit report was a factor in his being turned down for a loan, the local credit bureau showed no record of the bank's inquiry. The banker finally explained, somewhat lamely:

I'm not saying that people have been completely truthful in their statements to you.

Fortunately, through persistence and diligence, Mr. Davis was able to reinstate his good credit record. But how many thousands of Americans lose their credit standing because they are not as persistent or as diligent or as knowledgeable or as articulate as a reporter for the National Observer.

I have introduced a fair credit reporting bill to provide consumers with some measure of protection against an inaccurate credit report. Given the potential harm an adverse credit report can do to a person's ability to obtain credit and perhaps even employment, I am convinced such legislation is long overdue.

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

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

NO. 044–566–502–8 DEMANDS JUSTICE IN CREDIT RATING—CREDITORS AND COMPUTERS REBUFF A BILL PAYER; HOW HE WON THE BATTLE

(By Douglas M. Davis)

"You don't buy any customer rights when you buy one of our credit cards. You pay for the convenience of using it, that's all."

"I'm sorry you insisted on talking to me. It's been a very busy day. One of my assistants could have taken care of you."

"Yes, I've had your letter on my desk all morning, but I haven't gotten the chance to read it. Come back tomorrow."

"I wish more people would try to clear up their credit, as you're doing. But it's a pity you have to pay a lawyer to help."

So went the reactions when I began invading credit bureaus, banks, and various companies in an attempt to clear up my mysterious credit problem. Now I have a few ideas about why banks have been brusquely rebuffing me for more than two years, along with several department stores and mail-order houses. It took a lot of time, expense, and sleuthing, but I believe I am through with the trouble. More important, I think I know what to do if the problem occurs again.

For a long time I thought, like most people, that a good credit rating was a simple matter. Work hard, pay your bills on time (particularly loan payments at the bank), period. Wrong. Dead wrong. When the rejections first started coming, about two years ago, I did nothing. I had been late on a few small bills during the previous year, owing to a family crisis, and assumed that continued promptness would pull me out of the hole. But it didn't. Six months of regular payments counted for nothing when I started applying for credit once more.

Last fall I called my lawyer, an old friend. "I can't understand it," he said. "You're a better risk than I am and I get credit all the

time" (he had just furnished his new law office on a bank loan). We both concluded that the local credit bureaus had me confused with somebody else (there are a lot of Davises around, good and bad). The lawyer wrote two letters for me—to Stone's Mercantile Agency, Inc., and the Credit Bureau, Inc., the two major sources of credit information in the Washington, D.C., area. Stone's replied that it had no record to speak of on me, the Credit Bureau that I was in "good condition."

For a while, all went well. Two local stores that had turned me down in the past (the Hecht Co. and Raleigh's, Inc.) promptly approved my charges. American Express let me purchase one of their cards. Then the roof caved in again. I was injured in a car crash one week after I began negotiating the purchase of a house. My car, smashed beyond repair, had to be replaced, quickly. When I tried to reacquire the same car loan granted me the year before, my bank first said yes, tentatively, then cut the loan by $400. Another bank approved a larger loan, then called me back one hour later to refuse it. A third bank said yes, but I was still obliged to pay out more cash than I had anticipated—and this, together with emergency medical expenses, doomed my house buying.

THE LAST STRAW

But I didn't get really upset until American Express canceled my new card last month. Until then, I had accepted, however reluctantly, the mysterious decisions of the credit machine that touches us all, in one way or another. But no more. When I received that cancellation, I picked up the phone and dialed my "Customer Representative," in New York City, a mythical figure named "R. Brophy," to whom I had been writing for months, with no answer. Mr. Brophy, predictably, wasn't in (to this day, I don't believe he exists), but a girl identified as his secretary told me not to worry about the cancellation. "It's a computer error," she said.

"Well, please correct it," I said. "This cancellation could damage my credit rating."

"Oh, I can't do that," she said. "You'll have to talk to another department. Just a minute, I'll switch you."

Another department came on. It, too, couldn't help me. Soon I found myself talking to a third department.

"That's not our job," the man at the other end said. "You have to talk to your customer representative, Mr. Brophy."

I exploded, shouting, "I just talked to them. Now you take care of this yourself."

The voice on the other end was surprisingly chastened. "Yes, sir," it said.

TIME FOR ACTION

But nothing was done. Two weeks later, J. C. Penney Co. rejected me. Now, it seemed, was the time for action beyond mere writing and phoning. I consulted my lawyer friend again.

"Some kind of inaccurate reporting has been done," he theorized. "I think you've got to visit these people, personally. After all, the credit industry is testifying right now before Congress that anybody can examine his record if he is having trouble. I'll write to everybody concerned, including the banks, but you better confront them yourself if you want it settled once and for all."

I agreed—and made the American Express office in New York City my first stop. I called ahead for an appointment with the legendary Mr. Brophy. I steamed in, right on time, and startled the receptionist.

"Who are you?" he asked.

"I am 044-526-502-8," I replied, "and I demand justice.

"What's that again?"

"044-526-502-8," I said.

"You've got a good memory," she said.

Ten minutes later a small, Oriental man came out, introduced himself as Brophy, and beckoned me to a small room. What followed, for a time, was the strangest conversation I've ever held in my life. The man knew nothing at all about me, apparently despite my many letters, my appointment, or even my account number. Nor did he reveal this until I had spent 15 minutes explaining my problem. Only then did he rise to get my file. And reveal that he *wasn't* Brophy. He was "Mr. Crawford."

"But the girl promised me I would see Mr. Brophy."

Mr. Crawford smiled. "Mr. Brophy has the flu."

THE MAN WHO WASN'T THERE

It was the same as though he were really there, however. Every time we came to a point of disagreement, Mr. Crawford always referred to the absent Mr. Brophy. He could not speak for Mr. Brophy in this or that matter. He could not explain why Mr. Brophy had not answered my letters. He was not sure whether Mr. Brophy would do this or that to clear my account. I began to lose my temper. At one point, when he refused to grant that American Express had an obligation to answer customers' letters, I jumped out of my seat.

"Now just repeat that," I said, grabbing for pencil and paper. "Just tell me again you aren't responsible for answering letters."

For the first time, he stopped smiling. "Well, perhaps you are right. Perhaps you do have a right to get replies. It's only that—"

"Put that in writing," I demanded.

"Mr. Brophy will be happy to put that in writing."

Later, after considerable backing and tracking, Mr. Crawford satisfied most of my complaints. He promised that Mr. Brophy would write a letter. (It came, all right, but was very vaguely worded.) Mr. Crawford issued me a new card. But he never explained why the cancellation had occurred.

Next I visited the Credit Bureau, Inc., in Washington, D.C. Kept waiting when I arrived on time for my appointment, I was not too surprised that the person who finally showed was not the "Alice White" I had spoken with on the phone. I demanded nonetheless to see Miss White, as previously agreed, and waited 30 minutes more for the privilege.

Miss White proved disarmingly sympathetic. She began by saying how sorry she was to hear about my trouble, that she had read my lawyer's detailed account of my recent rejections with great attention. "We had nothing to do with the two banks," she said. "They never called us. But Penney's did, and they turn down many people with good records."

Then, drawing from a sheaf of papers before her, she read from my record, the record passed on to Penney's, presumably. I blanched as the "facts" went by. Half of them were wrong (One example: the Raleighs, Inc. entry read "declined credit," though I had charged an $85 overcoat there just one week before). More important, the report omitted all kinds of good news—the two car loans paid off at my bank; my accounts in solid standing with a wide variety of companies, including Sears, Gulf Oil, and Sun Oil; my checking and savings account balances; even my income (listed simply as "unverified".)

I protested.

"Well," she said, making note of everything I said, "a lot of these are out-of-town accounts, difficult for us to verify."

"What about Sears?" I countered. I've bought several major appliances from Sears."

"I'll check that," she said.

"And one other thing. I've read that rumors about a man's character are sometimes put on his record. I've heard, too, that you can check your record to see whether any . . ."

At this point the boss arrived, and the dialog ended. "You read that in the newspaper," he fumed, interrupting my request. "Journalists! They get a liberal-arts degree and they think they know everything." He snatched my record, or whatever it was, from Miss White's desk and shoved it in front of my face.

"Go ahead, look at it. Do you see any rumors there?"

I saw nothing but numbers.

"You haven't got any problems," he said. "I can look at your record and tell. Perhaps a few mistakes were made by some people along the way. That happens. But we're always ready to straighten them out with you, or anyone. Just come and see us."

PROMISE OF CORRECTIONS

After more conversation, we parted—successfully, on the whole. I had angered the boss, but both he and Miss White promised to enter my corrections, once verified, and to co-operate if future problems arose.

That left only the banks, but their actions, during the summer, had been the most puzzling of all, for both responded well to my first requests, then backed down, giving no clear explanation. I received no co-operation from my neighborhood bank, the Riggs National. Mr. John D. Hamilton, who handled me curtly during the summer, was still curt five months later. The first morning I went in, he said he couldn't tell me anything because he didn't have time to read my lawyer's letter. The next day he was still evasive. "I don't understand what you're after," he said.

"I'm after the reason my loan got reduced, despite my good record of payment at the bank."

"Your lawyer will explain that for you," he said, cryptically.

"But that's why I'm here—he can't."

More questions by me, more cryptic replies by Mr. Hamilton. Finally, he conceded—as he hadn't before—that my "credit record" was a factor in the summer decision. "But the Credit Bureau has no record of your inquiry," I replied, "and Stone's no record of anything. How can I pin down what there is in my record that's so bad?"

He smiled, still impatient. "I'm not saying that people have been completely truthful in their statements to you," he concluded, cryptic to the end.

The other bank, Maryland National, in the suburbs, was much franker. "We apparently overlooked the fact that you and your wife are separated, which made the auto loan impossible," Mr. Howard A. Watson, a bank official told me. "Unless you're single or divorced, we always require both husband and wife to sign for an auto loan. Of course, we were wrong to okay it and take it back. That was a bad error."

When I explained that the divorce was now completed, he urged me to pass the news on quickly to both credit agencies. "More people ought to take the vigorous action you have. You must help to keep your credit record straight. Otherwise, it's frequently in the hands of the office workers who take down information over the phone."

Well, I still can't explain how my record got so distorted, why that American Express computer picked me for cancellation, or a number of other curious contradictions. But I do know that by shouting and complaining, I got justice, of a kind.

—DOUGLAS M. DAVIS

PRESIDENT OF AMERICAN BAR ASSOCIATION POINTS THE WAY TO A LAWFUL SOCIETY

Mr. TYDINGS. Mr. President, many observers have commented upon the wave of crime and violence which has disturbed the domestic tranquility of our Nation and eroded the cherished freedom of our society. Few, however, have as-

sessed the crime problem in as reasoned and perceptive a manner as did William T. Gossett, president of the American Bar Association, in an address to the District of Columbia Bar Association on February 12. In this speech Mr. Gossett analyzed the crime problem and pointed the way for effective response by both the society at large and the legal profession.

Mr. Gossett accurately describes the impact of crime when he states:

The fear of random attack or organized violence imprisons a people, as surely as any Berlin Wall. And, that, fundamentally, is why violence is such a threat to us today. It threatens not simply our property or even our safety; it threatens our free society as well.

In face of this fear and violence, President Gossett cautions against mass hysteria. Crime will not be halted by heated outcry. A reasoned response will be the only real counterforce to the crime problem.

Harsh sentences are no sure cure. As Mr. Gossett states, our prisons have had doubtful value because rehabilitative programs are "nonexistent," and today's prisons at best serve merely a custodial role. In fact, our prison systems return to the society a convict who has not been rehabilitated and who is probably more dangerous when released than when he entered the prison. If punishment is to deter crime, if sentences are to rehabilitate criminals, if our correctional institutions are going to protect society, then our correctional institutions must be made to correct, not destroy or degenerate, the inmate.

Further, Mr. Gossett makes a clear plea for sane gun laws. Gun control, he says, is indeed effective in limiting crime—as I have argued, Mr. President, on many occasions. We must see that guns are kept out of the hands of juveniles, lunatics, and criminals.

Citizen participation in the struggle against crime is another necessary ingredient in the maintenance of a truly democratic and safe society. To further the involvement of citizens from every walk of life and every part of the society, President Gossett endorses the efforts of a group called Citizens for Justice and Order. That organization intends to raise up to $30 million a year from corporations and foundations to finance specific action programs to combat crime. President Gossett states that the American Bar Association, the International Association of Chiefs of Police, the Urban League, the National District Attorneys Association, the League of Women Voters, as well as numerous other organizations are being called upon to participate in this program—each doing what it is best qualified to do in a nationwide effort to prevent and control crime and violence.

But as President Gossett indicates, more effective citizen participation in crime control is but a part of the effort that must be made. He said:

It is time for us as a people to recognize the sad fact that our whole system of law could be fairer and more equitable for the millions of Americans who have in fact been denied the most basic constitutional protections. For if we do not understand not only the deprivation of the dispossessed, but the way in which the law affects them in their daily lives, we will never understand the roots of the disrespect for law and order which now threatens us; if we do not understand it, we will not master it.

President Gossett recognizes a "hard fact" which many of us have not been ready to acknowledge, namely that "it is simply, and without glossing over an unpalatable truth that the poor, black and white, resent and fear the law." President Gossett explains:

The conditions under which the poor live their hapless lives seldom expose them directly to law as their protector. They experience far more often and far more vividly instances of the law doing something to them rather than for them. The law has always been the hostile policemen on the beat, the landlord who has come to serve an eviction notice, the installment seller who has come to repossess. As every lawyer knows, there are appalling injustices in laws governing the relations between landlords and tenants. * * * Legislative changes in these laws are long overdue.

Recognizing the imperfections in our legal system is an important element of our society's response to crime. Mr. Gossett points out that many agencies, both public and private, have been making efforts to channel grievances through the court system and to make the judicial system more attentive to the needs of the poor. The American Bar president points to the community action legal services project, the National Office for the Rights of the Indigent, California Rural Legal Assistance Group as examples of agencies which have sought to channel and correct grievances through the legal process.

The call of the president of the American Bar Association is for greater and more sweeping assumption of social responsibility by members of the legal profession.

The law—

He asserts—

must serve both as an avenue of progress and as a bulwark of stability. Its practitioners must bear many responsibilities in insuring this dual objective.

As Mr. Gossett states:

As democracy moves on, our vision of our public responsibility must broaden.

Mr. President, William Gossett has shown a keen awareness of the legal profession's social responsibility and commitment to public service. He has in his own right an outstanding record of public service. In 1962, at the request of President Kennedy, he accepted appointment as Deputy Special Representative for Trade Negotiations with the rank of Ambassador. In addition to his duties as president of the American Bar Association, Mr. Gossett is a member of several government advisory bodies including the Advisory Commission on Executive Legislative and Judicial Salaries and the Legal Advisory Committee of the Department of Transportation's Motor Vehicle Accident Compensation System Study.

Mr. President, I ask that the text of Mr. Gossett's address to the District of Columbia Bar Association be printed in the RECORD.

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

ADDRESS BY WILLIAM T. GOSSETT, PRESIDENT, AMERICAN BAR ASSOCIATION, AT MEETING OF BAR ASSOCIATION OF THE DISTRICT OF COLUMBIA, WASHINGTON, D.C., FEBRUARY 12, 1969

You have honored me, and the American Bar Association, by inviting me to share with you this pleasant occasion.

First of all, let me pay tribute to the enormous vitalizing influence of this distinguished Bar upon the objectives and achievements of the American Bar Association, in which the District, with its 14,000 lawyers, has given generously of its sons and its unique traditions.

Four annual meetings of the ABA—the first in 1914 and the last in 1960 (registration—5,827)—have been held here; and a fifth has been scheduled for 1973. Four of our Presidents have been Washington lawyers; and you have provided two Chairmen of our House of Delegates, one Treasurer, and one Secretary. Seven District lawyers have served on our Executive Committee or Board of Governors; and the names of 369 members from the District are listed in the 1968–69 directory of the ABA—the Red Book, many of them (too numerous to mention) being Section or Committee chairmen.

In the creative contributions of these men, and indeed of the whole District of Columbia Bar, to the growth of the law in America, there has been a vigorous affirmation of the fundamental doctrine that gives all laws its strength and life: that is, the concept of the law in motion—the law as an avenue of progress—while sustaining with equal vigor those principles that make the law a bulwark of stability.

We meet today at a time of transition, a time when a new national leadership is preparing to confront the dilemmas that have sent this nation into a period of doubt and uncertainty. And this is a time when those dilemmas remain urgently before us; when the demands of the national agenda will not await even the briefest of pauses. So I would talk with you tonight about one of the most disturbing and dismaying problems before us as a people: the problem of crime and violence in America.

The national election of last Fall was the first, perhaps, in at least a century when we debated not the great issues of national purpose and world leadership, but the issue of domestic tranquility and order. The debate—often responsible and productive, at times hysterical and uninformed—was a reflection of an unhappy truth: it is that our country's security is threatened—threatened from within—by startling and accelerating increases in crimes against persons and property, and by violence and the threat of violence.

As you know, violence is not new to us as a people. It has always been a ready avenue of expression to those who hold deep grievances and believe that other avenues of change have been foreclosed—as well as those who have seen in other Americans of other races and origins threats to their own comfort and safety.

Today, however, the situation is different. Today the concentration of our population into great urban centers has made violence not simply a resort to revolt, but a direct personal threat to millions of citizens. Today, too, the pervasive eye of the news media instantly sends word of mass violence across the nation, reminding each of us of his own vulnerability, and further increasing the spread of fear.

But more than that, today we see that the use of violence has spread to other groups than the economically disadvantaged. Within our universities, small groups of students have resorted to physical force and sabotage as a means of expressing their discontent.

Many are substituting brute force and storm-trooper tactics for reason and persuasion, publicly declaring their intention to disrupt, and even destroy, the institutions of organized society. Even among respectable citizens, the promise of violence is heard. Suburban housewives train with pistols, and firearms sales have tripled in many sections of the country. The government has begun to arm itself against its own citizenry, purchasing armored personnel carriers, bazookas, and other weaponry more suited to war than the preservation of domestic tranquility.

Whatever the sources of this growing resort to force, one thing must be made clear: mob violence, random terror and organized destruction cannot be tolerated by any nation that counts itself civilized. Of course we must understand; but to understand is not to permit. The first response—of government and of citizens—is a clear and effective demonstration that resort to force will be deterred and punished to the fullest extent of the law.

That response is more than an attempt at self-preservation; it is an attempt, fundamentally, to preserve the peaceful framework that alone can provide the atmosphere for effective justice. Listen to the words of a distinguished Pennsylvania judge: "In the whole history of law and order, the longest step forward was taken by primitive man, when, as if by common consent, the tribe sat down in a circle and allowed one man to speak at a time. An accused who is shouted down has no rights whatever."

This sense of fairness and decency—this sense of mutual respect for the rights of others—is, as you know, what the law has come to call "due process". And it is that very concept of due process that is most threatened by violence.

For a man—or a city—fearful of violent attack is not free; not free to walk the streets in confidence; not free to trust a stranger; not free to live in happiness among the people of his own community. The fear of random attack or organized violence imprisons a people, as surely as any Berlin Wall. And that, fundamentally, is why violence is such a threat to us today. It threatens not simply our property or even our safety; it threatens our free society as well.

Thus, the danger of crime and violence tells us that we must respond. But it does not tell us *how* to respond; it does not tell us what measures will most effectively prevent or control crime or how to avoid or curb violence when it erupts. Nor—perhaps most important—does it tell us what responses would best protect due process and the rule of law, and what responses would tend to undermine that very respect for law that we seek to uphold.

What, then, should be our response to the problem of rising crime and violence; that is, what should be our response other than locking the doors of our cars and homes, adequately lighting the streets, resolute law enforcement, and other simplistic solutions.

Let us recognize at the outset that rising crime rates, while a cause of deep concern, should not result in mass hysteria. In the words of the President's Commission on Law Enforcement:

"Thoughtless, emotional, or self-serving discussions of crime, especially by those who have the public's attention and can influence the public's thinking, are an immense disservice. They do not and cannot lead to significant action against crime. They can, and sometimes do, lead to panic." Several factors suggest that the President's Commission's warning is sound and also suggests that more efficient law enforcement by the criminal justice system—the police, courts and correctional institutions—should not be our sole objective.

First, there is some evidence of a cyclical trend in the incidence of violent crime. For instance, while the present annual rate of willful homicide is 6.1 per 100,000 population, the corresponding rate in 1948 was 5.2, and criminologists say the 1933 rate was even higher than today, although comprehensive statistics for that year are not available. Moreover, the increase in crimes of violence seems to be far behind the increase of non-violent crime, both in absolute number of offenses and in rate per 100,000 population. Violent crimes account for only 13% of the total reported index crimes in the 1967 Uniform Crime Reports.

Second, law enforcement, at least on the police level, appears to be more efficient in combatting crimes of violence than in controlling crimes against property. In 1967, 88% of all reported criminal homicides were cleared by arrest. The clearance rates for forcible rape and aggravated assault were 61% and 69%, respectively. Of the F.B.I. index of violent crimes, only robbery—which is a combined crime against person and property—had a low clearance rate (30%). Other property offenses had relatively low clearance rates: in 1967 burglary was 20%, larceny 18%, and automobile theft 20%.

An important factor related to fear of violence is that most such crimes are committed by persons who know their victims. Rape, assaults and murders are not usually committed by strangers. The President's Crime Commission concluded that "the risk of serious attack from spouses, family members, friends, or acquaintances is almost twice as great as it is from strangers on the street." The F.B.I. Uniform Crime Reports reached the same conclusion. Most violent crimes result from domestic quarrels, barroom altercations and romantic triangles.

Those figures, showing a high arrest clearance rate for crimes of violence and a pattern of victim-assailant acquaintance, suggest that stricter law enforcement can only have limited effects on crimes of violence. Stricter law enforcement alone probably would not greatly reduce the frequency of such crimes of passion as assaults, rapes and criminal homicides.

Robbery, which increased 32% during the first nine months of 1968, is, however, a different matter. The Uniform Crime Reports include in "robbery" all reported acts of "stealing or taking anything of value from the person by use of force or threat of force." (In this city, the robbery rate in 1968 was 750 per 100,000 of population—the highest of all American cities.) In 1967, the U.C.R. disclosed that in cities with populations of 250,000 or more, half of all robberies were committed in the street, and that the 1967 robbery rate was 27% higher than 1966. As pointed out earlier, because the arrest clearance rate for robbery is relatively low, and because the number of robberies is up more sharply than any other violent crime, stricter law enforcement, specifically more intensive street patrol, could have significant effects on the incidence of robbery. The same reasoning would apply, I think, to non-violent crimes—auto theft, for example.

It has been said that increasing of criminal penalties would make for "stricter" and more effective law enforcement. But such a seemingly common-sense assumption is of doubtful validity. The high rate of recidivism suggest that prison terms may only delay the recurrence of crime for a significant proportion of prisoners. Long prison terms alienate many prisoners from the norms of society, especially where prison "treatment" programs are non-existent and imprisonment amounts only to custody.

This is not to argue that we should never increase penalties for criminal behavior. But in a country with the stiffest penalties in the western world, let us remember that the purpose of criminal penalties is not vindictive; the purpose is to rehabilitate and to prevent and deter further criminal action by the same person or others. And so, indiscriminate and arbitrary increases of sanctions without awareness of the effects of such change are not rational steps toward effective law enforcement.

There *is* a rational step that can be taken to curb violence: it is to enact legislation that will effectively keep guns out of the hands of criminals, juveniles and lunatics.

The facts are overwhelming. In the five years since President Kennedy was murdered by gunfire, more than 75,000 Americans have been killed with guns. More Americans have died from misuse of guns than have been killed in all our wars. More than ninety per cent of policemen killed on duty have been killed with guns. Uncontrolled firearms are an integral part of the explosive mixture of violence in America. They serve to transform a sudden passion into an irreversible act.

Moreover, gun control *does* work. New York City, for example, is the largest, most pressure-ridden city in America. It has more poverty than any other city; more potential for violent explosion. Yet New York ranks *last* among the ten largest cities in homicide rate. Why? Because, according to its Deputy Police Commissioner, it has a tough, well enforced ordinance controlling the use of concealed firearms.

But London's gun licensing system is even more restrictive. Of every 100 murders in the two cities, 36 die by gunfire in Manhattan as compared to five in London. And although New York has the lowest homicide rate of American cities, Manhattan Island alone suffers more murders each year than all of England and Wales.

Another rational step is to involve citizens and groups from every part of society—from the slum and the suburb—in the planning and implementation of programs to deal with crime and its underlying causes. In the words of the President's Crime Commission, "the best way to mobilize the community against crime is to lay before it a set of practical and coherent plans."

To that end, the ABA has been working with a group called Citizens for Justice and Order. That organization proposes to raise $25 to $30 million a year from corporations and foundations to finance specific action projects. The ABA, along with many other national organizations, such as the International Association of Chiefs of Police, The Urban League, The National District Attorneys Association, The League of Women Voters, and numerous business, labor and minority groups, would participate in the program—each doing what it is best qualified to do in a nationwide effort to prevent and control crime and violence and especially to organize broad citizen involvement in that effort.

The umbrella organization (CJO) will be headed by a man of great ability and of national stature—yet to be selected; and we are hopeful that President Nixon and the new Administration will lend their full support and encouragement to this effort.

Let me emphasize tonight that the prevention and control of crime and violence—especially mob violence—extends far beyond the bounds of strict law enforcement—beyond the imposition of the public force.

Obviously, the law's contribution to order depends in part upon the public force. On the other hand, adherence to the law in a free society has never rested primarily upon applications or threats of force by public authority. Indeed, to be a viable social system even a totalitarian society ruled by fear and force must ultimately have behavioral obedience of the masses, which means, in effect, non-violent conformity.

Since the police are in the vanguard of our system of justice, they need and should have our strong support—yours and mine. But the police themselves must not resort to excessive, vindictive violence in controlling dis-

orders. Experience has shown that potential disorders can best be stopped by an immediate, firm, disciplined show of force *combined* with a deliberate attempt to avoid provocation; that is, a determination to keep the peace, fused with a determination to avoid bloodshed.

This is no new concept. A generation ago, Mr. Justice Brandeis reminded us that police lawlessness is the most dangerous; for when those who are sworn to enforce the law instead violate it, then there is no element in society left to serve as a model, and no example to be set for others to follow.

We conclude, then, that only in consistent, orderly, legal enforcement of the law is there a promise of restoring order. And the principle should be applied on college campuses, I suggest, where disruption and coercion is posing a serious threat to the freedom and integrity of higher education, and where the totalitarian tactics of some student groups tend to overshadow and nullify whatever idealistic goals may motivate their actions.

But, manifestly, law enforcement is only one part of the dilemma. It is time for us as a people to recognize the sad fact that our whole system of law could be fairer and more equitable for the millions of Americans who have in fact been denied the most basic constitutional protections. For if we do not understand not only the deprivation of the dispossessed but the way in which the law affects them in their daily lives, we will never understand the roots of the disrespect for law and order that now threatens us; and if we do not understand it, we will not master it.

In the words of the President's Crime Commission, "the people [of the slums] are people with extraordinary strains on their respect for law and order." What are those extraordinary strains to which the Commission refers? One of them is clear; and it is a fact very hard for us to acknowledge: it is simply, and without glossing over an unpalatable truth, that the poor, black and white, resent and fear the law. And the reason seems to me obvious. The conditions under which the poor live their hapless lives seldom expose them directly to the law as their protector. They experience far more often and far more vividly instances of the law doing something *to* them rather than *for* them. The law has always been the hostile policeman on the beat, the landlord who has come to serve an eviction notice, the installment seller who has come to repossess.

As every lawyer knows, there are appalling injustices in the laws governing the relations between landlords and tenants; indeed, those laws are relics of feudal times when judges tended to view each side of a contract as independent of the other; and so, in most states, the tenant still is obligated to keep paying the rent even if the landlord has broken all his promises and even if he has violated the building code.

Legislative changes in these laws are long overdue. And there are other pressing needs. Much could be done, for example, in improving the standards of criminal justice. And new standards are being formulated through a massive project launched by the American Bar Association, under which about eighty of the leading criminal lawyers, judges and scholars of the country have worked for four years in that vital area of the law. The proposed new standards will not reduce crime, of course, but they will facilitate the efficient administration of criminal justice.

My own city of Detroit also has made progress in the wake of the turmoil and destruction of 1967. The "New Detroit Committee", on which I served, was appointed to take action alleviating some of the legitimate grievances of the ghetto community. Our goal has been to speak not through promises but through achievements.

We have managed, I am pleased to say, to persuade the Michigan legislature to pass a Fair Housing Act, which prohibits racial discrimination in the sale or rental of homes. It has also enacted legislation to protect tenants from summary evictions for complaining to a government agency about a landlord's violations of the building code; and it has created laws to permit tenants to divert rent money to make repairs in case of code violations.

At the same session, the legislature enacted legislation in the area of public safety: it redefined the crimes of rioting and inciting to riot; approved a new emergency state police reserve; and made it a felony to interfere with a fireman in the performance of his duties. Under the new statute, urging another to riot will carry the same penalty as rioting—a maximum of five years in prison and a $5,000 fine.

Finally, the legislature defined as criminal conduct the possession of a Molotov cocktail, the blocking of a public thoroughfare without authority, and the forging of an application to buy or carry a pistol.

The effect of those enactments will be to strengthen public confidence in the rule of law, first in the area of landlord and tenant relations, and second, in the area of public safety; and the legislature should be commended for its action.

A lawful society cannot achieve a better society if it is ever content with the legal *status quo*. It cannot fail to achieve a better society if it is always alert to its own imperfections and swift to remedy them.

Across the country, legal agencies—public and private—have been making efforts to channel grievances through the court system. For example, the Community Action Legal Services Project is permitting ghetto residents to challenge certain conduct in the courts—conduct ranging from public housing rules to the way in which their neighborhoods have been changed without their consent.

A new arm of the Legal Defense Fund—the National Office for the Rights of the Indigent—has begun to give victims of fraud effective remedies in the courts.

The California Rural Legal Assistance group has fought cutbacks in medical care for the poor, and attempted to protect California's Mexican-Americans against discriminatory legislation.

It may seem that some of these cases are dubious; or that "they are asking too much." But I believe deeply that it is far better to press a grievance through the courts than through the streets. And I believe that if our legal system demonstrates that it can give due process to everyone, we have little to fear from those who preach violence and force as a resort for grievances.

We are in a time, after all, when discontent is increasing; when those who lack, see what wonders are available to those who have; when those with grievances are tempted to think that only extreme action can win for them their fair share of the fruits of our society.

We cannot win universal respect for the law—the indispensable ingredient of a free society—unless the law respects all men equally. Seventeen years ago, Reginald Heber Smith, one of the great pioneers in legal aid, said: "Nothing rankles more in the human heart than a brooding sense of injustice. Illness we can put up with; but injustice makes us want to pull things down."

In those areas of our nation where there has been clear evidence that the law has not been effective as a constructive force, we must move to substantive reforms; for example, in laws governing union practices that restrict job opportunities; laws covering building codes and practices; laws governing relationships between consumers and installment sellers; and many others. And we must foster a commonly shared view in our society that change *within* the system is ultimately possible.

If we are to promote trust in the lawful society as the srtaightest and broadest avenue to a better society—if we are to avoid violence—we must be skillful in employing all the machinery of the law—from its application by the city policeman to its codification of economic morality in business. We must convince the dissident members of our society by what we do—not just what we say—that the law is on their side—not against them. We must so employ it that they will not see the law as rigged to serve others in enforcing rights against them; they must see it as an instrument to protect them against injustice—the corrupt landlord, for example, or the cheating installment seller. Let us remember that laws were instituted among men intent on a better society, in the first place, for the common good of all men—not just the most, not just the strongest and not just the uncomplaining.

The social responsibilities of our profession implied in what I have said to you tonight are, of course, gigantic and sweeping. But the heritage of our profession has not been the assumption of small burdens. Carrying out that responsibility is not a price we pay but a privilege we enjoy for membership in a disciplined and noble profession whose social horizons are the horizons of democracy itself. And as democracy moves on, our vision of our public responsibility must broaden.

As we live out this last third of our troubled but magnificent century, let us work together to fulfill the high mission so vividly summarized by a great lawyer and public servant, Joseph Choate, when he said: ". . . if the personal liberty of all, under the protection of equal laws, is the end of government, then lawyers can safely challenge men of other professions to show a larger share in the whole work of human progress."

WHO REALLY GIVES A DAMN ABOUT HOUSING?

Mr. PERCY. I invite the attention of Members of Congress to the outstanding efforts made by the editors and staff of American Builder in presenting a candid evaluation of the spectrum of issues and possible solutions to our housing problems which appeared in the November 1968 issue. To read this issue, entitled "Who Really Gives a Damn About Housing?" is a worthwhile exercise, as it offers a clear exposure to all sides of our housing problems. It also offers viable solutions while reminding us that neither the problems nor their solutions are simple. I ask unanimous consent, that portions of this issue be printed in the RECORD.

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

We can talk all we like about the great and urgent need for housing. But we're not going to satisfy that need unless the power structure—from the President of the United States to the chairman of the local zoning board—makes a commitment to get the housing produced.

The job won't be done—unless a national commitment to get it done is made and fulfilled.

An economic analysis by the Department of Housing and Urban Development says that the country needs—and is capable of producing—26 million dwelling units by 1978.

The chances for reaching that goal are not good. The demand for private nonfarm housing in the current decade, according to marketing consultant William R. Smolkin of New Orleans, will total 14,592,000 units. But most of the demand (and this excludes public

housing) is for houses selling for less than $25,000 and apartments renting for less than $160.

For the decade 1970–1980, Smolkin projects a demand for 17,323,000 private nonfarm units. The following 10 years, demand will rise to 18,458,000; and in 1990–2000, the demand will total 19,720,000.

The key point revealed by Smolkin's figures—and confirmed by almost every student of housing—is that a large number of people who need homes can't afford the housing that is being produced today.

HUD is predicting that 6 million additional units will be built with government subsidies over the next decade. Included in that figure are nearly 2 million rehabilitated units, indicating HUD's determination to move rehab out of the experimental stage and make it a major factor in the production of standard housing.

An important factor in HUD's plans is the 1968 housing act. It is intended to broaden the private housing market by subsidizing all but 1% of mortgage interest rates. The new programs are expected to yield nearly 3½ million housing units—2,165,000 rental units and 1.3 million for-sale houses.

There is no agreement on how many more families will be brought into the housing market as a result of the new programs. Sen. John Sparkman (D-Ala.), chairman of the Banking and Currency committee and the housing subcommittee, says, "The 1% rate should get to families below the poverty line." Others contend the subsidies will reach no lower than the $4,000 income level. Much depends, of course, on the administration of the programs.

Household formations, the most important component of the housing market, are running at a rate dangerously close to current production and will go higher yet. This year, 1,078,000 new households will be formed, a 10% increase over the 1967 figure. Increases in household formations will occur every year through 1981, when the number will be 1,381,000.

The ability of the population to pay for those units may improve between now and 1978. The percentage of families earning $8,000 a year or more (in terms of 1965 dollars) is increasing. In 1965, nearly 40% of all families earned at least $8,000. By 1975, the percentage will increase to 57.4. At the same time, there will be fewer families below the poverty line. In 1965, more than 16% of the nation's families earned less than $3,000. In 1975 12.6% will be below the poverty line, and by the year 2000, only 5.6% will be earning less than $3,000.

The improvement in income, however, has to be balanced against the rise in construction costs—nearly 18% in the past four years for single-family houses, 10% over the same period for apartments. Other costs involved in the production of housing also have been rising—notably the costs of obtaining land and money—and the median price of a single-family house is fast approaching $25,000.

URBAN RENEWAL

The average urban renewal project requires 7½ years to complete, which means that a lot of housing is removed long before it is replaced. An estimated 400,000 dwelling units have been demolished through the urban renewal program, while only 200,000 have been built or are in the process of being built. Many sites cleared long ago are still vacant, waiting for a redeveloper, waiting for government review of a proposed development, just waiting.

But there is evidence of change. "FHA," says Pittsburgh Mayor Joe Barr, "has changed its face," and is now providing mortgage insurance for urban areas it once redlined. Life insurance companies are pumping $1 billion of mortgage money into the cities. Large corporations are undertaking city rebuilding projects. Big-city mayors are appointing housing coordinators to help builders run the gamut of bureaucrat. And the model cities program may produce a better record.

CAN BIG BUSINESS SOLVE THE URBAN PROBLEM?

It is not tenable for them (large corporations) to become landlords in cities where they are an important part of the economy. But the key to profit in low-income housing lies in the tax benefits which come only with long-term ownership.

If large corporations were to approach housing as a profit-making venture, they more than likely would build in cities in which they are not a major factor in the local economy. They would retain the housing, and they would take the benefits of depreciation bestowed by the Internal Revenue Code to offset income from their main business.

What is overlooked by many corporate decision-makers is the leverage possible in any real estate investment and the tax benefits which often are more attractive than the direct before-tax profits on housing development.

BREAK UP THE GHETTO OR IMPROVE IT?

In attacking the problems of the cities, there are two distinct philosophies. One holds that the ghettos should be reclaimed—eliminating blight, bringing housing up to standard condition, bringing in industry to create jobs, and thus improving the ghetto dweller's plight. The other contends the ghettos should be cleared and redeveloped and their residents dispersed throughout the metropolitan areas.

"I think both of these are wrong," says Robert C. Weaver, former Secretary of the Department of Housing and Urban Development. "You have to do the two things simultaneously. You have to improve the living conditions where people are now concentrated. I don't believe this means gilding the ghetto; it means bringing it up to a standard of decency, involving the people in the decisions which affect their lives, and making these attractive and viable places to live. At the same time, you open up the other areas, so that the person now living in the ghetto can have some mobility. I say you can work both sides of the street."

Improving the ghetto involves rehabilitation of substandard but structurally sound dwelling units. It is said to provide low-income housing faster and at less cost than does new construction—and if it were undertaken on a large scale, the result supposedly would be a new market with a multibillion-dollar potential. As a political and social tool, rehabilitation has the advantage of minimizing displacement of low-income families and preserving long established neighborhoods (a benefit when the neighborhood is worth preserving).

THE GHETTOES CAN'T TAKE THE POPULATION INCREASES THAT ARE COMING

In addition, there is the continued migration of Negroes from the farmlands of the South to the urban centers of the North.

The population increase and the migration to the cities will require more housing than is now available. Some dispersion of the Negro population is inevitable; the alternative is for entire cities to become ghettoes.

There is a time factor, too. As desirable as a long-term solution to the urban housing problem may be, recurring riots in the ghetto serve notice that immediate improvement is essential. The process of clearing land and redeveloping it through urban renewal is too slow and produces too little low-income housing. The 400,000 dwelling units demolished in urban renewal areas since 1949 have been replaced by only 200,000 new units, not all of them within the reach of low-income families. Approximately half the sites cleared through urban renewal are vacant today.

One factor in the failure of the urban renewal program to meet its objectives is the unwillingness of developers to go into a ghetto and build or rehabilitate housing. Urban renewal has been too slow and too limited to convince investors that it can convert a ghetto into a viable housing market.

CITIES TACITLY ADMIT SPECIAL EFFORTS ARE NEEDED TO BRING DEVELOPERS INTO THE GHETTOES

All of this activity is directed at improving conditions in the ghetto. The common denominator, interestingly enough, is the tacit admission that the usual procedures for developing housing in the central cities are not adequate. The nonprofit groups are formed, presumably, on the assumption that entrepreneurs will continue to avoid the ghettoes. The city governments recruiting housing experts are admitting that something extraordinary is needed to encourage developers to tackle projects in the ghetto—and that the extraordinary efforts are needed to help the developers cope with city agencies.

Every sector of society, it seems, has turned its attention toward the ghetto. And while there are those who contend that the ghetto should not be allowed to exist, they are outnumbered by those who believe it is more pragmatic to bring the ghetto and its residents up to a decent standard of living. Once that is accomplished the larger question of how—or whether—the ghetto should be broken up can be dealt with.

THE CITIES BASIC PROBLEM: THE MIGRATION FROM RURAL AREAS

Both commissions say it is important to stop the migration and ultimately reverse it. What are the prospects for reversing it?

Says Secretary of Agriculture Orville Freeman: "We can only reverse it by providing in the countryside some of the same advantages that hitherto have resulted in people going to the big cities. It has begun to reverse itself already. This is attributable to the attraction of new industries, new opportunities. I am firmly persuaded that there are many people in the big cities who would be delighted to go back to their own communities if they could get good jobs."

Says HUD Secretary Weaver: "The possibility of developing a large volume of employment in rural America is not too great. I wouldn't mean to say there are not many small towns which are natural growth centers. Nor do I say we will not be able to make the smaller communities in the nonagricultural rural areas blossom forth more strongly than we have. But it's a snare and a delusion to think that we're going to solve the problems of urban America by making the nonurban America expand both economically and by population."

Disagreement on this issue by two cabinet members of the same Administration reflects the failure of the country to establish a policy for dealing with what may be the most critical domestic problem of the Twentieth Century.

Comments the Commission on Rural Poverty: "We have not yet adjusted to the fact that in the brief period of 15 years, from 1950 to 1965, new machines and new methods increased farm output in the United States by 45%—and reduced farm employment by 45%. Nor is there adequate awareness that during the next 15 years the need for farm labor will decline by another 45%."

Farm workers who are replaced by machines and move to the cities are ill-prepared for the transition. They have no marketable skills; they cannot compete effectively in the job market. "For many migrants who lack the training and skills for employment in the cities," says the Commis-

sion on Rural Poverty, "the move is like jumping from the frying pan into the fire."

LABOR POOL IS IN THE CITIES

There are three factors to consider in any discussion of the cities' housing problem:

(1) There is not enough manpower in the construction industry to permit a rapid and large increase in housing production.

(2) Unemployment in ghetto areas runs as high as 15.6%.

(3) More than half the Negro families in the United States earn less than $5,000 a year; 32% earn less than $3,000.

There are not enough craftsmen to build the houses needed—and there won't be enough until the construction industry taps the supply of labor in the ghettos. Even if there were an adequate manpower supply, the people who need the houses can't afford them, because they don't have the jobs which provide the necessary income.

It is an oversimplification to state that putting the unemployed in the ghetto to work building houses in the ghetto would solve the urban problem. But it would help.

The use of ghetto residents in building and rehabilitating housing is one of the requirements of the model cities program. "We are committed to this," says former HUD secretary Weaver. "I don't think there's any way of getting around it. We have to do it—for two reasons. One, if you don't involve these people, you're not going to have any rehabilitation. Two, if we approach the housing goal of 26 million units in 10 years, we're going to create about a million new jobs, in construction. And we just don't have enough people who are trained."

The ghetto is unquestionably the place to take a training program. The unemployment rate in the Cleveland metropolitan area in 1966 was 3.7%; in the ghetto, it was 15.6%. Detroit's overall unemployment rate is 4.3%, in the ghetto, it's 10.1%. "The severe unemployment rate which the Negro experiences in the 1960's," states a report of the National Committee Against Discrimination in Housing, "is comparable to that experienced by the American public-at-large only in the depth of the Great Depression." The unemployment figures are probably understated. "Among teenagers, 16 to 19 years old," says the NCADH report, "the average unemployment rate [in ghettoes] was 28%; the unemployment rate for nonwhite boys in the age group from 14 to 19 was 31%, and for nonwhite girls, 46%."

About 3.6 million Negroes are now between the ages of 15 and 24, the age bracket in which Negro unemployment is highest. In the next 10 years, another 8 million Negroes will enter that age bracket. Those who do find jobs, often do not earn enough to rise above the poverty level: "One of every five working full time in these areas [the ghettoes] earned less than the basic minimum needs for a family of four, or $60 a week," states the NCADH report.

Construction unions have not made it easy for Negroes to enter the apprenticeship programs. Several builder groups have trained Negroes for sub-trades-rough carpentry, drywall installers—but have not had support from unions.

Most builders—and civil rights groups—would like to have that problem. For now, builders want the craftsmen, and Negroes want the jobs. "If we're going to solve our manpower problems," says NAHB president Lloyd Clarke, "We're going to have to find a way to tap that manpower pool in the cities."

INDUSTRY IS MOVING FROM THE CITIES

"If you stand at O'Hare Airport in Chicago at seven in the morning, says urbanologist Ed Logue, "you can watch the white people commuting to the city and the black people leaving the city for work in the suburbs."

Reverse commuting by Negroes is the result of a trend which has seen a growth of manufacturing industries in the suburbs at the expense of the cities.

According to the Department of Labor more than half of the industrial and commercial facilities constructed between 1954 and 1965 was built in the suburbs.

"The central city is becoming less and less a center for production of goods," says former HUD secretary Weaver. "But it is becoming a tremendous center for a lot of services, a lot of research activities."

The open occupancy provision of the 1968 civil rights act, if it is enforced, will help. But, says Weaver, "it doesn't solve the problem, because you've got to have housing produced as well as having it open. If it's open and it's out of their income possibilities, it doesn't mean anything."

NOT THE SUBURBS

Urban sprawl, commuting, and ever-rising property taxes may be punishment enough for the suburbanites. But their misuse of home rule also has helped devastate the cities. They have left the cities without a strong middle class and a broad tax base. They've left behind the blue-collar workers and the poor. They use the cities as centers of employment and cultural activities and pay little for the services which cities have to provide.

Housing is the key here. One way or another—zoning, codes, subdivision regulations—the suburbs have managed to exclude most of the poor and large segments of the middle class.

A builder put it this way: "The guy living on a quarter-acre lot wants to make sure that the next guy to move in lives on a half-acre lot."

Public housing in some central cities is inordinately expensive—between $20,000 and $25,000 a unit. A large component of the cost is the price of acquiring and clearing land in the city. Land in the suburbs is less expensive, and if it is undeveloped, the cost of clearing existing buildings would be saved. But building public housing in the suburbs today is virtually impossible. Most suburbs won't permit it.

Many suburban communities will not permit government-assisted moderate-income housing, either. They have had the unwitting cooperation of the federal government in locking out builders who would put up housing under Section 221(d)(3) of the National Housing Act. The government requires a community to have a workable program before it qualifies as the site of (d)(3) housing.

The objective was to get communities to prepare workable programs—comprehensive plans for improving the quality of existing and future development. The result has been to provide communities with the perfect device for preventing construction of (d)(3) housing.

A similar situation exists with the rent supplement program. When Congress appropriated funds for supplements, it also required approval of a local government before rent supplement housing could be built.

NEW TOWNS WON'T PROVIDE THE ANSWER TO SUBURBAN SPRAWL

The cities are not going to experience significant population growth. The rural areas will do well to stabilize their population between now and the end of the century. The growth will come in the suburbs, in the urbanizing rings around the central cities. And, possibly, in new towns.

The difficulty in mustering the courage to establish new cities on the order of Detroit or Philadelphia lies in the misfortune of those who have tried to develop more modest new towns. From Radburn in the 1930's to Reston in the 1960's, new towns have met failure more often than they have encountered success.

Many major planned communities currently in progress are financially strapped by shortages of working capital. Housing in these projects is often priced over the market to compensate for higher cost planning, architecture, and community amenities. Prospective buyers, may not place a value on these bonus features in proportion to their extra costs.

There are other difficulties. Frequently, the required commuting times to remote jobs are prohibitive, where there is insufficient local employment to generate a beginning stable population. Or where there are jobs to be had, the available housing is often out of reach of the workers' earnings. Land planning and housing designs may be far ahead of widespread consumer acceptance.

One new town which did succeed is Park Forest, Illinois, 30 miles south of Chicago. Philip Klutznick headed the group which developed Park Forest in the years after World War II, and Klutznick thinks the chances for repeating the success are almost nonexistent.

"We succeeded," he says, "because we had the hottest market in recent history in the United States. It was not our genius. The demand was almost unbelievable."

To increase the chances for success and thus stimulate development of new towns, some level of government obviously has to assume part of the front-end load of community development.

Klutznick thinks the states could perform the function: "They ought to decide that new towns are going to be developed and then select the sites. Then we would have site selection not on the basis of the ability of someone to assemble 10,000 acres at the right price but on the basis of the need to accommodate future growth. Public funds would provide the public facilities of the new town, because it is a public responsibility to build the sewer facility and the water facility and the major arterial. Private developers would be able to acquire parts of the site and develop them."

State governments have shown no inclination to support new town ventures. "Without distorting reality," says Columbia University's Chester Rapkin, "it can be said that the lack of public policy and federal and state governmental participation lies at the root of many of the problems faced by those courageous entrepreneurs who are building America's new towns today."

Rapkin sees new towns "in a structured relationship with the total metropolitan employment-residence system, and not as discrete, fully self-contained units meant to have only occasional contacts with other sections of the region."

But Rapkin recognizes the barriers to new town development. He points out that the mayors of the central cities have been suspicious of the new town concept, fearing that its implementation "would accelerate the drain of population and employment from existing central cities and only serve to compound the already complex problems of these cities."

He knows that the problems of land acquisition, front-end money, and sales resistance have not been overcome. Rapkin has proposals to make new towns feasible. One of them is the use of eminent domain to assemble land. In stressing the importance of eminent domain, he outlines what is likely to happen in the next 32 years: "Without it, the new town technique will be mostly limited to peripheral sites, many of them subject to development only in the later part of the century, and an excessive amount of presently urbanized land will be surrendered to the current wasteful system of scattered suburban development.

"It is thus evident that massive effort is needed if we are to think through the problems, muster the tools, and develop the agencies that will enable us to build new towns on a meaningful scale. As exciting as the

opportunity is, it is difficult to be sanguine about its prospects."

NOT THE RURAL AREAS: EVERYONE'S LEAVING THEM

The needs of rural America are at least as great as those of the cities. No one has estimated its potential as a viable housing market. But it is considerable. There are indications, too, that the rural housing problem is easier of solution than is its urban counterpart. Most estimates divide the number of substandard units evenly between urban and nonurban areas, although there is increasing evidence that rural areas contain more than half the substandard housing in the country. Proportionally, of course, rural America has more than its share of substandard housing—less than a third of the country's population lives in nonurban areas. The Commission on Rural Poverty spells it out in its report:

"Less than one in four occupied rural farm dwellings have water piped into their homes.

"About 30% of all rural families still use the traditional privy.

"Fewer than half of all rural homes have central heating. Most rural homes are heated by kerosene-, gas-, wood-, or coal-burning stoves. The result is uneven heating and an ever-present danger of fire.

"Nearly 60% of all rural families with income of less than $2,000 lived in houses that were dilapidated or lacked complete plumbing."

Among some groups, housing conditions are even worse. "Of the 76,000 houses on Indian reservations and trust lands," says the Commission on Rural Poverty, "at least three fourths are below minimum standards of decency. The houses are grossly overcrowded. More than half are too dilapidated to repair."

The inadequacy of rural housing has been ignored for so long, it sometimes ceases to exist, except for those who have to live with it.

The absence of apartment construction during a long period of time in many rural towns indicates a strong multifamily market in all rental ranges. The need, of course, is greatest in the lowest end of the rental range. "The rural poor, by virtue of their poverty," says the Commission on Rural Poverty, "usually cannot afford to buy a house even with low-interest rate insured loans. . . . In many instances, renting will allow the needed flexibility, and it does not rule out later ownership."

The commission recommends reversing the present administration of the rent supplement program to make it easier for private enterprise to service the market: "Instead of being a supplement, it would be a basic grant. The tenant then would be free to supplement it with his own income and rent housing on the open market. . . . Poor people with housing money and the freedom to shop would provide an incentive for profit-making builders, as well as nonprofit organizations, to supply their housing."

The commissions call for nothing less than a political restructuring of rural areas, broadening the tax base by organizing multicounty governmental units and enticing industry through area development districts. This is the rural version of metropolitan government or regional planning.

IF WE WERE REALLY SERIOUS ABOUT HOUSING, THIS IS WHAT WE'D DO

(1) "We've never had an urban land policy in this country," says HUD former secretary Weaver, "and we clearly need one."

We do indeed, and it is the responsibility of the federal and state governments to establish the broad outlines of a policy for using land in the decades to come. What we have now, as Weaver points out, is "a land policy which reflects an agricultural past and all that's involved in that."

(2) A more immediate need is mass transit. With industry building more and more of its plants in the suburbs and blue-collar workers concentrated in the cities, reverse commuting is fast becoming an important fact of urban life. Reverse commuting is more expensive (proportionate to the commuter's income) and difficult than is ordinary commuting.

We need to re-examine our attitudes toward rapid transit to determine how it affects land use in a metropolitan area; and what is its potential for changing land use.

Whatever we decide, it should be a decision made in the context of intelligent land use.

(3) The states are going to have to take a larger role in urban development. And if they're going to subsidize transportation facilities, as they are, and education, as many are, they are going to need greater control over land use.

(4) There are too many codes now. Even if they were all reasonable, the variations from one code to the next would inhibit the efficiency of the housing industry.

Similarly, states should establish code review groups to act as liaison with the national committee and would also supervise testing.

(5) The property tax in its present form is inadequate. In the cities, it serves as a penalty to property owners who fix up their buildings. In the suburbs, it enables speculators to hold land off the market at little expense and encourages home owners to retard development through restrictive zoning practices.

The case for a site value tax is stated by Mary Rawson in another Urban Land Institute research monograph, *Property Taxation and Urban Development* (ULI has done some of the best research in this area, although the results have not had wide circulation.) "Taxation," says Miss Rawson, "may be viewed as an instrument for the promotion of sound urban development." The present system, she says, "intensifies the housing shortage, lowers standards of space, and cuts into quality."

In the central cities, the site-value tax would have a similar benefit effect. "To exempt improvements and at the same time to tax land more heavily," says Miss Rawson, "would provide a double incentive to the owners of derelict properties to demolish them and to use the land more intensively. Here surely is a golden key to urban renewal, to the automatic regeneration of the city—and not at public expense."

(6) Create a housing investment credit. Corporations have responded well to the 7% investment credit on plant and equipment, says Logue, because "private enterprise responds to one thing—net income after taxes."

(7) It is clear that the apprenticeship period is too long, particularly for residential construction. It is also clear that new training methods will be needed if the pool of labor in the ghettoes is to be tapped.

(8) There are too many crafts now. The best evidence of that is the frequency with which jurisdictional disputes arise. Adhering to jurisdictional lines threaten the feasibility of housing rehabilitation and low-income housing.

(9) There is no question about who should eliminate discrimination by unions. The federal government has the authority and the leverage to force unions to lower the racial barriers.

(10) Congress should be prepared to take greater risks on low-income housing programs—and let HUD know it recognizes the need for risks.

(11) The appropriate vehicle for producing low-income housing is a limited-dividend corporation formed by a group of builders. Local home builders associations could organize the corporations.

Establishment of a multi-builder corporation would not preclude separate ventures by individual builders. In fact, experience gained through the corporation may encourage builders to strike out on their own. The corporation, however, would carry greater weight than any of its builder-stockholders when cooperation is sought from government agencies or lenders.

(12) Lack of credit has been a major impediment to development of a large housing market in rural America, and FHA has gone as far as it could to fill the credit gap. If county supervisors promote the new program, the rural housing market could move into high gear.

(13) The most obvious test of whether we are serious about housing is the action of Congress on appropriations. Until now, housing and urban programs have not been funded adequately, and that fact, more than anything else, accounts for the feeling that a national commitment has not been made.

(14) We need more temporary government employees, young men recruited from industry to serve a few years before resuming their careers. They should have experience in the housing industry, so they can identify with the problems confronting private enterprise.

THERE ARE SOME MEN WHO REALLY DO GIVE A DAMN ABOUT HOUSING

If anyone is going to convince the power structure that housing should have a high priority, it is going to be the kind of man exemplified by Sparkman and Percy, capable of putting aside partisan politics and willing to offer innovative programs.

Percy in particular offers hope. He has devoted considerable time to field research of housing.

Percy will be heard from again. He is going to be an important factor in any effort to accelerate the rate of housing production in this country.

The past year has been characterized by a lot of housing proposals, a lot of talk about housing. Much of the discussion has been worthwhile. Sparkman, Kennedy, Percy, and others have made a contribution by awakening their colleagues and a sizable portion of the country to the urgency of the need to house this country adequately. But the test is coming next year. We will learn in 1969 just how many people really give a damn about housing—and if they care enough to do something about it.

APPOINTMENTS BY SECRETARY OF THE INTERIOR HICKEL

Mr. METCALF. Mr. President, I am pleased to see that Secretary of the Interior Walter Hickel is getting around to naming some of his assistant secretaries.

I understand that Secretary Hickel has finally named three of the assistant secretaries. That is progress. It is about time we had some action from the Secretary. Three assistant secretaries remain to be named, and I hope they will be named soon.

When Stewart Udall took over as Secreary of the Interior, he announced his key people before the inauguration. Their confirmation hearings were held shortly afterward.

Secretary Hickel, however, has allowed dedicated and devoted conservationists, career civil servants such as Director George Hartzog, Jr., of the National Park Service, Director Boyd Rasmussen, of the Bureau of Land Management, Director John Gottschalk, of the Bureau of Sport Fisheries and Wildlife, and Director William Pecora, of the U.S. Geological Survey, to go without guidance as to administration position from superiors because

Secretary Hickel has been laggard in naming them. In this time of vacillation, we have already lost the immensely capable director of the Bureau of Outdoor Recreation, Mr. Edward Crafts. He stuck round for a while, then gave up in frustration to take a more lucrative and challenging position.

Congress, going into the legislative program, is also without administration recommendations and the departmental reports which are basic to intelligent action.

I had began to wonder whether Secretary Hickel was planning to run the show alone. I wondered whether he was planning to do away with subordinate bureaus and agencies and write out his own departmental reports for Congress on pending legislation. I am happy to see that he apparently plans to appoint some Under Secretaries to assist with the management of the Department.

Now he should announce what he is going to do with the dedicated career civil servants who, although they are in the second echelon, are so vital to conservation, wise management, orderly development, and the highest possible use of our natural resources.

FEDERAL TAX PROBLEMS OF NONPROFIT ORGANIZATIONS—ADDRESS BY SENATOR MILLER

Mr. WILLIAMS of Delaware. Mr. President, on February 24 the Senator from Iowa (Mr. MILLER) delivered an address before the American University Fifth Annual Conference on Federal Tax Problems of Nonprofit Organizations.

It is a most thought-provoking analysis of the manner in which abuses have developed or can develop under our existing tax laws as they relate to tax-exempt foundations.

I am sure that his statement will be of interest to the members of both the Senate Finance Committee and the House Ways and Means Committee as well as to other Members of Congress as we approach the question of legislation dealing with this subject.

I ask unanimous consent that the complete text of Senator MILLER's remarks be printed in the RECORD.

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

FEDERAL TAX PROBLEMS OF NONPROFIT ORGANIZATIONS—PRIVATE FOUNDATIONS

(By JACK MILLER, U.S. Senator, Iowa)

Last week the House Ways and Means Committee commenced hearings on tax reform proposals, and the first item on the agenda was the subject of this conference. I don't know of a better indication of the timeliness of such a subject for our consideration.

There are over 30,000 tax exempt foundations with an estimated net worth in excess of $20 billion. Compared to an estimated 7,000 foundations in 1949, their growth over the past twenty years has been highly significant—"alarming," some would say.

The public policy of this Nation has long been to encourage private philanthropy through tax exemptions for charitable organizations and tax deductions for contributors to such organizations. It is an indirect way for the federal government to finance philanthropic activities which the government itself would otherwise have to directly undertake in order to meet the needs of our society.

Private philanthropic foundations can possess important characteristics which government lacks: they may be free of administrative superstructure, possess unique initiative and creativity, be able to experiment with new and untried ventures, and be capable of quick and flexible action—all of these helpful to the shape and direction of charity.

Inasmuch as the federal tax laws have been an important factor in the growth of foundations, Congress has a responsibility to see to it that those laws are so drawn and enforced as to insure that these foundations operate in a manner befitting their purpose. It is only natural, then, for the Treasury Department and the Congress to periodically review the tax laws relating to private foundations to determine whether or not public policy is being served and whether any changes are indicated to enable that policy to be better served.

Important legislation was enacted in 1950 to restrict opportunities for what is known as "self-dealing" and for the accumulation of income; additionally, the income of feeder organizations and the unrelated business income of certain classes of organizations were subjected to tax.

In the Revenue Act of 1964, further restrictions were imposed on foundations seeking to qualify as recipients of unlimited charitable contributions.

Four years ago, pursuant to Congressional requests, the Treasury Department published a comprehensive report on private foundations which was designed to evaluate the revisions of 1950 to see whether they had eliminated the abuses with which they were concerned; also whether any new areas of abuse had developed which should be addressed.

On February 5, of this year, the Tax Reform Studies of the Treasury Department were published, and a goodly portion of Volume 3 is devoted to private foundations. It largely carries forward the recommendations contained in the 1965 study. Significantly, it contains the following language:

"This study [referring to the 1965 study] revealed that the preponderant number of private foundations are performing their functions without tax abuse. However, the study also revealed that a minority of such organizations are being operated so as to bring private advantage to certain individuals, to delay for extended periods of time benefits to charity, and to cause competitive disadvantage between businesses operated by foundations and those operated by private individuals."

So let it be understood that we are here concerned with only a minority of these foundations.

At the same time, that minority has stirred a great deal of concern. Congressman Wright Patman of Texas, who has long been engaged in looking at the impact of private foundations on small business, gave some harsh testimony before the Ways and Means Committee just a week ago. He charged that some foundations engage in practices which not only prejudice their tax-exempt status, but may also be in violation of the antitrust laws through reciprocity arrangements. For example, he cited donations to the Conrad Hilton Foundation by a number of suppliers of the Hilton Hotel chain and asked: "Does not this kind of situation appear to raise the specter of business reciprocity—we will buy from you if you contribute to our Foundation?"

Congressman Patman raised a question of conflict of interest when officials of a foundation work for the federal government, asking whether it isn't inconsistent for Congress to worry about a businessman's conflict of interest "when, at the same time, it permits Mr. McGeorge Bundy to wander in and out of the Government while retaining his $65,000 annual salary from the Ford Foundation." He was critical of the $131,000 in Ford Foundation study grants given last year for travel throughout the world by eight staff members of the late Senator Robert Kennedy, asking if this is what Congress had in mind when it granted tax exemption to charitable foundations. Mr. Bundy's answer that these were especially "gifted" young people in a hardship situation didn't satisfy many people who find that their charitable contributions to individuals and families in need are not deductible. And he ran into suggestions that the Ford Foundation's footing of the bill for overseas trips of Members of Congress constituted lobbying.

Congressman Patman expressd displeasure over some research studies conducted by some foundations, singling out the Mellon Foundation's interest in decoration of medieval tombstones in Bosnia and Herzegovina.

Another Congressman, Representative John Rooney of New York, charged that one foundation became active in charities in his district in behalf of his opponent in a primary campaign.

The foundations themselves are not in agreement on what to do about these problems. The president of one large foundation has come out in favor of the tighter controls recommended in the 1965 Treasury study. Dana Creel, president of the Rockefeller Brothers Fund, suggests that state courts have at their disposal a wide range of remedies, including their power to require erring foundations to revise their boards and to make trustees liable for damages. The president of the foundation center suggests a voluntary system of foundation accreditation administered by the foundations themselves.

Speaking only for myself, I would have to say that leaving the problems up to the states would lay a foundation for considerable nonuniformity under federal tax laws which are supposed to be uniformly applied. The voluntary, self-regulating approach has some merit, but it could scarcely be argued that policy devised by the foundations can substitute for public policy determined by the Congress.

At the same time, I am also concerned over tax laws which, in effect, place the responsibility for policy determinations on revenue agents of the Internal Revenue Service. The agents are not qualified to make such determinations, and it is a certainty that they don't want to do so. It seems to me that some changes in the law are needed, but that these changes must be most carefully drawn, bearing in mind not only the need for equity among all foundations but also the need for administrative feasibility. I would like to say a few words about the areas of need, as I see them, and then, later on tomorrow, let Mr. Arnold discuss specific ways of meeting these needs.

THE PROBLEM OF SELF-DEALING

This relates to transactions between a foundation and a donor which result in financial advantage to the donor and disadvantage to the charitable purpose of the foundation or, at least, no benefit to that purpose.

The present limitations on such transactions were enacted in 1950 and, for the most part, merely prohibit loans by a foundation to a donor which do not have *adequate* security and do not bear a *reasonable* rate of interest, and *substantial* purchases of property by a foundation from a donor for more than an *adequate* consideration or sales of property by a foundation to a donor for less than an *adequate* consideration. Not covered are unrealistic rental transactions between a donor and a foundation, purchases by a foundation of property to keep it out of the hands of a business competing with the donor or his controlled corporation, postponing benefits to charity by having a foundation use its funds to provide capital to a

donor or his controlled corporation (granted that interest rates are "reasonable"); and there are others.

The standards of "adequate," "reasonable," and "substantial," needless to say, have been found terribly difficult and time-consuming to administer, as anyone with experience in cases involving alleged improper accumulation of surplus so well knows. In one case the Tax Court held that, on the particular facts, a mere oral promise by a donor to execute a mortgage in the future constituted "adequate" security for his controlled corporation's loan from the foundation—although the Court recognized that such security would have been ineffective if the property had been sold before the mortgage was executed. In another case, the foundation purchased 20,000 shares of stock in a publicly-held corporation from a donor for $20 per share, although the stock traded at $18 per share on the New York Stock Exchange on the date of the sale.

It would appear that self-dealing transactions have no relevance to the purposes of tax exemption for foundations and tax deductions for donors, and the conclusion is clear that present law does not prevent them. Moreover, since we are talking about only a relatively small percentage of foundations and donors, the benefits to charity and the public interest (not to mention public support of foundations) from a tightening of the law would seem to outweigh any losses which might result from such action. In arriving at a solution, it would seem desirable to keep policy on regular contribution deductions and exemptions for foundations consistent with policy on unlimited contribution deductions to foundations.

In the Revenue Act of 1964, we placed limitations on the kinds of foundations which enable a donor's contributions to qualify for the unlimited charitable contribution deduction, namely: only those which do not engage in financial transactions with their donors or related parties.

DELAY IN BENEFIT TO CHARITY

Inasmuch as charitable undertakings are looked upon with favor because government would otherwise have to assume the burden, it would be logical to expect that a current tax deduction for a contribution to a foundation, or exemption from tax of a foundation's current income, both of which result in loss of revenue to the government, would be accompanied by a current benefit to charitable activities. In the case of contributions to foundations which operate charities, this is generally what happens. In the case of contributions to non-operating foundations, there is a problem.

The 1950 Act sought to deal with the problem by denying tax exempt status to an otherwise qualifying organization for the year that its accumulated income is *unreasonable* in amount or duration, used to a *substantial* degree for purposes other than charity, or invested in such manner as to *jeopardize* the carrying out of charitable activities.

Here, too, the standards of "unreasonable," "substantial," and "jeopardize" have been found terribly difficult and time-consuming to administer. Moreover, a 1962 Treasury survey of tax exempt foundations disclosed that about 25 percent of all private foundations failed to pay out for charitable purposes an amount equal to their regular (not including capital gains) net income.

One Tax Court decision held an accumulation neither "unreasonable in amount or duration" when 80 percent of its income over a five-year period was used to retire debt on property which (other than the production of income) had no relationship to charitable activity. The reasoning in a federal district court decision could be interpreted as sanctioning a ten-year accumulation of income merely to increase a foundation's capital. Treasury can recite numerous cases of accumulations of current income running up to in excess of a million dollars.

It is recognized that accumulations may take the form of capital and activities which some day in the future will benefit charity and the public interest. But they don't do so at the time of the loss of federal revenue, and it would seem only fair to the public that this loss in revenue be accompanied by current benefits to charity—at least equal in amount to the loss of revenue.

In dealing with this problem, it would seem desirable to keep policy on regular tax contribution deductions and exemptions for foundations consistent with policy on unlimited contribution deductions to foundations. The 1964 Act requires a foundation, for purposes of a donor's unlimited charitable contribution deduction, to expend all of its income and one-half the unlimited contribution for charity within three years after the current year.

I am, of course, aware of the "income equivalent" proposal of the Treasury study. Although keeping an open mind on it, I should in all fairness state that I can see difficult administration problems with it. And I would hope that we could simplify the law and its administration rather than merely replace the problems arising from such standards as "unreasonable," "substantial," and "jeopardize" with problems arising from "income equivalent".

FOUNDATION INVOLVEMENT IN BUSINESS

There are at least four policy problems in this area: (1) unfair competition with taxpaying businesses, (2) possibilities for subtle and varied forms of self-dealing not readily covered by legislation, (3) deferral of charitable benefits through accumulations by the business itself rather than by the foundation, and (4) preoccupation of officers and directors of a foundation with business rather than charitable activities for which the tax break accorded foundations was intended.

The fact that the large majority of private foundations do not own businesses (although they may have portfolios of stock in noncontrolled corporations), and that their charitable activities do not appear to have been hampered as a result of the lack of business ownership, suggests that, as a general proposition, there is no need for foundations to engage in business—other than business directly related to the charitable functions of the foundation. I am not referring to "passive" business activities from inactive investments producing interest, rental, or royalty income; or to the business of selling merchandise received as gifts or contributions to a foundation, or sales of items by Goodwill Industries incidental to their fine work of rehabilitation and assistance to the handicapped. I am referring to management of commercial businesses or of a foundation-controlled corporation engaged in commercial business which is unrelated (except as a source of revenue) to the charitable purposes of a foundation.

What does one say to the owner of a business or to the stockholders of a corporation who complain that a tax exempt foundation owns a corporation which can undersell them or outbid them for labor and management talent because profits go tax free to the foundation in the form of tax-deductible rentals. It recalls the perennial efforts of the National Tax Equality Association to have co-operatives subject to tax—efforts which did, at least, result in action by Congress to see to it that someone pays tax on current income (either the co-op or the patron).

Congress tried to do something about foundation competition in the Revenue Act of 1950, subjecting the so-called unrelated business income of foundations and certain other exempt organizations to tax at ordinary rates and removing the immunity formerly enjoyed by so-called "feeder" organizations. However, the exceptions contained in the Act have undercut the expressed intent of Congress. But even if these exceptions are removed—as it would seem they should—there is a problem of competition. Because contributions to foundations are deductible, capitalization of foundations businesses can be achieved with tax-free dollars rather than, as in the case of other businesses, after-tax dollars. A corporation wishing to build a new plant for $1 million would only have $520,000 of its $1 million in profits left over after taxes to use for this purpose. But the same corporation could, instead, pay over its $1 million in profits to a foundation, thus escaping tax, and, through the foundation, have the $1 million plant constructed. The tax immunity of dividends, interest, and royalties coming from passive investments enables foundations to supply capital to their businesses with exempt income not available to the usual business. Moreover, foundations are in a position to defer indefinitely the realization of profits from their controlled corporations, thus enabling profits to be plowed back in to a greater extent than in the case of the usual corporation whose stockholders desire reasonable dividend payments. Treasury can cite examples running into the millions of dollars. Of course, the needs of charity are put aside when this happens.

Finally, a major reason for foundation tax exemption is that, properly managed, a foundation possesses unique capabilities for activity not possessed by government if it had to take on this activity. However, these capabilities are in the foundations officers and directors, and if their time is preoccupied because of the foundations involvement in business—if commercial enterprise becomes the tail that wags the dog, charity suffers and the intent of Congress is frustrated.

Owners and stockholders of taxpaying businesses have become increasingly concerned over the future of our free enterprise system resulting from government competition. There are today an estimated 24,000 commercial and industrial activities of the federal government capitalized at from $30 billion to $150 billion, depending on the accounting approach used. Their income amounts to $5 billion annually, and they employ 700,000 people. State and local governments engage in business activities with annual income and employment approximately half as great. Business involvement of private, tax exempt foundations is only one step removed. I believe action is indicated—beyond merely closing the gaps left in the 1950 Act.

FAMILY USE OF FOUNDATIONS

Some taxpayers have contributed voting stock in a corporation which their family controls to a foundation which the family also controls. They receive income and gift tax deductions for the donations, cut down their estate tax, and achieve tax free control of a corporation to the younger members of the family by later shifting control of the foundation to them. Treasury apparently sees this as bad per se, because it lays a foundation for self-dealing, delay in benefit to charity, and excessive involvement of the foundation in business. My reaction is that these particular problems can be dealt with, regardless of who the contributors are or who controls a foundation or a business. The important thing to bear in mind is the public good, and if family involvement is reconcilable with that, I am not worried about family involvement or prestige as such.

FINANCIAL TRANSACTIONS UNRELATED TO CHARITABLE FUNCTIONS

There are three problem areas here. First is that of foundation borrowing. It is not a widespread problem, but one which would seem to have led to frustration of Congressional intent by those few which have abused it. Involved here is the "bootstrap sale" of

passive income-producing property to a foundation, where the foundation has no personal obligation for the purchase price and the only security for payment is the transferred property itself. The seller is able to receive an inflated purchase price or, if the property is rental property, he can lease it back at reduced rentals—only because the foundation is tax exempt on income from the property. Foundation borrowing for investment purposes, in such a case, results in diverting the tax exemption designed to benefit charity to the benefit of the seller, who may be an officer, director, or trustee of the foundation.

Also involved is what is called "capitalizing upon the tax exemption". By borrowing to acquire investment assets, a foundation can extend the operations of its tax exemption beyond the protection of income from deductible donor gifts to develop funds which eventually enable it to be independent of donor capital. The Revenue Act of 1950 tried to deal with the problem by providing for the taxation of a portion of rent which a foundation receives from property acquired with borrowed funds. However, an exception exists in the case of rents from leases whose terms are not longer than five years, and foundations have readily adapted their acquisitions of investment property to meet this exception. Moreover, the 1950 Act did not cover borrowing to acquire royalties, oil payments, or securities. It would seem that the objective of reasonably current benefit to charity from the loss of tax revenue is being subverted by these practices.

The second problem area is foundation lending to private parties—not in the self-dealing category—which bears no relationship to the needs of charity for a "prudent man rule" to protect investments.

And the third area, somewhat related, is trading and speculation by foundations. While I recognize the problems, I dislike seeing the Internal Revenue Service become involved in them. These are areas which the states or the foundations themselves, as a group, ought to be able to handle. And if the problem of "capitalizing upon the tax exemption" is covered, it would substantially reduce the problem of trading and speculation.

CONTRIBUTIONS OF UNPRODUCTIVE PROPERTY

What should be done about the situation where a donor secures a substantial deduction for contributing assets to a foundation which produce no benefit to charity? Treasury cites the example of a taxpayer who claimed a deduction of $39,500 for the gift of family jewelry to the family foundation. At last report it had been in the foundation's safe deposit box for six years, and it may be there today. Clearly this frustrates the intention of Congress to have the loss to the revenue accompanied by a correlative benefit to charity, and action is indicated.

CONTRIBUTIONS OF SECTION 306 STOCK AND OTHER ORDINARY INCOME ASSETS

In 1954, Congress sought to take care of the problem of the preferred stock bailout and adopted legislation which provides that the amount which a shareholder realizes upon the sale, redemption, or other disposition of certain types of stock (designated Section 306 stock) will be taxed as ordinary income. Unfortunately this coverage does not extend to disposition in the form of a contribution to charity. Accordingly, a stockholder in a corporation which has substantial undistributed earnings can, without tax, receive a dividend of redeemable preferred stock, take a deduction for the full value of the stock by contributing it to a private foundation, and, if no prearranged plan for redemption exists, have no income tax problem when the corporation redeems the stock from the foundation. In effect, the corporate profits have gone from the corporation, through the stockholder, to the foundation; but the stockholder has never paid tax on them and has reduced his income by their entire value; and, of course, the foundation pays no tax.

Treasury cites as example of a taxpayer in the 60 percent bracket who sells Section 306 stock for $20,000. The tax of $12,000 would leave him $8,000. However, if he simply gives the stock to a foundation, he would save $12,000 in taxes, for a net increase of $4,000 by giving rather than by selling.

Similar results can be obtained by donating inventory items and stock in a collapsible corporation to a foundation.

It would seem that these represent genuine "loopholes" which ought to be plugged.

I have tried to cover most of the major problem areas involved in the tax treatment of private foundations. There are other related problems involving the definition of "charitable," "scientific," "literary," and "educational". Does a voter registration drive put on by a foundation come within the definition of "educational"? Granted that it may have a certain amount of social impact, Congress did not think it sufficient to warrant attention by the OEO and specifically prohibited OEO funds from being used for such activity. Senator Murphy's argument was that no funds were required to get out the vote in the election in South Vietnam, and a majority agreed with him.

What about the work of the Ford Foundation in developing hybrid rice seed for Indian farmers to improve their production? Most of us would probably agree that this was "scientific" or "educational". But suppose the activity was extended to countries prohibited from receiving our foreign aid?

And, finally, what do we do about Congressman Patman's problem with the Hilton chain: "We will buy from you if you contribute to our Foundation"?

I guess the Finance Committee will let Ways and Means figure that one out.

OVERCHARGES BY ELECTRIC UTILITIES

Mr. METCALF. Mr. President, electric utilities are requesting record rate increases, despite record profits.

Their 1969 overcharge amounted to $1.4 billion, up $58 million from the previous year.

Yet, despite the fallacious utility advertisements about the decreasing price of electricity, the electric utilities had requests for $190,299,000 in rate increases—an all-time record—pending at the beginning of this year. That, of course, was before Potomac Electric Power Co. filed its request for another $18,850,000.

The overcharge is the difference between what the large investor-owned utilities earned and what they would have made with a 6-percent rate of return. Because interest rates on long-term IOU debt are low, averaging 4 percent, a 6-percent rate of return would bring a return of about 9 percent on their common stock. That is a reasonable return on common stock. That is what the Bell telephone system makes. In contrast, power companies averaged 12.8 percent return on their common stock in 1967, as they did in 1966. Thirty years ago, the power companies were paying 4 percent interest, as they are now, but earning only 7.7 percent on their stock, instead of the 12.8 percent they average now.

The 1967 overcharge hit consumers hardest in Texas, $172,307,000; Illinois, $136,202,000; Ohio, $133,230,000; Pennsylvania, $83,647,000; and Michigan, $73,889,000. Next were Indiana, $70,910,000; California, $70,733,000; and Florida, $69,482,000.

The biggest bite on the electric consumer, for the third straight year, came from Commonwealth Edison, which serves the Chicago area. It had a rate of return of 8.8 percent, a return on common stock equity of 14.8 percent. Its $96,867,000 overcharge was bigger than the combined budgets of the utility regulatory commissions in all the States. Next were:

Company	Overcharge	Rate of return (percent)	Return on common stock (percent)
Houston Lighting & Power	$39,100,000	9.8	14.7
Detroit Edison	37,448,000	7.93	11.8
Pacific Gas & Electric	35,298,000	6.76	12.4
Consumers Power (Michigan)	33,644,000	8.26	12.8
Florida Power & Light	33,581,000	8.13	12.3
Southern Cal. Edison	31,121,000	6.81	11.7
Ohio Edison	31,065,000	8.75	16
Ohio Power	30,499,000	8.56	19.7
Cleveland Electric Illuminating	25,801,000	9.1	15.0

That makes a total annual overcharge of $394,424,000 for the big 10 power companies. However, these are huge systems. Customers of some smaller utilities are worse off.

For example, Montana Power had a higher rate of return—10.667—than any of the big 10. It had a 16.4 percent rate of return on common stock equity. It collected a $12,129,000 overcharge from only 142,237 residential and 20,311 small commercial customers. The overcharge cost each of those customers an average of $75 in 1967—and that was before the $7 million rate increase for the company just approved by the Montana Public Service Commission.

Mr. President, I ask unanimous consent to have printed in the RECORD the statistics on electric utility earnings in 1967, furnished by the Federal Power Commission from the reports filed with it by utilities, as well as the cover letter from FPC Chairman Lee White of January 31, 1969, which explains that the Commission refers to the overcharge as the "difference" in view of the fact that various States use different rate base and income calculations. The great value of the uniform reports is that they permit meaningful comparison between utility earnings in different States. The comparison of earnings based on different rate bases is akin to comparing a lemon with a grapefruit. To illustrate, the 1967 rate of return of Montana Power was actually 10.66 percent. But the Montana utility commission and Montana Power contended that it was only 5.33 percent, based on the inflated and unfair "fair value" rate base used in Montana and some other States.

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

FEDERAL POWER COMMISSION,
Washington, January 31, 1969.

Hon. LEE METCALF,
U.S. Senate,
Washington, D.C.

DEAR SENATOR METCALF: As requested in your letter of December 10, 1968, acknowl-

edged December 18, 1968, we are enclosing a schedule showing the dollar differences together with the tax effect between earnings at the 1967 rates of return appearing for individual companies in the 1967 edition of Statistics of Privately Owned Electric Utilities in the United States and an assumed six percent rate of return.

As noted in our publication, the rates of return shown in the publication result from rate base and income calculations according to FPC formulae which may differ in important respects from formulae used in the various states. In many, the method of determining the rate base differs from that used in the FPC formulae. Also, the treatment of income taxes differs among the various jurisdictions as does the treatment of other elements of the cost of service. The rates of return as calculated according to FPC formulae are not intended as an evaluation of the reasonableness of the earnings of any electric utility company under the applicable State or local regulatory standards and for this reason the Commission does not use any evaluative phrase such as "overcharge" to characterize the differential. During 1968 this Commission received several inquiries concerning the use of the term "overcharge" and in each case we advised the individual making the inquiry that we did not use "overcharge" to describe the difference between reported earnings and earnings at an assumed rate of six percent or at any other assumed rate.

Sincerely,

LEE C. WHITE,
Chairman.

DOLLAR DIFFERENCE BETWEEN EARNINGS AT RATES OF RETURN APPEARING IN THE RATE-OF-RETURN SECTION OF THE 1967 EDITION OF STATISTICS OF PRIVATELY OWNED ELECTRIC UTILITIES AT AN ASSUMED 6-PERCENT RETURN

Class A Electric Utility Companies

[Dollar amounts in thousands]

State and company	Operating income at published rate of return: Amount	Rate (percent)[1]	Operating income at an assumed 6-percent rate	Difference	Tax effect (at 48-percent rate)	Difference plus tax effect	State total difference plus tax effect
Alabama							$19,260
Alabama Power Co	$50,452	7.24	$41,821	$8,631	$7,967	$16,598	
Southern Electric Generating Co	8,056	7.25	6,671	1,384	1,278	2,662	
Arizona							4,149
Arizona Public Service Co	19,676	5.80	20,340				
Citizens Utilities Co	1,317	8.06	980	336	310	647	
Tucson Gas & Electric Co	7,493	7.93	5,672	1,821	1,681	3,502	
Arkansas							9,363
Arkansas-Missouri Power Co	1,894	6.86	1,657	236	218	454	
Arkansas Power & Light Co	27,339	7.22	22,706	4,633	4,276	8,909	
California							70,733
Pacific Gas & Electric Co	163,429	6.76	145,074	18,355	16,943	35,398	
San Diego Gas & Electric Co	17,730	6.87	15,487	2,243	2,070	4,314	
Southern California Edison Co	135,886	6.81	119,703	16,183	14,938	31,121	
Colorado							9,746
Home Light & Power Co	661	7.52	527	133	123	256	
Public Service Co. of Colorado	27,604	7.31	22,669	4,934	4,555	9,490	
Western Colorado Power Co	662	4.31	923				
Connecticut							23,582
Connecticut Light & Power Co	27,810	7.52	22,184	5,626	5,193	10,820	
Hartford Electric Light Co	17,423	7.36	14,212	3,211	2,964	6,176	
United Illuminating Co	11,918	8.42	8,493	3,424	3,161	6,586	
Delaware							4,672
Delmarva Power & Light Co	11,411	7.62	8,981	2,429	2,242	4,672	
District of Columbia							8,342
Potomac Electric Power Co	42,804	6.68	38,466	4,338	4,004	8,342	
Florida							69,482
Florida Power Corp	35,394	8.11	26,170	9,223	8,514	17,737	
Florida Power & Light Co	66,728	8.13	49,265	17,462	16,119	33,581	
Gulf Power Co	11,139	8.56	7,812	3,327	3,071	6,398	
Tampa Electric Co	20,225	8.60	14,106	6,118	5,647	11,766	
Georgia							25,266
Georgia Power Co	61,817	7.49	49,506	12,311	11,364	23,675	
Savannah Electric & Power Co	4,970	7.20	4,142	827	764	1,591	
Idaho							1,560
Idaho Power Co	21,862	6.23	21,051	811	749	1,560	
Illinois							136,202
Central Illinois Light Co	9,151	7.83	7,012	2,139	1,974	4,114	
Central Illinois Public Service Co	22,528	8.66	15,607	6,921	6,389	13,311	
Commonwealth Edison Co	158,245	8.80	107,874	50,371	46,496	96,867	
Electric Energy, Inc	4,049	3.50	6,936				
Illinois Power Co	32,317	9.27	20,923	11,393	10,517	21,910	
Indiana							70,910
Alcoa Generating Corp	1,041	3.99	1,567				
Commonwealth Edison Co. of Indiana	4,931	6.23	4,749	181	167	349	
Indiana-Kentucky Electric Corp	3,980	3.52	6,784				
Indiana & Michigan Electric Co	30,833	7.93	23,331	7,502	6,925	14,427	
Indianapolis Power & Light Co	19,459	9.80	11,913	7,545	6,965	14,511	
Northern Indiana Public Service Co	25,318	9.41	16,146	9,171	8,465	17,637	
Public Service Co. of Indiana, Inc	37,889	8.41	27,021	10,868	10,032	20,901	
Southern Indiana Gas & Electric Co	5,758	8.32	4,153	1,604	1,481	3,085	
Iowa							22,851
Interstate Power Co	10,410	7.33	8,525	1,884	1,739	3,624	
Iowa Electric Light & Power Co	9,035	8.52	6,363	2,671	2,484	5,138	
Iowa-Illinois Gas & Electric Co	8,694	8.73	5,972	2,721	2,512	5,233	
Iowa Power & Light Co	9,599	6.76	8,517	1,082	999	2,081	
Iowa Public Service Co	8,005	7.65	6,275	1,730	1,597	3,328	
Iowa Southern Utilities Co	4,394	10.13	2,601	1,792	1,654	3,447	
Kansas							14,756
Central Kansas Power Co	1,120	7.09	948	172	159	332	
Kansas Gas & Electric Co	13,296	7.50	10,638	2,657	2,453	5,110	
Kansas Power & Light Co	13,707	7.95	10,351	3,355	3,097	6,453	
Western Power & Gas Co., Inc	6,421	7.81	4,933	1,487	1,373	2,861	
Kentucky							24,722
Kentucky Power Co	6,895	8.76	4,725	2,170	2,003	4,173	
Kentucky Utilities Co	16,278	8.80	11,094	5,183	4,785	9,969	
Louisville Gas & Electric Co	16,190	8.89	10,925	5,264	4,859	10,124	
Union Light, Heat & Power Co	1,736	6.95	1,498	237	219	456	
Louisiana							35,466
Central Louisiana Electric Co	9,337	8.66	6,468	2,868	2,647	5,516	
Louisiana Power & Light Co	24,200	7.83	18,549	5,650	5,215	10,865	
New Orleans Public Service, Inc	18,435	13.00	8,511	9,924	9,160	19,085	
Maine							4,200
Bangor Hydro-Electric Co	2,585	7.16	2,167	418	385	804	
Central Maine Power Co	15,809	6.68	14,194	1,615	1,491	3,107	
Maine Public Service Co	1,444	6.70	1,294	150	138	289	

See footnote at end of table.

DOLLAR DIFFERENCE BETWEEN EARNINGS AT RATES OF RETURN APPEARING IN THE RATE-OF-RETURN SECTION OF THE 1967 EDITION OF STATISTICS OF PRIVATELY OWNED ELECTRIC UTILITIES AT AN ASSUMED 6-PERCENT RETURN—Continued

Class A Electric Utility Companies—Continued

[Dollar amounts in thousands]

State and company	Operating income at published rate of return		Operating income at an assumed 6-percent rate	Difference	Tax effect (at 48-percent rate)	Difference plus tax effect	State total difference plus tax effect
	Amount	Rate (percent)[1]					
Maryland							$15,452
Baltimore Gas & Electric Co	$36,901	7.36	$30,101	$6,800	$6,276	$13,077	
Conowingo Power Co	450	5.31	508				
Delmarva Power & Light Co. of Maryland	2,526	5.64	2,689				
Potomac Edison Co	6,511	7.40	5,276	1,235	1,140	2,375	
Massachusetts							37,317
Boston Edison Co	31,871	7.96	24,032	7,839	7,236	15,075	
Brockton Edison Co	2,416	9.31	1,557	859	793	1,653	
Cambridge Electric Light Co	2,044	9.34	1,312	731	675	1,406	
Cape & Vineyard Electric Co	1,628	8.82	1,107	521	481	1,002	
Fall River Electric Light Co	1,130	10.15	668	462	426	888	
Fitchburg Gas & Electric Light Co	1,112	7.55	884	227	210	438	
Holyoke Power & Electric Co	55	5.84	57				
Holyoke Water Power Co	2,186	7.91	1,657	528	487	1,016	
Massachusetts Electric Co	15,906	6.07	15,714	192	177	369	
Montaup Electric Co	2,324	5.89	2,369				
New Bedford Gas & Edison Light Co	2,884	9.01	1,920	963	889	1,853	
New England Power Co	21,061	8.01	15,769	5,292	4,885	10,177	
Western Massachusetts Electric Co	8,391	7.63	6,602	1,789	1,651	3,440	
Yankee Atomic Electric Co	1,559	5.50	1,743				
Michigan							73,889
Consumers Power Co	63,904	8.26	46,409	17,494	16,149	33,644	
Detroit Edison Co	79,921	7.93	60,448	19,473	17,975	37,448	
Edison Sault Electric Co	966	9.76	593	372	343	716	
Michigan Gas & Electric Co	920	9.81	563	357	330	687	
Upper Peninsula Generating Co	975	4.38	1,334				
Upper Peninsula Power Co	2,454	8.52	1,729	725	669	1,394	
Minnesota							23,160
Minnesota Power & Light Co	7,890	6.62	7,147	742	685	1,428	
Northern States Power Co	43,932	8.08	32,632	11,300	10,431	21,732	
Mississippi							13,920
Mississippi Power Co	11,273	8.06	8,295	2,878	2,656	5,534	
Mississippi Power & Light Co	17,442	8.00	13,081	4,360	4,025	8,386	
Missouri							27,006
Empire District Electric Co	4,264	8.14	3,142	1,121	1,035	2,157	
Kansas City Power & Light Co	21,930	7.22	18,218	3,712	3,426	7,139	
Missouri Edison Co	883	5.35	989				
Missouri Power & Light Co	2,887	6.20	2,794	93	86	180	
Missouri Public Service Co	5,913	7.63	4,653	1,260	1,163	2,423	
Missouri Utilities Co	1,163	5.78	1,208				
St. Joseph Light & Power Co	2,836	7.77	2,191	644	595	1,239	
Union Electric Co	51,737	6.97	44,525	7,211	6,656	13,868	
Montana							12,129
Montana Power Co	14,433	10.66	8,126	6,307	5,822	12,129	
Nevada							4,563
Nevada Power Co	6,428	7.13	5,406	1,021	942	1,963	
Sierra Pacific Power Co	6,230	7.66	4,877	1,352	1,248	2,600	
New Hampshire							3,194
Concord Electric Co	349	6.76	309	39	36	75	
Granite State Electric Co	547	7.74	424	123	113	236	
Public Service Co. of New Hampshire	11,319	6.92	9,820	1,499	1,384	2,883	
New Jersey							38,615
Atlantic City Electric Co	16,629	7.12	14,008	2,620	2,418	5,039	
Jersey Central Power & Light Co	24,117	7.26	19,924	4,193	3,870	8,063	
New Jersey Power & Light Co	6,227	6.23	5,994	232	214	447	
Public Service Electric & Gas Co	89,371	6.98	76,856	12,514	11,551	24,066	
Rockland Electric Co	1,561	9.00	1,040	520	480	1,000	
New Mexico							7,409
New Mexico Electric Service Co	1,548	12.15	765	783	723	41,507	
Public Service Co. of New Mexico	8,710	9.27	5,640	3,069	2,833	5,902	
New York							41,579
Central Hudson Gas & Electric Corp	9,379	6.49	8,674	705	651	1,357	
Consolidated Edison Co. of New York, Inc	167,715	5.61	179,494				
Long Island Lighting Co	37,749	7.11	31,860	5,889	5,436	11,325	
New York State Electric & Gas Corp	27,717	7.16	23,222	4,494	4,148	8,643	
Niagara Mohawk Power Corp	61,525	6.66	55,466	6,058	5,592	11,651	
Orange & Rockland Utilities, Inc	7,907	7.56	6,275	1,632	1,506	3,138	
Rochester Gas & Electric Corp	14,057	7.52	11,215	2,841	2,623	5,465	
North Carolina							37,679
Carolina Power & Light Co	34,046	7.31	27,938	6,108	5,638	11,746	
Duke Power Co	59,926	7.64	47,060	12,865	11,875	24,741	
Nantahala Power & Light Co	1,376	10.43	792	584	539	1,124	
Yadkin, Inc	1,100	6.20	1,064	35	33	68	
North Dakota							3,224
Montana-Dakota Utilities Co	4,964	7.24	4,116	847	782	1,630	
Otter Tail Power Co	5,971	6.97	5,142	829	765	1,594	
Ohio							133,230
Cincinnati Gas & Electric Co	29,613	9.37	18,957	10,656	9,836	20,493	
Cleveland Electric Illuminating Co	39,420	9.10	26,003	13,416	12,384	25,801	
Columbus & Southern Ohio Electric Co	19,004	7.39	15,426	3,578	3,302	6,880	
Dayton Power & Light Co	20,315	8.69	14,032	6,283	5,800	12,083	
Ohio Edison Co	51,344	8.75	35,190	16,154	14,911	31,065	
Ohio Power Co	53,036	8.56	37,176	15,859	14,639	30,499	
Ohio Valley Electric Corp	5,299	4.36	7,290				
Toledo Edison Co	15,355	7.66	12,022	3,332	3,076	6,409	
Oklahoma							21,485
Oklahoma Gas & Electric Co	27,837	7.99	20,898	6,939	6,405	13,344	
Public Service Co. of Oklahoma	19,105	7.71	14,871	4,233	3,907	8,141	
Oregon							8,005
California-Pacific Utilities Co	1,615	6.86	1,412	203	187	390	
Pacific Power & Light Co	41,876	6.31	39,810	2,066	1,907	3,973	
Portland General Electric Co	20,508	6.61	18,614	1,894	1,748	3,642	

See footnote at end of table.

DOLLAR DIFFERENCE BETWEEN EARNINGS AT RATES OF RETURN APPEARING IN THE RATE-OF-RETURN SECTION OF THE 1967 EDITION OF STATISTICS OF PRIVATELY OWNED ELECTRIC UTILITIES AT AN ASSUMED 6-PERCENT RETURN—Continued

Class A Electric Utility Companies—Continued

[Dollar amounts in thousands]

State and company	Operating income at published rate of return: Amount	Rate (percent) [1]	Operating income at an assumed 6-percent rate	Difference	Tax effect (at 48-percent rate)	Difference plus tax effect	State total difference plus tax effect
Pennsylvania							$83,647
Duquesne Light Co	$37,132	8.04	$27,715	$9,416	$8,692	$18,108	
Metropolitan Edison Co	19,290	6.90	16,772	2,517	2,323	4,841	
Pennsylvania Electric Co	34,243	7.16	28,688	5,555	5,127	10,682	
Pennsylvania Power Co	6,934	7.74	5,377	1,556	1,436	2,992	
Pennsylvania Power & Light Co	42,186	6.92	36,584	5,602	5,171	10,773	
Philadelphia Electric Co	70,415	7.19	58,741	11,673	10,775	22,449	
Potomac Edison Co. of Pennsylvania	708	4.99	852				
Safe Harbor Water Power Corp	945	4.93	1,151				
United Gas Improvement Co	1,952	7.50	1,562	389	359	749	
West Penn Power Co	26,716	8.04	19,928	6,787	6,265	13,053	
Rhode Island							2,105
Blackstone Valley Electric Co	2,318	10.01	1,389	928	856	1,785	
Narragansett Electric Co	7,762	5.73	8,123				
Newport Electric Corp	702	7.86	535	166	153	320	
South Carolina							9,765
South Carolina Electric & Gas Co	19,696	8.08	14,618	5,077	4,687	9,765	
South Dakota							926
Black Hills Power & Light Co	2,002	6.47	1,858	144	133	277	
Northwestern Public Service Co	2,027	7.20	1,689	337	311	649	
Tennessee							246
Kingsport Power Co	865	6.57	789	75	69	145	
Tapoco, Inc	1,066	6.31	1,013	52	48	101	
Texas							172,307
Central Power & Light Co	24,056	10.29	14,031	10,025	9,254	19,279	
Community Public Service Co	4,796	7.51	3,831	965	891	1,856	
Dallas Power & Light Co	21,844	7.86	16,682	5,162	4,765	9,927	
El Paso Electric Co	8,263	9.55	5,188	3,074	2,837	5,912	
Gulf States Utilities Co	38,540	8.25	28,017	10,523	9,714	20,238	
Houston Lighting & Power Co	52,424	9.80	32,092	20,332	18,768	39,100	
Southwestern Electric Power Co	17,316	9.08	11,444	5,872	5,420	11,292	
Southwestern Electric Service Co	1,089	7.49	872	217	200	417	
Southwestern Public Service Co	23,211	7.82	17,799	5,411	4,995	10,407	
Texas Electric Service Co	34,446	8.87	23,300	11,145	10,288	21,434	
Texas Power & Light Co	37,494	9.17	24,533	12,960	11,963	24,924	
West Texas Utilities Co	10,712	9.45	6,801	3,911	3,610	7,521	
Utah							1,638
Utah Power & Light Co	19,359	6.28	18,507	851	786	1,638	
Vermont							1,494
Central Vermont Public Service Corp	3,511	7.06	2,983	528	487	1,016	
Green Mountain Power Corp	1,808	6.96	1,559	248	229	478	
Vermont Electric Power Co., Inc	494	5.07	585				
Virginia							22,535
Old Dominion Power Co	423	5.62	452				
Potomac Edison Co. of Virginia	1,436	6.05	1,425	11	10	21	
Virginia Electric & Power Co	71,642	7.17	59,935	11,707	10,806	22,514	
Washington							4,720
Puget Sound Power & Light Co	16,810	5.79	17,411				
Washington Water Power Co	16,616	7.04	14,161	2,454	2,266	4,720	
West Virginia							16,714
Appalachia Power Co	37,794	7.32	30,998	6,796	6,273	13,069	
Monongahela Power Co	11,818	7.13	9,942	1,875	1,731	3,606	
Potomac Edison Co. of West Virginia	1,279	5.37	1,429				
Wheeling Electric Co	1,269	6.10	1,248	20	19	39	
Wisconsin							18,624
Consolidated Water Power Co	525	8.50	371	154	142	296	
Lake Superior District Power Co	1,848	6.92	1,602	245	226	472	
Madison Gas & Electric Co	2,848	6.31	2,707	140	129	269	
Northern States Power Co	6,180	6.99	5,303	876	809	1,685	
Superior Water, Light & Power Co	458	7.23	380	78	72	150	
Wisconsin Electric Power Co	30,640	6.72	27,371	3,268	3,017	6,285	
Wisconsin Michigan Power Co	4,026	6.67	3,623	402	371	774	
Wisconsin Power & Light Co	12,659	7.60	9,999	2,659	2,454	5,114	
Wisconsin Public Service Co	10,252	7.33	8,390	1,861	1,718	3,579	
Wyoming							91
Cheyenne Light, Fuel & Power Co	544	6.57	497	47	43	91	
Hawaii							5,507
Hawaiian Electric Co., Inc	13,071	7.59	10,339	2,732	2,521	5,253	
Hilo Electric Light Co., Ltd	1,303	6.46	1,211	91	84	176	
Maki Electric Co., Ltd	763	6.34	722	40	37	78	
Total							1,397,437

[1] The published rates of return result from rate base and income calculations according to FPC formulas which may differ in important respects from formulas used in the various States. For example, the method of determining rate base and the treatment of income taxes may result in substantial differences in the reported income using FPC standards compared to some State standards.

INCREASES IN CONGRESSIONAL SALARIES

Mr. WILLIAMS of Delaware. Mr. President, the Washington Daily News of March 5 contains an article by Dan Thomasson pointing out the ridiculous aftereffects of the recent congressional action raising top executive, judicial, and congressional salaries from 40 to 70 percent.

As the article points out, the Doorkeeper of the House of Representatives will now get $40,000 per year, and the Sergeant at Arms, who has charge of the Capitol Hill Police activities, will get $40,000 per year, or $15,000 per year more than the Washington Chief of Police.

The pay of the postmaster in the Capitol is scheduled to be raised to $36,000 per year. I understand similar resolutions will be introduced to raise the salary of the Senate employees. These increases have reached the ridiculous stage. Why should the postmaster of the Capitol draw a salary 30 percent higher than the postmasters of any of our largest cities?

With our Government still operating at a deficit of over $500 million per month this extravagant round of salary increases cannot be justified. Inflation is still the second greatest problem confronting our country, and thus far no effective steps have been taken to control it.

How can Congress or the executive branch urge fiscal restraint on the part of private industry and organized labor while at the same time proceeding on this slap-happy merry-go-round of raising its own salaries?

The time is long past due when both Congress and the executive branch should begin expressing some concern

for the plight of the millions of taxpayers, who next month will have a struggle to meet their obligations to the Government.

The first order of business of the 91st Congress, instead of initiating a round of large salary increases, should have been a determined effort to control Government expenditures and bring our precarious financial structure under control. The American dollar is still not out of trouble, as was demonstrated by the price of gold reaching a new high this week.

I ask unanimous consent that the Daily News article be printed in the RECORD.

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

THE $40,000 DOORMAN

(By Dan Thomasson)

House doorkeeper William M. (Fishbait) Miller, whose annual big moment comes when he announces the President as he enters the House for his state of the union message, is now making $40,000 a year.

Mr. Miller, the gregarious Mississippian whose other responsibilities include supervising page boys, door men and rest room attendants, is a member of an elite group of five house employes boosted to the $40,000-a-year level as a result of the recent congressional pay increase.

So is Sergeant at Arms Zeake W. Johnson Jr., guard of the mace which is the official symbol of house authority, and supervisor of Capitol Hill police activities. Mr. Johnson's salary is $15,000 a year more than that of Washington's chief of police.

The other three House employes now earning $40,000 annually are Clerk W. Pat Jennings, legislative counsel Edward O. Craft and the chief of staff of the Joint Committee on Internal Revenue Taxation, Laurence N. Woodworth.

All five, who are Democratic patronage employes, were being paid $29,500-a-year before lawmakers boosted top government salaries by refusing to veto former President Johnson's recommended increases for members of Congress, federal judges and high-ranking officials of the executive branch.

The salaries of the five House employes are tied to level three of the pay schedule for executive branch officials. When that level went up to $40,000 on Feb. 15, so did the pay of the House officials.

Another House official whose salary jumped $10,000 annually because of the congressional pay boost is parliamentarian Lewis Deschler. At $41,191—only $1,309 less than a Congressman makes—Mr. Deschler is the highest paid employe in the House.

One House employe not tied to the executive pay schedule is Postmaster H. H. (Hap) Morris.

PAY HIKE PUSHED

But a resolution to boost Mr. Morris' pay to $36,000 a year has been introduced by his fellow Kentuckians, Democratic Reps. Carl D. Perkins and John C. Watts. If approved, as expected, the resolution would make Mr. Morris the highest paid postmaster in the nation.

Mr. Morris now earns $27,800 a year. This is the top salary that can be paid the postmasters of the five leading cities in the nation—New York City, Chicago, Los Angeles, Boston and Philadelphia. The top salaries of these postmasters will jump to $32,154 on July 1.

Mr. Morris supervises 85 employes serving the 435 members of the House, their office staffs and the staffs of committees. In comparison, the New York City postmaster oversees work of 49,000 employes serving 3.4 million mail users in Manhattan.

The huge increases being paid these House officers is forcing Republican leaders to seek healthy pay boosts for their own top employes. Plans call for introducing resolutions to jump the yearly salary of the minority clerk, sergeant at arms, doorkeeper and others from $28,500 to $36,000.

The congressional pay increase also has paved the way for pushing the salaries of top House committee staff members to $33,000 annually by next July.

And within the next few weeks, congressional leaders hope to push thru the House and Senate whopping increases for House Speaker John McCormack, D., Mass., Vice President Spiro T. Agnew, Senate Democratic Leader Mike Mansfield (Mont.), House Democratic Leader Carl Albert (Okla.), Senate Republican Leader Everett M. Dirksen (Ill.), House Republican Leader Gerald R. Ford (Mich.), and Senate President Pro-Tem Richard B. Russell, D-Ga.

Mr. Agnew and Rep. McCormack would go from $43,000 annually to $62,500. Sen. Mansfield, Rep. Albert, Rep. Ford, Sen. Dirksen and Sen. Russell who now earn $42,500 would jump to $55,000. Under the old congressional pay schedule the majority and minority leaders received $35,000—$5,000 more than was paid to rank-and-file members.

MOVE DELAYED

Congressional leaders had planned to push the pay hike for these six officers thru the House last Monday under suspension of the rules but backed off because of increasing public outcries over the congressional salary increases. Plans now call for bringing the bill to the floor in about two weeks.

Senate employes apparently are less well off than their House counterparts. The top Senate employes are not tied to the executive pay schedule and must depend upon an order from Sen. Russell for their pay increases.

Senate Secretary Francis R. Valeo, whose position is comparable to House Clerk Jennings, jumped from $28,500 to $32,000 on March 1 as did Senate Sergeant-at-Arms Robert G. Dunphy. Senate officials are now studying whether to recommend to Sen. Russell that the salaries of Mr. Valeo and Mr. Dunphy be raised to $40,000.

SENATE POWER OVER FOREIGN POLICY AND THE HUMAN RIGHTS CONVENTIONS—XXII

Mr. PROXMIRE. Mr. President, we live in a plural world, and if we have any moral fiber and meaning as a nation, our power as an international policymaker must be used. However, at the same time, a delicate judgment has to be made as to when that power should be restrained by considerations of national interest and a tolerance for the diversity of ideologies. By right and authority that power and judgment ultimately rests in the office of the Presidency upon the advice and counsel of appropriate executive departments and the Congress. The Constitution vests the Executive with broad powers over the conduct of our foreign policy. The President is Commander in Chief of our Armed Forces, he appoints all our Ambassadors and emissaries, and he is vested with authority to enter into treaties and other international agreements.

But real power does exist in Congress in helping to direct our foreign policy:

An international treaty must be ratified by the Senate;

Appropriations to support or curtail our international commitments, such as foreign aid, defense, and so forth must be approved by the Congress;

The Senate and House Chambers can provide an open and public forum for debate on foreign policy matters;

Resolutions can be passed either to support or censure Executive actions on international affairs;

And, legislation can be implemented to limit presidential action.

Power exists within the Senate with regard to our Nation's foreign policy—the main question is over the implementation of that power.

We in the Senate have neglected to exercise that power by not ratifying the very basic Human Rights Conventions on Genocide, Forced Labor, and Women's Rights. We should not allow the U.S. Senate to be only an echo of Executive policy in this area of foreign policy. It is basic to our very concept as a nation and as a part of the world body to ratify these conventions now.

REPRESENTATIVE WILBUR D. MILLS RECEIVES SENATOR ARTHUR WATKINS DISTINGUISHED CONGRESSIONAL SERVICE AWARD

Mr. BENNETT. Mr. President, on February 27, my good friend, the distinguished chairman of the House Ways and Means Committee, WILBUR D. MILLS, was awarded the Senator Arthur V. Watkins Distinguished Congressional Service Award at the University of Utah.

The award was created a few years ago to honor my former colleague and friend, Arthur V. Watkins, for the courage and integrity that he exhibited during his lifetime of public service. The recipient of the award last year was my good friend the distinguished majority leader Senator MIKE MANSFIELD whom I might add richly deserved the prize. By receiving it, Senator MANSFIELD in turn distinguished the award itself.

This year the selection committee for the Arthur V. Watkins Award did not have to look very far to find an American in public service in the same tradition of Arthur Watkins and MIKE MANSFIELD. Looking down the events of 1968, and more broadly, the 90th Congress, they found, in his own words, "A country boy from Arkansas" who stood on his principles. WILBUR MILLS almost singlehandedly forced the Johnson administration to accept a reduction in Federal expenditures if it wanted Congress to pass the recommended surtax bill. I think to appreciate the courage of that stand one must realize the pressures and the powerful persons who took the opposition position of Chairman MILLS. I think it can be said of the chairman of the Ways and Means Committee that his courageous and successful stand not only restored balance to Federal financing, but also to the separation-of-powers concept in the American system of government. More important than the restored balance in Federal spending was his courageous contribution to a redress of the imbalance between Congress and the Presidency which has grown tremendously in favor of the executive branch in the past few years. I am sure this is one reason why the committee chose WILBUR D. MILLS to receive the Watkins Award. I ask unani-

mous consent that the remarks of Representative MILLS in accepting the award be printed in the RECORD.

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

REMARKS OF CONGRESSMAN WILBUR D. MILLS, ACCEPTING THE ARTHUR V. WATKINS DISTINGUISHED CONGRESSIONAL SERVICE AWARD, UNIVERSITY OF UTAH, FEBRUARY 27, 1969

Senator Watkins, President Fletcher, distinguished trustees, faculty, students, alumni and friends of the University of Utah, ladies and gentlemen: To say that I am honored beyond fondest expectations to be here at this great university on this occasion is an understatement of grossest proportions. Nice things like this just don't happen very often to a country boy from Arkansas.

Mrs. Mills and I are receiving a two-fold blessing in this most enjoyable experience of visiting your remarkable and progressive State. First and foremost, of course, is the honor of receiving the coveted Arthur V. Watkins Distinguished Congressional Service Award. Though this is only the second year that the award has been given, all of us in the Congress are very much aware of its existence, and those of us in the House of Representatives take considerable pride in the fact that this year your selection committee has chosen one from our ranks.

I heartily congratulate the committee on last year's choice—the Honorable Mike Mansfield, the senior Senator from Montana and Majority Leader of the Senate. And—out of a grateful heart and perhaps a superabundance of modesty—I feel compelled to congratulate the committee on its selection this year, also.

Seriously, let me say that I am accepting the Arthur V. Watkins award this evening in the full realization and sincere conviction that it is not simply a personal honor but one intended for the many courageous individuals in the Congress, Republican and Democrat alike, who during the last Session insisted that the price of a tax increase must be Federal expenditure control. It is in their behalf, so many of whom are your old friends and colleagues, Senator Watkins, that I am here this evening. They, as well as I, are very proud indeed that this award carries your name. It recalls to our minds so many warm memories of our long friendship and association with you throughout your very outstanding and distinguished career in the United States Senate and the succeeding years as well.

Mrs. Mills and I are also pleased to have an opportunity for the first time to really see some of the wonders of the great State of Utah and Salt Lake City. It is good for one's spirit, soul and outlook to get away on occasion from the strains and pressures that are peculiar to the Washington scene and to enjoy briefly the vast interior of our Nation; wherein in my judgment lies the basic strength of our country.

We have been very much impressed by the natural beauty and massive grandeur of Utah. We in Arkansas take justifiable pride in our Ozarks, which are the most substantial mountains between the great mountains here in the West and the Appalachians in the East. Our Ozarks unquestionably have their distinctive scenic beauty, but in all candor I must confess that they are like "hills and hollers" as we say back home in White County, compared with your spectacular peaks, deep valleys and magnificent basins here in Utah.

What is equally significant and impressive about your State is the tremendous economic activity and development that is very obviously taking place and about which the whole country is hearing. It is evident all across Utah—in your prosperous cities and towns, burgeoning manufacturing activity, highly productive mines, ranches and farms, and your almost unlimited recreational facilities, modern and commodious enough to host literal armies of tourists and sightseers in grand style.

Now I realize and appreciate that one of the prime considerations in my selection for this cherished honor this evening was the part I played in the passage last year of the "Revenue and Expenditure Control Act of 1968". This Act has provided the presently effective 10 percent income tax surcharge, and more importantly, it has required reductions in Federal expenditures and spending authority—a $6-billion cut in Federal expenditures and a $10-billion cut in new obligational authority in the current fiscal year.

The Congress has reached its goal as far as the $10-billion reduction in new authority in 1969 is concerned. It has even exceeded this required amount. It also has cut spending in specific actions by something less than $4 billion, and under the requirements of the law the President is to make cuts in non-exempted programs to the extent that the Congress in its actions has failed to reach the full $6 billion reduction figure.

Not only does the Congressional action in the Revenue and Expenditure Control Act bode well and strengthen precedent for similar and even more effective future responsible fiscal action, but it has also had an immediate and salutary impact in the marked improvement in the Federal budget picture for the current fiscal year compared to last year. The deficit for fiscal 1968 was a regrettably large $25.2 billion, but the present estimate is that we will end this year—that is the year ending this June 30—with a small but welcome $2.4-billion surplus. A surplus is also presently estimated for fiscal year 1970 in the amount of some $3.4 billion based on a one year's extension of the tax surcharge proposed in the Budget Message.

However, let me say that if we do attain a surplus as presently estimated this year, it will be the first time that we will have done so in nine years. It will be only the second time in the over eleven years that I have been Chairman of the Committee on Ways and Means that we will have enough revenues to cover Federal expenditures.

At this point let me clarify a matter, if I may. While I have over a long period of time been very seriously and personally concerned with the magnitude of Federal expenditures, and have spoken and acted whenever and wherever I could to bring them under control, I must remind you that the Committee on Ways and Means does not have direct legislative committee jurisdiction over Federal appropriations. At one time it was true that we did. This dual jurisdiction over both receipts and appropriations ended back in the last century, however—as a matter of fact, in 1865, when the appropriations function was placed in another committee.

For the past 100 years plus, therefore, we on Ways and Means have had the responsibility of initiating bills to raise revenue, but our Committee has not had jurisdiction over the disposition of these revenues. This is the province and essential function of the Committees on Appropriations of the House and Senate. To put it in the vernacular, our responsibility is to "get" revenues rather than to appropriate them. And I don't need to tell anyone in this room—whether you are a businessman, a university administrator, a salaried person, a housewife or what have you—that the "getting" of money is vastly more difficult than the spending of it.

In more recent years—particularly the past four years—the Committee's revenue raising responsibility has taken on more of the nature of a frustrating task of persistently trying to catch up with accelerated Federal expenditures. That is, constantly endeavoring to make our revenues keep pace with them.

To be specific, since 1965 alone Federal expenditures have soared from $118 billion in that year to an estimated $184 billion for the current fiscal year. In this short period of time expenditures have thus increased by about $66 billion, which is more than three times the amount of the increase in the preceding four-year period. Only about $27 billion of this increase can be attributed to Vietnam, leaving $40 billion—or twice the increase of the prior four-year period—attributable to non-Vietnam expenditures. For the next fiscal year, 1970, Federal expenditures will go up to an estimated $195.3 billion, which is uncomfortably close to $200 billion, a level of spending which will undoubtedly be breached in the succeeding fiscal year, 1971.

The unenviable position of the Committee on Ways and Means in this effort to catch up revenuewise with accelerated Federal expenditures reminds me of the story of old man Mart Henthorn who owned a very few acres of cotton on a worn-out hillside farm near my home back in White County. One bright summer's morning Mart went out to hitch to a plow his ancient and emaciated mule. But to his consternation and chagrin he found the mule literally on strike. He was lying down there in the lot—or corral as you would say out here—and try as Mart would, he could not budge him. After considerable effort and much strong language, Mart angrily ordered one of his numerous young ones to fetch the local veterinarian, Dr. Smith.

When several hours later the Doctor finally arrived, he immediately sized up the situation and in a very professional manner drew forthwith from his medical bag a needle and syringe and gave the mule a shot. Whereupon the mule immediately jumped up and galloped at almost unbelievable speed out of the lot, through Mart's cotton patch, over a barbed wire fence and disappeared into the woods. Mart stood there in open-mouthed awe and wonder for a moment and then happily blurted out, "Doc, that is the most powerful medicine I have ever seen. What do I owe you?" Dr. Smith replied that his fee would be $1.00. You could tell Mart was satisfied with that noninflationary price, and he hurriedly handed the Doctor the dollar and said, "Doc, here you are, and here is $2.00 more. Now give me two of those shots right quick, so I can catch up with my mule."

Well now, we certainly cannot compare our present domestic economy unto that stubborn mule on strike in Mr. Henthorn's lot, because today's economy is not lying down. To the contrary, it is carrying us along the furrows just about as fast as we can safely go. We are presently in the heady atmosphere of the 96th month of the most sustained and vigorous economic expansion in our history. And the economy obviously does not need nor could it, under present conditions, gracefully assimilate a stimulating shot either from the tax or spending side of fiscal policy.

I, therefore, am convinced that in spite of favorable prospects for attainment of a small surplus in the current fiscal year, we must continue to diligently strive in our every Congressional action and in the Executive Branch as well to restrain the rate of increase of Federal spending. If it is necessary, we must also repeat the establishment of legislated mandatory ceilings as we did in the Revenue and Expenditure Control Act last year.

Let me now turn to a subject that I am convinced is one of the most significant beneficial results of this record period of economic expansion that has taken place over the past eight years. I am speaking of the renewed—and in my judgment, very healthy and welcome—interest in the subject of tax reform, a matter that is now before the Committee on Ways and Means.

This intensified concern on the part of the public has occurred for at least two reasons. First of all, incomes have been rising rapidly

over this period of time. As we all know, when an individual's income rises under our progressive rates, the tax bite increases each time it reaches into a new bracket. As the rate of tax thus becomes higher, the taxpayer's interest in the new tax system very naturally increases. Secondly, the tax surcharge has had a similar effect in inducing and motivating the taxpayer to take a harder look at our revenue system and to register greater concern about whether or not he is being treated in the same manner as everyone else in economic circumstances similar to his own.

This, I believe, is a very desirable public reaction and augurs well for improvements in the Internal Revenue Code in this Congress. We are presently embarked and have been since the 18th of this month on one of the most extensive tax reform hearings in our history. Over the past week the Committee has been examining the present tax-exempt status of private foundations. The basic question we are asking is whether or not under today's changed conditions the operations of these foundations should continue to enjoy the same full scale tax exemption that has been extended them ever since the inception of our income tax law.

From there we are going on to examine some 16 or more other important areas of the Code to determine if the tax treatment in these areas is as it should be. We are going to question into these instances in which some special tax treatment has been accorded—no matter how long ago it was enacted or how vested that special treatment appears to be—to determine whether it is justified and warranted in the light of today's economic conditions and modern business practices. We shall be looking into the treatment of charitable contributions, depletion, capital gains, corporate mergers, multiple trusts—every area of the Code where various categories of income are treated differently from ordinary income.

Like so much of our noble effort and endeavor to govern ourselves in this great country, our Internal Revenue Code starts out on a very positive, unequivocal and forthright note. The very first section commences by simply declaring that ". . . there is hereby imposed on the taxable income of every individual" the prescribed progressive rates of Federal income tax. Then following that, a very large part of the remainder of the Code, right through section 8000 and something, is given to compromising this first section through exclusions, exemptions, deductions and other special provisions. The end result is that the concept of taxable income comes out of the computation wringer shrunken, faded, dissipated and much less inclusive than it could and should be.

What we want to do in our current public hearings is to discover ways to reconstitute, to reinvigorate, to expand and give a more meaningful form to the taxable income base. We would all be well served by making this base just as wide as possible. Not only would a much broader base afford possibilities for reduction in the rate structure when that is feasible, but it will assure greater equity and fairness and enhanced confidence of the American people in their tax system.

In conclusion, let me say to this distinguished audience that beyond any doubt our self-assessment system in this country is still the greatest revenue system in the world. It has a demonstrated capacity and ability to gather the revenues necessary to finance the ever-mounting range of public services to meet the needs of a rapidly increasing population in a growing urban society. At this juncture like any tree which bears good fruit it simply needs to have some of the suckers, water sprouts and dead wood pruned from it, and that is our present intention and task in the extensive public hearings now being conducted in the Committee on Ways and Means.

Again, on behalf of Mrs. Mills, my colleagues in the House of Representatives and myself, let me express my profound gratitude for this honor you have bestowed upon me this evening and to express appreciation for the splendid brand of Utah hospitality that it has been our pleasure to enjoy in this visit to your great State.

TAX BENEFITS FOR WORKING PEOPLE

Mr. WILLIAMS of New Jersey. Mr. President, our income tax law incorporates a progressive rate scale and theoretically, therefore, exacts a tax from each taxpayer in accordance with his ability to pay. The fact of the matter, however, is that some individuals with very large incomes escape, each year, paying any income tax whatsoever, or very little at the most. On the other hand, persons with far less income; indeed, persons living below the poverty standard are required to pay a significant portion of their income in taxes. It is estimated, for example, that some 25 million people living below the $3,000-a-year poverty level pay some $1.5 billion in Federal income tax alone. The cases of the 21 notorious millionaires who paid no income tax in 1967 are well known by now.

This prostitution of the graduated income tax system results in part from the fact that income tax liability depends not upon the amount of income, but upon the source of the income. Wages and salaries of working people and the income of the middle classes are heavily taxed, but the rich and superrich, by the use of such legal tax-avoidance devices as the trust, capital gains, and States and municipal bonds, pay little or no taxes at all.

The fact is that every tax dollar lost through these loopholes must be paid by another source. For the most part, this loss—and it has been estimated to be a whopping $50 billion—is paid by moderate income groups—small people with incomes between $7,000 and $20,000 who cannot afford to hire high-priced accountants and tax lawyers to locate loopholes.

This basic unfairness in our tax laws—the rich living off the poor—must be corrected. But closing the loopholes is not enough. Positive tax advantages must be enacted to give relief to the middle- and low-income groups who pay an unfair share of their income in taxes.

Mr. President, I am introducing, for appropriate reference, a bill which, if enacted, will ease the tax burdens of these income levels tremendously. My bill will result in tax savings to people who will not bank and reinvest them to perpetuate great dynasties, but to people who will put these savings back into the economy to pay for commodities and services.

The first proposal would raise the present $600 exemption to $900. The personal exemption should bear some relationship to the income level necessary to provide minimum living standards. The present rate was established in 1948, and since that time, the cost of living index has risen 44.6 percent. A corresponding increase, in round figures, would raise the exemption to $900. The benefits in this long-overdue adjustment to the taxpayer are obvious.

Under present law, a taxpayer can only deduct a pittance of his medical and drug expenses under a complicated formula. The emphasis and importance that we place on good health today should be reflected in our income tax laws. A man should be encouraged to seek the best medical treatment available and by allowing him a full deduction for medical and drug expenses, the Federal Government would do just that. My bill would allow the full deduction, and estimates indicate that some 55 percent of all taxpayers would receive some benefit.

A third proposal in my bill is what I refer to as the poor man's business expense. It would allow a taxpayer to deduct money he spends on transportation getting to and from work. Our tax laws should not ignore the progress we have made over the years and the way our communities have developed. People are moving farther and farther away from their work, and getting to and from work is an expensive proposition. Transit fares alone, for example, have tripled since 1948. Furthermore, a transportation expense has a strong affinity to the business expense, and there is no logical basis for permitting a deduction for one and rejecting the other.

The idea, Mr. President, of allowing a deduction for transportation expenses is not entirely foreign to our tax system. A recent edition, February 24, 1969, of the Bergen Record carried a column by Sylvia Porter containing an excellent discussion of how court decisions have gradually eased the restrictions on the general rule disallowing commuting expenses. The piecemeal approach by court decision, however, is too indefinite and is unfair to taxpayers who are unable to institute a court proceeding. I feel that the formula in my bill is a fair one and should be enacted. I ask unanimous consent that Miss Porter's column be included in the RECORD at this point in my remarks.

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

YOUR MONEY'S WORTH—VI: BREAK FOR COMMUTER, IF

(By Sylvia Porter, in collaboration with the Research Institute of America)

If you are among the millions who have to drive a car to work in order to carry along heavy or bulky tools or equipment, court decisions are shedding increasing light for you on how much of your driving expenses you can deduct.

A general tax rule is that you cannot deduct commuting expenses—but there are exceptions to this rule. The Treasury itself allows you, an employe, to deduct the cost of your car commuting expenses if you use the car to carry your tools, etc., and if you would not have used the car otherwise.

Some higher courts give the taxpayer an even better break. If you would have used your car to commute, even though you did not have to carry heavy tools, etc., the courts have nevertheless let you deduct a portion of your reasonable driving expenses which is allocable to transporting your tools. Last year, the Tax Court answered the question of how you figure the portion of costs allocable to carrying tools in the following situation.

Where an individual carried along a bag of tools weighing 32 pounds and measured 24"

by 18" by 6", the court arbitrarily decided that he could deduct one-third of his car commuting expenses because that was the portion attributable to carrying the tools. If your tools and equipment are even bulkier or heavier, the Court may possibly allow a deduction for an even higher proportion of your car commuting expenses.

Even if you don't carry any tools or equipment, you may be able to deduct commuting expenses if you have to travel by car to a remote place of work.

The courts have made another exception to the general rule against deducting commuting expenses by allowing deductions for car commuting expenses to remote areas such as a logging area 20 to 40 miles from the nearest town, or a desert that was 46 miles from the nearest habitable area.

Last year, one court allowed a person who had to travel 27 miles from Bingham City, Utah, to his plant, to deduct his commuting expenses. It explained that the plant was in a remote area because the nearest possible home site to the plant was a small town of 500 persons 20 miles from the plant and this town had no adequate water or sewage facilities. There also was no public transportation from Bingham City to the plant.

Since many employes travel 25–30 miles each way to work, the key to a possible commuting expense deduction is whether the area in which the place of business is located is isolated enough from other possible residential areas and from public transportation to be remote. If it is, you might want to deduct your car commuting expense, although you may have to fight the Treasury in court on the deduction.

If you are among the huge numbers of employes who shifted to a new job location in 1968, you may find that because of a court decision, you owe more tax than you expected. Here's why.

Employers who shift employes or hire new ones who have to move, often pay all their direct moving expenses to the new location plus reimbursing them for post-arrival meals and temporary lodgings until they can move into a permanent home.

The tax law makes it clear that the employe is not taxable if the employer reimburses him for, or pays the direct expenses. But the Treasury insists that the post-arrival reiumbursements are income to the employe. The Tax Court said the Treasury was wrong but an appeals court reversed and supported the Treasury.

It held that reimbursements to you, an employe, for post-arrival moving expenses are in the nature of cash bonuses intended to induce you to make the switch. And you cannot deduct these actual expenses because they are nondeductible personal expenses.

Mr. WILLIAMS of New Jersey. Mr. President, a ceiling of $400 or 5 percent of the taxpayer's adjusted gross income would be placed on the transportation deduction. In addition, the taxpayer could claim a deduction only for the first 80 miles of the round trip to and from work and only one round trip per day would be allowed.

The final proposal would reduce the statute of limitations applicable to persons with gross incomes less than $25,000 from 3 to 2 years. Since a taxpayer is allowed only 3½ months to file his return, I see no reason why the Government needs more than 2 years to decide if the return is correct.

Mr. President, I believe these proposals will greatly benefit the taxpayer whose income results primarily from wages and salaries—the taxpayer who for so long has carried more than his fair share of the income tax burden.

CHICAGO CITY COLLEGE

Mr. PERCY. Mr. President, the Chicago City College has an outstanding allied health training program which I should like to bring to the attention of my colleagues in the Senate.

We all know of the serious shortage of trained specialists in the health field. More than any other one factor, such a personnel shortage threatens the health of our Nation. Ways and means must be found to attract and train the necessary personnel to staff our Nation's clinics and hospitals. The Chicago City College program appears to be an excellent one and I ask unanimous consent that an article describing the program be printed in the RECORD.

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

CITY COLLEGE TRAINS AIDS IN MEDICAL FIELD—PROGRAM FILLS GAP FOR PERSONNEL

At least a dozen colleges and schools across the country are pounding at the door of Chicago City college.

The reason is simple: Chicago City college's allied health program (A. H. P.) is the first of its kind in the nation, and it is succeeding in taking many persons, a large majority from the inner city, and training them for hospital jobs with good pay.

A. H. P. began in September, 1967, at the Crane campus in affiliation with 16 Chicago area hospitals. In general, the program consists of 14 weeks of general core curriculum on the particular field, coupled with communications skills needed in medicine, and then 14 weeks of on-the-job training in a cooperating hospital.

SEVERAL FIELDS AIDED

The program offers classes in these fields: Operating room technician, transfusion therapy aid, inhalation therapy aid, occupational therapy aid, ward clerk, pharmacy aid, and psychiatric aid.

There also are two-year programs leading to associate in arts degrees for inhalation therapists and X-ray technologists. There is no tuition for Chicago residents who enroll in courses at Chicago City college. There are limited registration fees.

John Robinson, an A. H. P. staff member and vocational guidance counselor said in the beginning the program had a high dropout rate.

He said 79 students enrolled in September, 1967, and only 31 graduated in March, 1968.

DROPOUT REASONS

"There are many reasons why they dropped out," he said. "Perhaps the most important is financial. Heads of households had to drop out when they realized they had too many responsibilities that kept them from attending classes."

Others found it "tough," he said. But, he added, of the 39 who dropped out, 20 returned at a later date.

"They find that you can get a job without too much effort, but these are mostly low-paying, boring and routine occupations," he said. "In comparison, by completing the allied health program they can get a challenging job with a good salary plus prestige."

JOBS ARE AVAILABLE

Word got around, and more people came, and more stayed in. When the fall term began last September, 280 students enrolled. And a spokesman for the college said he would like to see the program expanded even more. He calls it a job training program with promise, "because jobs are available when they graduate. It isn't just on paper."

"We could place 400 persons right now," Robinson said. In expansion, the college is adding community health aid and dental health aid to the courses.

Teachers for the course are well qualified, the spokesman said. Hospitals help supply instructors. One such key figure is Dr. Peter Farago, a member of the American Board of Internal Medicine and an assistant clinical professor of medicine at the University of Illinois medical school. He helped institute the program at Presbyterian-St. Luke's Hospital.

COMPLEX COURSE GIVEN

Dr. Farago said the course for operating room technician, instead of the usual 28-week course, lasts for a year due to its complexity.

Other trainees in various fields have pointed out other benefits to them. Potential for high incomes, pride in oneself, and pride that comes to them thru their children.

One woman, a divorcee and mother of seven children, hadn't thought of getting a full-time job because of the children. But, with help, she found day care for the children and enrolled in inhalation therapy aid training.

CHILDREN TELL PRIDE

She said her children now boast to friends, "Mommy works in a hospital and wears a white uniform to work every day and makes sick people well again."

Mrs. Elizabeth Wolfey Seigel, program director and assistant dean at the Crane campus, said the program was designed to ease the shortage of trained hospital technicians.

Chicago City college also is making plans for a skill center for 12-week courses to help the hard-core unemployed.

SAVE YOUR VISION WEEK

Mr. WILLIAMS of New Jersey. Mr. President, this is the sixth annual Save Your Vision Week proclaimed by the President on authority of Congress. It is a fitting time to take a moment to remind Senators of the significance this special observance carries to all our citizens.

The purpose of observing this week continues to be the education of the public to the importance of good vision and on ways to protect it. This importance is illustrated by the fact that each year 30,000 Americans become blind. Early detection would prevent half of these tragedies.

This irreplaceable gift of vision can be preserved. Eye examinations, beginning during preschool years and continuing periodically through life, can detect sight defects early enough for corrective or preventive measures. Periodic examinations of adults can reveal elevated pressure within the eye soon enough to prevent blindness from glaucoma.

John Masefield wrote:

One ought to see everything that one has a chance of seeing; because in life not many have one chance and none has two.

This expresses the importance of the wonderful and priceless gift of sight.

The task of preserving this gift is in the able hands of optometry, medicine and other health care professions. This week is a proper time for Congress to express its appreciation to these men and women of the health care professions by extending sincere thanks for a job well done.

This week should also mark the rededication by the health care professions and Congress to the goal of better vision care for all Americans.

TRIBUTE TO THE LATE SENATOR BARTLETT

Mr. FONG. Mr. President, I regret very much that I was unavoidably absent in Hawaii when the Senate paid tribute to our late friend and distinguished colleague, Bob Bartlett.

Bob Bartlett held a distinctive place in the history of Alaska and in the Congress. He was elected seven times as Delegate from the Territory of Alaska to the U.S. House of Representatives—a longer tenure than was served by any other person representing that territory. He held the post immediately prior to the time Alaska became the 49th State, a goal he vigorously championed.

After statehood, he became the first senior Senator from Alaska. He was elected three times to the Senate. If he had survived the recurrent heart condition last December and returned to these Chambers for the 91st Congress, Bob and I would have been the only Members to have served continuously in the Senate since our respective Territories were admitted into statehood.

Statehood was Bob's greatest goal and achievement. He poured his tremendous energy and enthusiasm into the drive that made Alaska the 49th State a decade ago.

With the statehood dream fulfilled, the people of Alaska in fitting tribute returned Bob Bartlett to Congress—no longer as a voteless Delegate in the House from a territory but now as a full-fledged Senator from the largest State of the Nation.

Bob labored diligently on the many difficult problems of Alaska's transition from a territory to a State. He continued to serve his State with the dedication and zeal characteristic of his long and outstanding career of public service before, during, and after statehood. His record of legislative achievements won the high esteem and respect of the people of Alaska.

To those of us who had the privilege of serving with him, Bob Bartlett symbolized his beloved Alaska and her people—warmhearted, forward-looking, generous. In his unpretentious ways, he won numerous friends for Alaska. He will be sorely missed by all of us.

Mrs. Fong and I extend our heartfelt sympathy and sorrowful aloha to Mrs. Bartlett and the family.

TRIBUTE TO ALAN JAY MOSCOV

Mr. SPARKMAN. Mr. President, I wish to congratulate Alan Jay Moscov for his 5½ years of service to the Federal Home Loan Bank Board and to our Government. Mr. Moscov recently announced his resignation as the Board's General Counsel to enter the private practice of law in California.

After 3 years of service as a top aide on the staff of Gov. Edmund G. Brown, of California, Alan moved to Washington to become the Board's Deputy General Counsel in 1963. As Deputy General Counsel his work included participation in some of the Board's major litigation and he assisted in the drafting of new regulations on the scope of insurance coverage under the National Housing Act. He was the Board's chief lawyer in the first involuntary liquidation proceeding for a saving and loan association in modern time.

In 1967, during the chairmanship of John E. Horne, Mr. Moscov was appointed General Counsel to the Board. As General Counsel, he has had a key role in the promulgation of many regulations, the most notable of which implement the Holding Company Act of 1967, the Receivership and Housing and Urban Development Acts of 1968, and he has been responsible for interpretation of these and other statutes.

Alan Moscov was born in Syracuse, N.Y., and graduated from Syracuse University magna cum laude and Phi Beta Kappa in 1951. In 1954 he graduated from Yale Law School and then served for 1 year as law clerk to Judge Carroll C. Hincks of the U.S. Circuit Court of Appeals for the Second Circuit. Thereafter he served for 1 year as law clerk to Mr. Justice Harold H. Burton of the U.S. Supreme Court. He was a founder of the Jerry D. Worthy Memorial Fund, which honors the late Director of the Federal Savings and Loan Insurance Corporation.

He has had many occasions to work with the Senate Committee on Banking and Currency and its staff, and I have admired his performance. I wish him and his family well in California and am confident that his devotion to service in the public interest will continue.

WELL DONE, MR. PRESIDENT

Mr. BENNETT. Mr. President, President Nixon has returned from Europe after successfully implementing the principles contained in his brilliant, but realistic inaugural address. Facing the problem of a declining NATO, a disunited Europe, and a certain amount of distrust and misunderstanding in major European capitals, the new President went to Europe to discuss and to listen. He knew that an American President could no longer tell Europe collectively or separately what must be done. Mr. Nixon, as he did in his inaugural address, did not go to Europe advocating that he would solve all the problems. He knew that the times called for a lowering of voices and a new dialog, not only between the leaders, but with the people. He went with a keen sense of history, knowing that problems still exist that must be resolved in new ways. Wherever the President went, he left an impression that there is new leadership in Washington, leadership that can be trusted, and perhaps more importantly, leadership that will communicate with Europeans as equals. President Nixon reaffirmed the American role in NATO. He traveled to Berlin and restated America's unequivocable commitment to keep that brave city free. He went to Paris and rekindled the dying spark of American-French friendship and cooperation. He returned to the United States with a new understanding, having left behind a new trust which will now be used to formulate new policies and directions. In the field of American-European relations, he has accomplished what he has also been able to do in the United States. The President has brought a new calm and a new atmosphere wherein new solutions can be forged.

Being a realist, Mr. Nixon has not returned home claiming that solutions had been found to existing and pressing problems. He fully realizes the futility of hollow success claims.

Press comment and reports regarding President Nixon's trip have been very complimentary. The New York Times said:

> President Nixon's successful tour of Europe has opened a vital effort to unite the West for negotiations with the East . . . But the new and more intimate kind of consultation with the NATO allies initiated by Mr. Nixon will be useful whatever the future may hold . . . the progressive estrangement of the United States from its European partners has been halted and perhaps reversed.

The Washington Star stated:

> President Nixon has reason to feel a deep sense of satisfaction with the mission he has accomplished in free Europe . . . a promising beginning has been made. He has impressed all the leaders—in Brussels, London, Bonn, West Berlin, Rome and Paris—with his repeated emphasis on give-and-take consultation between us.

As I review the performance of President Nixon in the first 6 weeks, I feel that he combines some of the great attributes of many Presidents. Mr. Nixon brings to his office the courage and fortitude of Harry Truman, the dignity and respect of Dwight Eisenhower, the unique ability to communicate of President Kennedy, and a compassion for people as displayed by President Johnson. Added to this is a unique Nixon sense of history and the Lincoln attribute of having gone to the top in spite of past devastating political defeats. I share the views of the people of my State when I say that we are proud, exceptionally proud, of the President of the United States. His tremendous victory in Utah, his decision to invite the Mormon Tabernacle Choir to the Inauguration, and his choice of many Utahans to serve at Cabinet and sub-Cabinet levels have prompted the Utah Legislature to pass a concurrent resolution congratulating the President.

I wish to add my complete support and endorsement of the resolution, and ask unanimous consent that it be printed in the RECORD.

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

SENATE CONCURRENT RESOLUTION 2

A concurrent resolution of the 38th Legislature of the State of Utah, the Governor concurring therein, congratulating the President of the United States on his inauguration, pledging support to the President, and expressing appreciation to the President for recognition of the State of Utah and her people in his inauguration and administration

Be it resolved by the Legislature of the State of Utah, the Governor concurring therein:

Whereas, Richard Milhous Nixon has now been inaugurated as the thirty-seventh President of the United States, and

Whereas, the President invited the participation of the Mormon Tabernacle Choir, the Tooele High School Band, and individuals from the State of Utah in the very successful inaugural ceremony, and

Whereas, the President has appointed George W. Romney and David M. Kennedy, two famous former Utahans, to the Cabinet of the Administration: Now, therefore, be it

Resolved, That the 38th Legislature of the State of Utah, the Governor concurring therein, hereby congratulates Richard Milhous Nixon on his inauguration, pledges support to the President, commends the President on his most timely and important message contained in his inaugural address, and conveys sincere thanks to the President for his consideration of the State of Utah and her people; be it further

Resolved, That a copy of this resolution be sent to the President of the United States and the Congressional delegation from Utah.

AMERICA'S ENDANGERED WILDLIFE

Mr. MUNDT. Mr. President, last Saturday I had the privilege of visiting with Mr. George Laycock of Cincinnati, Ohio, author of the new book entitled: "America's Endangered Wildlife."

Mr. Laycock is one of the country's most knowledgeable conservationists as well as being a top-notch writer and photographer. His new book discusses the plight of many of our most endangered species of wildlife, including the Key deer, Ivory-billed woodpecker, the Masked Bobwhite quail and the Whooping crane.

It is well written, understandable to the layman, while still pinpointing many technical conservation problems. I commend this book to my colleagues and to citizens everywhere who are interested in preserving America's threatened wildlife resources.

"America's Endangered Wildlife" is published by W.W. Norton & Co., Inc., of New York City, and should be a constructive addition to all school and college libraries and to the personal libraries of sportsmen and conservationists throughout the Nation, as well.

THOMAS MASARYK

Mr. SCOTT. Mr. President, today freedom-loving people the world over pause to observe the birth date of a great patriot, Thomas Masaryk, first President of Czechoslovakia.

Many Americans of Czech and Slovak descent helped Masaryk win Czechoslovakia's independence in World War I. For the next 20 years, democratic government flourished in Czechoslovakia. Then came the tragic ordeal of Hitler and World War II.

For a brief period following the war, Czechoslovakia again emerged as a free republic under the leadership of Jan Masaryk, the son of the first President. But Communist occupation, and the mysterious death of Jan Masaryk, dealt a new blow to Czech aspirations for freedom.

The Communists, for 20 years, attempted to defile the name of Thomas Masaryk and his son. History books were destroyed or rewritten in order to erase from the Czech mind the name of Masaryk.

Despite Communist indoctrination, the name Masaryk and the ideal for which it stands lives on in Czechoslovakia. Despite the ruthless Soviet invasion 6 months ago, and the stifling of liberalization since then, the spark of freedom still lives in the name of Masaryk and in the hearts of the Czech people. In the past 6 months in Czechoslovakia new names, such as Jan Palach, have been added to the long list of those who make the supreme sacrifice for the sake of freedom.

From suffering the lack of liberty to protest, to sacrifice—each step is longer and more painful than the one before. But the goal propels mankind onward, and the example of Czechoslovakia is one which inspires men to achieve that goal of freedom from tyranny.

DANGEROUS EMPHASIS ON VIOLENCE ON TV PROGRAMS

Mr. DODD. Mr. President, I was particularly heartened to read in the press of the excellent suggestion made by the senior Senator from Rhode Island (Mr. PASTORE) that the Department of Health, Education, and Welfare take immediate action to put an end to the morbid and dangerous emphasis on violence which characterizes so many of our TV programs.

I am equally heartened by the prompt response given to the distinguished Senator by the Secretary of Health, Education, and Welfare.

It is high time for action.

Because the Senate Juvenile Delinquency Subcommittee has been active in this field for many years, I have today written a letter to Secretary Finch on the subject.

The letter points out that I made a similar request for action to the Department of Health, Education, and Welfare in 1962 and received assurance that the Department would move on this matter immediately.

I regret to say, however, that 7 years have now passed and nothing has been accomplished.

If anything there is more violence, more mayhem, more programs appealing to our baser instincts on television today than there was in 1955 when the late Senator Estes Kefauver first brought this matter to the attention of the Congress and the American public.

Mr. President, I ask unanimous consent that my letter to the Secretary of the Department of Health, Education, and Welfare be printed in the RECORD, along with several other items pertaining to the work which the Senate Juvenile Delinquency Subcommittee has done through the years on this matter.

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

U.S. SENATE,
Washington, D.C., March 7, 1969.

HON. ROBERT H. FINCH,
Secretary, Department of Health, Education, and Welfare, Washington, D.C.

DEAR MR. SECRETARY: I was very pleased to read in the press that the Department of Health, Education, and Welfare, under your leadership, has taken prompt action in response to Senator Pastore's request to make every effort to terminate the harmful effects which television violence has had on youthful viewers.

I stand ready to assist you in this effort in any way that I can, for, as you may know, the Senate Juvenile Delinquency Subcommittee, which I chair, has been involved in this subject for many years.

The late Senator Estes Kefauver conducted extensive hearings in 1955 and a report was released which indicated, beyond any question of a doubt, that violence on television has a demonstrable adverse effect on youthful viewers.

After assuming the chairmanship of the Subcommittee, I called executives of the television industry in June and July of 1961 and again in January and May of 1962 to testify further on the "Effects on Young People of Violence and Crime Portrayed on Television."

In addition, in March of 1962, I requested the Secretary of Health, Education, and Welfare to sponsor a conference on TV violence. In response to this request, action was promised by the Department.

In July of 1964, with TV violence increasing instead of decreasing, the Senate Juvenile Delinquency Subcommittee reopened hearings. At the termination of the hearings, an interim report was issued which strongly urged the networks to reduce the violence portrayed in their programs. Responsibility for achieving this goal was firmly placed on all three networks.

Seven years have now passed since the assumption of control on the part of the Department of Health, Education, and Welfare and since the networks were charged with self-policing. Although many requests were made during this period for progress reports, I regret to say that no such reports have been received and nothing of significance has been accomplished. For this reason, I am especially heartened to learn of your initiative in this matter.

In an effort to assist you, I am enclosing copies of the transcript of the relevant hearings, a copy of the interim report of the Subcommittee on Juvenile Delinquency which contains pertinent findings and recommendations, and copies of my correspondence with the Department of Health, Education, and Welfare.

I think you will agree upon reading the enclosures that most of the facts are already in. While it may well prove necessary to bring the material up to date, I suspect that you will not need an extensive investigation. What is needed, instead, as the enclosures so clearly indicate, is an immediate effort to terminate violence on television.

Once again, I commend you on your prompt action in response to Senator Pastore's request, and I look forward to assisting you in any way that I can.

With kind regards.

Sincerely yours,

THOMAS J. DODD.

MARCH 19, 1962.

HON. ABRAHAM RIBICOFF,
Secretary of Health, Education, and Welfare, Washington, D.C.

DEAR SECRETARY RIBICOFF: As you may know, a number of eminent witnesses, in testifying before the Senate Subcommittee to Investigate Juvenile Delinquency in its inquiry into the impact and effects of crime-and-violence television programs on children and adolescents, have reported a need for a special conference on the subject. Their testimony has confirmed that much useful research also remains to be done with regard to the effects on young people of other aspects of television.

In the light of this testimony, Dr. Ralph J. Garry of the School of Education, Boston University, who has been acting as special consultant to the subcommittee in its television inquiry, has worked out a project for a conference that would bring expert researchers and leaders in the television industry together to take affirmative action to get the necessary research accomplished. The conference would also discuss the general problems of programming for children

and adolescents and how programs for them may be improved. The conference would take place in two stages—the first stage consisting of small meetings (a) of expert researchers, to map out the necessary research, and (b) of program specialists, to make recommendations on need programs for children and adolescents. The second stage would be a meeting of the industry leaders to consider the recommendations prepared in the first stage, to determine how the necessary research should be financed and administered, and to reach conclusions on programming for children and adolescents. It is hoped that the first stage can meet around May 1, and the second stage at the end of May or in early June. Dr. Garry has already had a preliminary discussion of this project with Dr. Lloyd Ohlin of your department.

I am heartily in favor of the project and believe that the Department of Health, Education, and Welfare can be of material assistance. With this in mind I should like to make several requests. First, that your department be the sponsoring agency and that invitations to the conference be issued directly by you. Second, that your department provide a meeting place and the accessory services, such as secretarial assistance, for the second stage of the conference. This will not be necessary for the first stage because of the small number of its participants. I might add that it is Dr. Garry's anticipation that the travel and other expenses of participants will be met by either the Foundation for Character Education (Boston, Massachusetts) or the Ford Foundation or both, and hence there need be no expenditure of funds by your department for this purpose. Third, that the findings and final recommendations of the conference with regard to future research into the effects of television on children and adolescents be published by your department, perhaps as an Office of Education document. A second document, this one on children's programming, will also come out of the conference, but it is anticipated that it will be published by the Foundation for Character Education.

If the foregoing meets with your approval, I suggest that you appoint a representative of your department to work out with Dr. Garry the many necessary details.

With best personal regards, I am,

Sincerely yours,

THOMAS J. DODD,
Chairman.

MARCH 30, 1962.

Hon. THOMAS J. DODD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR DODD: Thank you for your letter of March 19, 1962, regarding your proposal for a series of conferences on the impact and effects of crime and violence television programs on children and youth. I believe this is a very important subject and one that requires careful, professional scrutiny. Therefore, I will be happy to do whatever I can to assist in this inquiry.

We will be very glad to accept this responsibility of sponsoring these inquiries as you outlined in your letter. I have appointed Mr. Bernard Russell, my Deputy Special Assistant for Juvenile Delinquency, to work with Dr. Garry on this project.

Please feel free to call on him for any help that is necessary.

Sincerely yours,

ABRAHAM RIBICOFF,
Secretary.

APRIL 5, 1962.

Dr. FRANK STANTON,
President, Columbia Broadcasting System, Inc., New York, N.Y.

DEAR DR. STANTON: I enclose a copy of an exchange of correspondence between myself and the Secretary of Health, Education, and Welfare, Abraham Ribicoff, in which I have asked that a conference be called under the aegis of his agency to discuss further necessary research into the effects of television on children and to discuss the problems of progamming for children. The Secretary has endorsed the conference proposal set forth in my letter.

I am sure you will agree that such a conference can produce lasting beneficial results, both to the television industry and to the American public generally. I am equally sure you will want your network to participate in the conference as fully as possible, and with this in mind I should like to request that you select as your representative a person of sufficient position to speak authoritatively for you. If you would let me know the name of your representative, I will pass this information on to Dr. Ralph Garry, the subcommittee's special consultant, and Mr. Bernard Russell, of the Department of Health, Education, and Welfare, who will work out with him the necessary arrangements.

Sincerely yours,

THOMAS J. DODD,
Chairman.

COLUMBIA BROADCASTING SYSTEM, INC.,
New York, N.Y., June 29, 1962.

Hon. THOMAS J. DODD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR DODD: In response to your letter requesting me to suggest a CBS representative to participate in the conference you proposed to the Secretary of Health, Education and Welfare, I named Frank Shakespeare, Vice President of the CBS Television Network Division. Now that Dr. Joseph Klapper is about to take up his duties as Director of Social Research, Columbia Broadcasting System, Inc., I would like to propose that he also represent us, if this is agreeable with you.

In our recent meeting, I told you of Dr. Klapper's appointment. As you know, Dr. Ralph Garry has invited Dr. Klapper to attend a meeting in connection with the conference. We are pleased to be able to have Dr. Klapper serve. I am sure he is well qualified to do so, and will be helpful.

I am enclosing a copy of the announcement we made regarding Dr. Klapper's appointment. He will take up his duties at CBS beginning July 10.

With all good wishes.

Sincerely,

FRANK STANTON,
President.

APRIL 5, 1962.

Mr. LEONARD H. GOLDENSON,
President, American Broadcasting Co.
New York, N.Y.

DEAR MR. GOLDENSON: I enclose a copy of an exchange of correspondence between myself and the Secretary of Health, Education, and Welfare, Abraham Ribicoff, in which I have asked that a conference be called under the aegis of his agency to discuss further necessary research into the effects of television on children and to discuss the problems of programming for children. The Secretary has endorsed the conference proposal set forth in my letter.

I am sure you will agree that such a conference can produce lasting beneficial results, both to the television industry and to the American public generally. I am equally sure you will want your network to participate in the conference as fully as possible, and with this in mind I should like to request that you select as your representative a person of sufficient position to speak authoritatively for you. If you would let me know the name of your repesentative, I will pass this information on to Dr. Ralph Garry, the subcommittee's special consultant, and Mr. Bernard Russell, of the Department of Health, Education, and Welfare, who will work out with him the necessary arrangements.

Sincerely yours,

THOMAS J. DODD,
Chairman.

AMERICAN BROADCASTING CO.,
New York, N.Y., April 12, 1962.

Hon. THOMAS J. DODD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR DODD: I have your letter of April 5 relating to the exchange of correspondence between yourself and Secretary Ribicoff with respect to the conference you have proposed. We believe that such a conference might also explore many of the facets of the problems your committee has been dealing with, in addition to television, and apppreciate your kind invitation to participate in all its phases.

Since the television phase of the conference will deal with both research and program matters, we believe it would be most helpful to have us designate both a research and a program person to participate. Accordingly, we would like to designate Mr. Fred Pierce, our Director of Research and Mr. Giraud Chester, our Vice President in Charge of Daytime Programming as our representatives to the conference.

Sincerely,

LEONARD H. GOLDENSON,
President.

APRIL 5, 1962.

Hon. LEROY COLLINS,
President, National Association of Broadcasters, Washington, D.C.

DEAR GOVERNOR COLLINS: I enclose a copy of an exchange of correspondence between myself and the Secretary of Health, Education, and Welfare, Abraham Ribicoff, in which I have asked that a conference be called under the aegis of his agency to discuss further necessary research into the effects of television on children and to discuss the problems of programming for children. The Secretary has endorsed the conference proposal set forth in my letter.

I am sure you will agree that such a conference can produce lasting beneficial results, both to the television industry and to the American public generally. I am equally sure you will want your organization to participate in the conference as fully as possible, and with this in mind I should like to request that you select as your representative a person of sufficient position to speak authoritatively for you. If you would let me know the name of your representative, I will pass this information on to Dr. Ralph Garry, the subcommittee's special consultant, and Mr. Bernard Russell, of the Department of Health, Education, and Welfare, who will work out with him the necessary arrangements.

Sincerely yours,

THOMAS J. DODD,
Chairman.

NATIONAL BROADCASTING CO., INC.,
New York, N.Y., April 11, 1962.

Hon. THOMAS J. DODD,
Chairman, Subcommittee To Investigate Juvenile Delinquency, U.S. Senate, Washington, D.C.

MY DEAR SENATOR DODD: Thank you for your letter of April 5, with the enclosed correspondence, informing me of the proposed conference on the impact and effects on children and adolescents of crime and violence programs on television, to be held under the auspices of the Secretary of Health, Education and Welfare.

In accordance with your request, I am pleased to designate as NBC's representative, Mr. Hugh M. Beville, Jr., Vice President, Planning and Research. Mr. Beville is not only recognized as one of the outstanding experts in the field of broadcast research, but

he also has a broad knowledge and background in broadcasting generally. I am certain that he can be of valuable assistance in both phases of the proposed conference.

While you and your Committee have been deeply interested in the question of television programming and its relationship, if any, to juvenile delinquency, I am sure that you recognize that the problem is broader than that. Therefore, I should like to express the hope that the scope of the conference will be broad enough to include the effects of other mass media upon children and that it will study the whole range of possible effects rather than only possibly detrimental ones.

Warm regards,
Cordially,

ROBERT W. SARNOFF.

[From the U.S. Department of Health, Education, and Welfare, July 9, 1962]

JUVENILE DELINQUENCY

Plans for a series of conferences leading to research into the effect of television upon children were announced today by the Secretary of Health, Education, and Welfare, Abraham Ribicoff.

"We expect these conferences to outline research projects which will be designed to provide greater knowledge of the impact of television on children and to make this knowledge available in a practical way as material for consideration by those having responsibility for the presentation of television programs," Mr. Ribicoff said in announcing plans for the conferences.

The project was hailed by the president of the National Association of Broadcasters, LeRoy Collins, former Governor of Florida, who said:

"We are pleased to see the undertaking of such broadly based planning of research. The television industry welcomes the development of authoritative information regarding the effects of television on children which should prove helpful in serving their needs and interests. Our association stands ready to assist in whatever ways it can."

Preceding actual research will be planning conferences, sponsored by HEW and participated in by professional educators, specialists in child welfare, mass communications researchers, and representatives of the television industry.

Purposes of these conferences are:

To devise ways of conducting research on this subject.

To recommend specific research projects on the relationship of television to children.

To recommend research projects that would be of aid to the television industry in its exploration of techniques to be used in programs for children.

Directing the planning conferences will be a steering committee, under the chairmanship of Bernard Russell, Deputy Special Assistant to Secretary Ribicoff, and consisting also of the following representatives of education and television:

Howard H. Bell, vice president for industry affairs, National Association of Broadcasters; Hugh M. Beville, Jr., vice president for planning and research, National Broadcasting Company; Giraud Chester, vice president in charge of daytime programming, American Broadcasting Company television network; Dr. Ralph Garry, College of Education, Boston University; Donald H. McGannon, president, Westinghouse Broadcasting Company, and Frank Shakespeake, vice president and assistant to the president, Columbia Broadcasting System television network.

This steering committee will meet shortly to prepare the schedule and invite participants for the planning conferences, which are expected to be held early this fall.

The Foundation for Character Education will contribute funds and services to the planning conferences. HEW will publish results of the conference.

Financing for or sponsorship of research growing out of the planning conferences may be undertaken by a number of different organizations.

The project originated from a recommendation by Senator Thomas J. Dodd of Connecticut, suggested by Governor Collins during the course of hearings held by Senator Dodd's subcommittee on juvenile delinquency, that the Secretary of Health, Education, and Welfare sponsor the planning of research.

Commenting on the project, Secretary Ribicoff said:

"There are a great number of factors which influence the lives of children—their families, schools, communities, books, movies, and television. Much has been said of the influence of television, good and bad, on the behavior and lives of children. Since children spend a great deal of time in watching television, it is our hope that we can separate fact from fancy in the variety of claims and counterclaims that surround this medium.

"We are sponsoring this project with no preconceived ideas but with a sincere desire to find out what we can about the relationship between television and the behavior of children in relation to the various other influences on their behavior.

"Out of this project, we hope, will come a better understanding of the effects of television upon young people and data indicating how its rich potentials can best be utilized to help fulfill the special needs of children in this complex and changing world."

The steering committee, according to Chairman Russell, will select the projects to be undertaken, attempt to arrange necessary financial support, and establish the appropriate mechanism for supervising the research work.

"We recognize, of course, that the responsibility for determining the content of programming lies with the broadcasters, and it is not our intention to interfere with that responsibility," he said.

"On the contrary, we expect the results of this work to be an aid, an additional resource, to the broadcasting industry.

"We hope that these results will be of sufficient merit—from the standpoint of practical application as well as scholarly research—to be of genuine assistance to those responsible for television programming and, thereby, of great indirect advantage to the American people."

[From the Chicago (Ill.) News, July 9, 1962]

U.S. PLANS STUDY OF TV IMPACT ON YOUNG PEOPLE—BROADCASTERS ASSOCIATION PLEDGES SUPPORT

WASHINGTON.—The government has announced plans for a thorough study of the impact television has on the nation's children. The industry offered its support.

Welfare Sec. Abraham A. Ribicoff said Sunday project's aim is to "separate fact from fancy" in the charges and countercharges about TV's effect on the young.

"Out of this project, we hope," Ribicoff said, "will come a better understanding of the effects of television upon young people and data indicating how its rich potentials can best be utilized to help fulfill the special needs of children in this complex and changing world."

Leroy Collins, president of the National Assn. of Broadcasters, said:

"The television industry welcomes the development of authoritative information regarding the effects of television on children which should prove helpful in serving their needs and interests. Our association stands ready to assist in whatever way it can."

Planning conferences leading up to actual research in the field will be held this fall. These will be directed by a steering committee headed by Ribicoff's deputy special assistant, Bernard Russell.

To take part in the planning sessions are professional educators, child welfare specialists, mass communications research experts and representatives of the TV industry.

Russell said the steering committee will select specific projects, arrange financial support and set up a system for supervising the research.

The study grew out of recommendations by Collins and Sen. Thomas J. Dodd (D-Conn.) during hearings by Dodd's subcommittee on juvenile delinquency.

Ribicoff said the research would be carried out within the framework of various other factors that influence children, such as families, and movies.

[From the New York Herald Tribune, July 9, 1962]

TV EFFECT ON CHILDREN? NEW GOVERNMENT STUDY

WASHINGTON.—The government announced plans yesterday for a thorough study of the impact television has on the nation's children. The industry offered its blessing and support.

Secretary Abraham A. Ribicoff, of Health, Education and Welfare, said in announcing the project that a principal aim was to "separate fact from fancy" in the claims and counterclaims about television's effect on the young.

"Out of this project, we hope," Mr. Ribicoff said, "will come a better understanding of the effects of television upon young people and data indicating how its rich potentials can best be utilized to help fulfill the special needs of children in this complex and changing world."

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Mr. Russell said the steering committee will select specific projects, arrange financial support and set up a system for supervising the research.

"We recognize, of course," he said, "that the responsibility for determining the content of programming lies with the broadcasters, and it is not our intention to interfere with that responsibility.

"On the contrary, we expect the results of this work to be an aid, an additional resource, to the broadcasting industry.

"We hope that these results will be of sufficient merit—from the standpoint of practical application as well as scholarly research—to be of genuine assistance to those responsible for television programming and, thereby, of great advantage to the American people."

The study grew out of recommendations by Mr. Collins and Sen. Thomas J. Dodd, D., Conn., during hearings by Sen. Dodd's subcommittee on juvenile delinquency.

Secretary Ribicoff said the research would be carried out within the framework of families, schools, communities, books and movies.

"We are sponsoring this project with no preconceived ideas," the Secretary said, "but with a sincere desire to find out what we can do about the relationship between television and the behavior of children in relation to the various other influences on their behavior."

[From the New York Times, July 9, 1962]

IMPACT OF TV ON CHILDREN TO BE EVALUATED BY UNITED STATES—RIBICOFF ANNOUNCES FAR-REACHING STUDY TO DISTINGUISH "FACT FROM FANCY"—INDUSTRY OFFERS ITS SUPPORT

WASHINGTON, July 8.—The Government announced plans today for a thorough study of the impact of television on the nation's children. The industry offered its approval and support.

Abraham A. Ribicoff, Secretary of Health, Education, and Welfare, said in announcing the project that a primary aim was to "separate fact from fancy" in the claims and counterclaims on television's effect on children. He said:

"Out of this project, we hope will come a better understanding of the effects of television upon young people and data indicating how its rich potentials can best be utilized to help fulfill the special needs of children in this complex and changing world."

Leroy Collins, president of the National Association of Broadcasters, said:

"The television industry welcomes the development of authoritative information regarding the effects of television on children which should prove helpful in serving their needs and interests. Our association stands ready to assist in whatever way it can."

Planning conferences leading up to actual research in the field will be held this fall. They will be directed by a steering committee headed by Mr. Ribicoff's deputy special assistant, Bernard Russell.

Taking part in the planning session will be professional educators, child welfare specialists, mass communications research experts and representatives of the television industry.

Mr. Russell said the steering committee would select specific projects, arrange financial support and set up a system for supervising the research.

"We recognize, of course," Mr. Russell said, "that the responsibility for determining the content of programming lies with the broadcasters, and it is not our intention to interfere with that responsibility.

"On the contrary, we expect the results of this work to be an aid, an additional resource, to the broadcasting industry."

The study grew out of recommendations by Mr. Collins and Senator Thomas J. Dodd, Democrat from Connecticut, during hearings by Mr. Dodd's subcommittee on juvenile delinquency.

Mr. Ribicoff said the research would be carried out within the framework of various other factors that influence children. Such as families, schools, communities, books and movies.

"We are sponsoring this project with no preconceived ideas," the Secretary said, "but with a sincere desire to find out what we can about the relationship between television and the behavior of children in relation to the various other influences on their behavior."

[From the St. Louis Post-Dispatch, July 9, 1962]

TELEVISION IMPACT ON CHILDREN TO BE STUDIED BY GOVERNMENT—INDUSTRY OFFERS ITS COOPERATION—RESEARCH NOT INTENDED TO INTERFERE WITH PROGRAMING

WASHINGTON, July 9.—The Government plans a thorough study of the impact television has on children. The industry has offered its support.

Secretary of Health, Education and Welfare Abraham A. Ribicoff said yesterday the principal aim of the project was to separate fact from fancy about television's effect on the young.

"Out of this project," Ribicoff said, "we hope will come a better understanding of the effects of television upon young people and data indicating how its rich potentials can best be utilized to help fulfill the special needs of children in this complex and changing world."

Leroy Collins, president of the National Association of Broadcasters, said:

"The television industry welcomes the development of authoritative information regarding the effects of television on children which should prove helpful in serving their needs and interests. Our association stands ready to assist in whatever way it can."

Planning conferences will be held this fall, before field studies begin. Professional educators, child welfare specialists, mass communications research experts and representatives of the television industry will take part.

Bernard Russell, deputy special assistant to Ribicoff, said a steering committee will select specific projects, arrange financial support and set up a system for supervising the research.

"We recognize, of course," Russell said, "that the responsibility for determining the content of programing lies with the broadcasters, and it is not our intention to interfere with that responsibility.

"On the contrary, we expect the results of this work to be an aid, an additional resource, to the broadcasting industry."

The study grew out of recommendations by Collins and Senator Thomas J. Dodd (Dem.), Connecticut, in hearings by Dodd's subcommittee on juvenile delinquency.

[From the Washington Post & Times-Herald, July 9, 1962]

TV'S EFFECTS ON CHILDREN TO BE STUDIED

Whether Johnny can't read and gets into a lot of trouble because he watches too much television will be investigated by the Department of Health, Education and Welfare.

HEW Secretary Abraham Ribicoff has announced that his Department, in conjunction with educators and members of the television industry, will conduct research on the effects of television on children.

Ribicoff said a series of conferences would be held, beginning in the fall, to set up specific projects both to investigate the effects of TV and to find ways to use the medium for children's programming.

He said the project stemmed from a recommendation of Sen. Thomas J. Dodd (D-Conn.) made during hearings held by his subcommittee on juvenile delinquency.

Ribicoff said he feels that much of the material presently available in the field is contradicatory. "It is our hope," he said, "that we can separate fact from fancy in the variety of claims and counterclaims that surround this medium."

"We are sponsoring this project with no preconceived ideas but with a sincere desire to find out what we can about the relationship between television and the behavior of children in relation to the various other influences" on them, he said.

[From the Raleigh (N.C.) News & Observer, July 10, 1962]

GOVERNMENT PLANS STUDY OF TV'S IMPACT ON KIDS

WASHINGTON.—The government Monday announced plans for a thorough study of the impact television has on the nation's children. The industry offered its blessing and support.

Secretary Abraham A. Ribicoff of Health, Education and Welfare said in announcing the project that a big aim was to "separate fact from fancy" in the claims and counterclaims about television's effect on the young.

"Out of this project, we hope," Ribicoff said, "will come a better understanding of the effects of television upon young people and data indicating how its rich potentials can best be utilized to help fulfill the special needs of children in this complex and changing world."

NAB SUPPORTS STUDY

Leroy Collins, president of the National Association of Broadcasters NAB, said:

"The television industry welcomes the development of authoritative information regarding the effects of television on children which should prove helpful in serving their needs and interests. Our association stands ready to assist in whatever way it can."

Planning conferences leading up to actual research in the field will be held this fall. These will be directed by a steering committee headed by Ribicoff's deputy special assistant, Bernard Russell.

To take part in the planning sessions are professional educators, child welfare specialists, mass communications research experts and representatives of the television industry.

Russell said the steering committee will select specific projects, arrange financial support and set up a system for supervising the research.

"We recognize of course," Russell said, "that the responsibility for determining the content of programming lies with the broadcasters, and it is not our intention to interfere with that responsibility.

"On the contrary, we expect the results of this work to be an aid, an additional resource, to the broadcasting industry.

The study grew out of recommendations by Collins and Sen. Thomas J. Dodd, D-Conn., during hearings by Dodd's committee on juvenile delinquency.

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"We are sponsoring this project with no preconceived ideas but with a sincere desire to find out what we can about the relationship between television and the behavior of children in relation to the various other influences" on them, he said.

FREEDOMS FOUNDATION

Mr. PERCY. Mr. President, last week I was privileged to attend a luncheon in the Capitol sponsored by the Freedoms Foundation at Valley Forge, a patriotic group of Americans.

The purpose of the lunch was to honor 13 members of the Armed Forces who had won the 1968 George Washington Honor Medal Award by preparing an outstanding essay on the subject: "A Free Ballot—A Free Country." That the lunch proved to be such a success was due in no small part to the Senate sponsor, the distinguished senior Senator from South Dakota (Mr. MUNDT), who

was its host and who has been a guiding spirit behind the Freedoms Foundation for years.

I was most pleased that one of the 13 awardees, Lt. (jg.) Richard R. Hobbs, is a native of Bloomington, Ill. This young naval officer wrote a fine essay and I was pleased to be able to congratulate him personally.

The purpose of the Freedoms Foundation is:

To create and build an understanding of the spirit and philosophy of the Constitution and the Bill of Rights and of our indivisible bundle of political and economic freedoms inherent in them.

To inspire love of freedom and to support the spiritual unity born of the belief that man is a dignified human being created in the image of his Maker and, by that fact, possessor of certain inalienable rights.

It is a nonprofit, nonpartisan, nonsectarian, independent organization. Its funds come from the widest national sources—individuals, corporations and financial foundations. Every American is invited to contribute $1 or more annually and to participate in the foundation's awards program. Contributions to the foundation are deductible for Federal income tax purposes as provided by the Internal Revenue Code.

Freedoms Foundation constantly emphasizes the importance of education in strengthening and supporting the American way of life. Through its graduate credit seminars, teacher workshops, forums and lectures, the Foundations American Freedom Center now provides a focal point for teachers, educators, researchers and thought-leaders to be more fully informed of our heritage.

Over the years, more than 25,000 independent jury-selected awards have been granted. Every area of spiritual, economic, and civic life has been affirmatively recognized for work for God and country.

CONCLUSION OF MORNING BUSINESS

Mr. MANSFIELD. Mr. President, is there further morning business?

The VICE PRESIDENT. Is there further morning business? If not, morning business is concluded.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I believe that I received unanimous consent to be recognized at the conclusion of morning business. I ask unanimous consent at this time that I may yield to the distinguished Senator from Maryland (Mr. MATHIAS) and that at the conclusion of his remarks, I may then be recognized.

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

Mr. MATHIAS. Mr. President, I express my deep appreciation to the distinguished majority leader for his consideration in making this time available to me.

THE ANTI-BALLISTIC-MISSILE SYSTEM

Mr. MATHIAS. Mr. President, with the candor and objectivity that have distinguished the beginning of the Nixon administration, the President this week disclosed to the American people and to the world the fact that the National Security Council is completing its study of our defense against missiles and is making its final recommendations to him. By saying that he will address himself to these recommendations in the days immediately ahead the President has signaled to us that he now faces the anxiety and the loneliness that are inescapable in the course of making a fateful presidential determination. We cannot and should not be silent witnesses to this grave and historic process, for our concern for the Nation and our respect for the President demand that we contribute to the general dialog out of which the broadest possible public understanding may evolve. It is only in a climate of informed debate and widespread knowledge that the President can have that full latitude of decision which is necessary in dealing with a question that is complex enough to confound our minds and basic enough to stir very deep emotions.

We are facing a crucial decision which will affect the defense and security of the United States for years to come. We must decide whether to proceed with deployment of the Sentinel anti-ballistic-missile system, whose construction has recently been halted; and we must consider whether to expand that system beyond the level now planned for it.

Today I would like to present my own thoughts on these issues.

I believe that there can be no compromise with our defense, no avenue left unexplored, no possibility overlooked which might contribute to our search for security and peace. There is no cost or sacrifice too great to bear if it will make us all more safe.

But we must understand that we are now living in an age when increasing reliance on military force, and the purchase of every new weapon may not contribute to our defense. Now, as never before, we must critically examine each and every suggestion on its merits, not merely because of the immense cost of today's weapons systems—cost which inevitably mean sacrificing some other national goal. We must also be sure that the defenses we buy will indeed defend, and we must be sure that new defensive systems do not actually decrease our overall security.

Today our Nation is more involved in the world community than at any other time in our history, not just because we have assumed major burdens for the defense of peace and freedom in many areas beyond our shores, but also because we have become, for the first time, directly vulnerable to massive attack by potential adversaries. The strategic bomber and the intercontinental ballistic missile have obliterated our traditional protection of the seas and our continental defense.

Civilization that was millennial in the making can be disintegrated in minutes. We have no shield that will permit us to survive a holocaust and still welcome the future. We have been forced back upon a second line of security: the deterrence of attack by any potential aggressor, through our ability to rain destruction on him in inexorable retaliation.

We have achieved this deterrence of nuclear attack—and deterrence of other threats to our vital interests and those of our allies—at significant cost. For 23 years we have survived in the nuclear age and in that time we have learned that our own security—the success of our own deterrence—requires us to have concern for the security of our adversary, the Soviet Union, as well.

Over time, and after appalling risks during the Berlin and Cuban crises, we and the Soviets have both realized that for deterrence to succeed, for nuclear war to be prevented, we must both feel a mutual confidence in that deterrent. In short, for one of us to have security, both of us must have it. This is an inescapable requirement if we are both to live in a world free from the active threat of nuclear war.

This conclusion is supported by the hard realities of the nuclear arms race which stand out in stark and bold relief.

First, there is nothing that we can presently do to prevent the Soviet Union from being able to attack us and destroy our Nation beyond recognition or repair. Continued superiority in numbers of nuclear arms will not help us evade this reality, just as the Soviets' present search for nuclear "parity" will bring them no new security.

Second, nothing which the Russians do, now or in the foreseeable future, will enable them to launch a nuclear attack on us, and prevent us from destroying them in return. No anti-ballistic-missile system yet conceived, no new weapon in development by the Soviets, will enable them to escape this reality.

Third, security and survival in the nuclear age depend on mutual deterrence and mutual safety. Only if both the United States and the Soviet Union are able to stop the arms race will either of us have any confidence of being able to prevent a future nuclear war through accident, miscalculation, or heightened tensions and a new edition of the old cold war.

We must do nothing to upset mutual deterrence and the strategic balance. Only by preserving it can Americans and Russians begin to approach the political problems that divide us; to reduce the importance of nuclear weapons in the world; to lessen the risks that a nuclear war will begin despite ourselves; and to live in a world not continually held hostage to fear.

Thus, one of the standards which we must use in weighing each proposed strategic weapons system, including the Sentinel, is whether its deployment would reinforce mutual deterrence or undermine it without substituting any reliable alternative.

The Sentinel system, when completed, would be the most difficult and impressive engineering achievement in history, requiring the skills and techniques developed to send men to the moon. It would embody two different sets of advanced radar, complex computers, and, if fully deployed, two missile systems meeting standards of reliability higher than those for our offensive missile systems like Polaris and Minuteman. Unlike Apollo, Polaris, and Minuteman, this system would have to be in readiness to respond

with incredible precision, accuracy, and reliability at every single moment for a decade or more.

American industry and science, given sufficient time and money, could certainly meet the standards set for the Sentinel system. But that is not enough. We must also ask whether these standards of performance themselves will actually make this system effective in the face of any enemy's determined efforts to counter it. Even if Sentinel works, will it really provide us with defense against nuclear attack? Or will it only pose an additional threat to the stability of mutual deterrence?

It is vitally necessary to appreciate the difficulty of defending against a nuclear attack. In World War II, for example, if we had lost 10 percent of our attacking bombers in each raid on Germany, we would eventually have failed, because in a few missions we would have lost our entire strategic air force, in exchange for the relatively light damage which the bombs of that era could do.

But in the nuclear age, a single aircraft carrying hydrogen bombs can bear the destructive power of all the wars in history, and to defeat 10 percent of the enemy's attack would mean very little. Indeed, stopping 95 or 99 percent of the oncoming missiles would accomplish little, if one nuclear warhead still penetrated to its target and exploded to wreak incredible damage.

At the end of World War II, I walked across the ashes of both Hiroshima and Nagasaki, during those first few weeks of September 1945 when the full magnitude of the destruction and death in those two cities was scarcely impressed upon an uncomprehending world. Today we are concerned with weapons 100 to 1,000 times more powerful.

Defending successfully against an attack with intercontinental ballistic missiles, therefore, will require a level of performance by the Sentinel system that is staggering to contemplate. A single failure in the course of a nuclear attack could leave millions of Americans dead.

It is sometimes argued that with the Sentinel system we could reduce our casualties in a nuclear war to an "acceptable" level. But what Solomon can be found to set that level and to doom one and spare another? My personal experience in Japan is a reminder to me of the difficulty of making that judgment. We must not provide ourselves with a partial defense which by its very existence will only make nuclear war more likely.

For several years, in pursuing this subject, we had thought of an ABM system only as a defense against a possible attack by the Soviet Union. The arguments against trying to defend against such an attack were overwhelming then, and they are overwhelming now. Quite simply, we know that no defense system yet conceived can stop enough of the missiles launched against us to make such a prospect tolerable. For each step that we might take to improve our defenses, the Soviets could develop new ways of overcoming our new defenses. At the end of the spiral, we would be almost as vulnerable as before. Even worse, we would have seen a new round of the arms race, with new uncertainties about our ability to deter one another, heralding a possible return to the tensions and anxieties of the 1950's.

Wisely, we decided not to proceed with missile defenses against the Soviet Union which would only undermine each side's confidence in mutual deterrence.

Today we face a new and somewhat different issue. During the next few years, China will probably develop the ability to launch long-range missiles aimed at targets within the United States. By the mid-1970's we may face the prospect that China could attack us with a number of ballistic missiles.

Obviously, no one can view this forecast with equanimity, nor oppose whatever steps might be possible to protect our Nation against such an attack. But we must ask very carefully what the best way to do this would be.

There can be no doubt that we will do all in our power to deter an attack by the Chinese against the United States, including the maintenance of sufficient nuclear power to insure that we could retaliate against Peking and destroy China as a society.

Whether such maintenance is enough depends on our estimate of the rationality of Chinese behavior. Only a madman could conceive of attacking the United States, given the certainty of instant and fatal retribution. I wonder if it is really possible to insure against that exception to the doctrine of mutual deterrence?

Yet however we answer that question, there are other factors to consider, including the effectiveness of a defense against Chinese attack, and the other risks that would be involved in the purchase of "madman insurance."

When we evaluate the Sentinel system as a defense against a Chinese attack, it is generally assumed that it would be effective only for a limited number of years, within the decade from approximately the mid-1970's to the mid-1980's.

After that—despite a current lag in Chinese missile development—improved Chinese offensive capabilities would goad us to rebuild, renew or replace the system and could even make meaningful defense impossible.

We must also face the prospect that a madman's attack on the United States might not proceed in obvious ways. We would have to cope with the ingenuity of the insane, including nuclear bombs which might be directed against our country in ways that would elude the antimissile defenses. Missiles lobbed ashore from a Polaris-type vessel lying off either of our coasts would not alert the Sentinel. A nuclear device slipped into the country by abuse of diplomatic courtesy or by simple smuggling would not set even an unsleeping Sentinel in motion. The miniaturization which is a mark of the evolution of nuclear weapons as well as of domestic radios and television sets makes such speculative attacks even more feasible. There is no guarantee that the construction of a perfect Sentinel system will give us perfect defense.

There are other risks involved in arming ourselves with even a limited form of defense against the Chinese. For one thing, technical uncertainties in trying to intercept incoming nuclear warheads are still considerable. We would never be sure of the effectiveness of the Sentinel system—either as a total defense against China, or as a partial defense against the Soviet Union—unless we undertook exhaustive tests of the full system. This would mean violating the limited test-ban treaty of 1963 by resuming full-scale testing of nuclear weapons in the atmosphere. Such action would be irrevocable.

We must also realize that projects like Sentinel, directed against the Chinese, will likely lead to greater Chinese isolation and undermine our efforts to bring China into the international community.

But there is a far graver risk. For in the process of building defenses against Chinese missile attack—defenses of limited value—we would run the risk of confusing our strategic relations with the Soviet Union.

Current debate makes it clear that, strategically, diplomatically and psychologically, it is almost impossible for us—or the rest of the world—to distinguish with perfect clarity between an ABM system on guard against Red China and one focused on the Soviet Union. Obviously, any Sentinel system designed to counter a Chinese attack could also be used to intercept some of the Russian missiles that could be launched against us. As we improved the Sentinel to cope with more sophisticated Chinese missile capabilities, we could raise growing doubts in Moscow both about our own intentions and about the stability of mutual deterrence.

Already there is a certain confusion in American debate about the real object of an ABM deployment. Some Americans may reassure the Russians and they may be believed for the moment. But judging Soviet intentions is always uncertain, as evidenced by our nearly universal surprise over the Soviet invasion of Czechoslovakia.

The possibilities for misunderstanding by Moscow are already vast. They will be multiplied if we proceed with deployment of even the most limited ABM system. And the risk of such a misunderstanding is one which, in my judgment, we can ill afford. Its price in increased tensions, in heightened suspicion, in greater belligerence and an accelerated arms race is a high premium to pay for a policy of madman insurance with millions of lives deductible. Only by minimizing uncertainties can we preserve the strategic stability that now steadies the world.

There is a serious concern in the United States that the Soviet Union does not share our caution; after all, they and not we have initiated the construction of antiballistic missiles. But we must examine closely just what the Russians have been doing. In the first place, their ABM system is a limited one, providing protection only for one city, Moscow. Second, their system is far less sophisticated than the Sentinel would be, and consequently more subject to countermeasures. Third, the Russians themselves appear to have recognized the weaknesses of their ABM system, just as we are recognizing the potential weaknesses of our own proposals. In fact, they

have slowed or stopped work on the defensive system deployed around Moscow.

We must consider, too, the historic obsession the Russians have had with defense. Ravaged by successive conquerors over the centuries, invaded and occupied by Napoleon, and decimated by the forces of Nazi Germany in our lifetime, the Russians have developed an emotional preoccupation with security. They outspent us by a factor of more than three to one in defenses against manned bombers, even long after our missiles had rendered their bomber defenses useless. It is just possible that the present half-hearted attempt by the Russians to defend one city—just one—against missile attack is only a last gasp of a defense policy that, for the Russians as for ourselves, has little relevance in the age of nuclear missiles which grow more and more sophisticated, powerful and accurate.

I do not argue that we should rely on the Soviet Union's good faith. No rational security policy can be based on anything but the strongest, surest efforts to provide for our own security. But we can test the Russians' restraint, at relatively little cost to ourselves. We can, to begin with, continue to equip our leaders with the most sophisticated of intelligence-gathering devices, including "spy-in-the-sky" satellites, so that we will know at any moment the status of offensive and defensive missile deployment in the Soviet Union and, of course, in China. This is one area of military development where our efforts are certain to contribute directly to our security, while strengthening mutual deterrence between our Nation and the Soviet Union.

We must also continue to develop techniques for countering the limited ABM system deployed around Moscow, and any other system the Russians, in ignorance or defiance of its futility, should choose to build. These techniques will be effective, and will give our offensive missiles effective superiority over their defenses. For us to continue with the development of these techniques is an important part of our overall national security policy.

Furthermore, we must continue developing our techniques of antimissile defense against the possibility that missile defense will some day really work, not just against an unsophisticated attack by China, but against a full attack by the Soviet Union. On the basis of the most authoritative information and analysis to me, that day will be a long time dawning. But we must prepare against the possibility, however remote, that it will come.

These are the strategic problems involved in the Sentinel system. There are serious diplomatic and domestic problems, as well. To begin with, it has been argued that Sentinel will increase the Russians' incentive to talk about arms control, covering a comprehensive list of offensive and defensive systems. I believe that these talks should take place, but I am not convinced that Sentinel will help us in bargaining with the Russians on these delicate and crucial matters. To the contrary, past experience—as with the bomber and missile gaps—indicates that any step, however minor, taken to upset the strategic balance will only decrease the chances for meaningful discussions. We have found that upsets in the strategic balance produce not mutual conciliation but mutual fear for survival. We must remember that there are still leading members of the Soviet Government who question the good intentions of the United States. If we appear to be justifying their skepticism—as we would by proceeding with a Sentinel system, a system that was not clearly and precisely limited to defending against a possible Chinese missile attack—then we should not be surprised at another period of suspicion and difficult relations with Moscow.

During the past few years, strategic stability has permitted a certain relaxation of tensions in our relations with the Soviet Union. I do not suggest that our real conflicts of interest have been resolved, or that they will be resolved in the near future. But we have had a period of relative relaxation, and have taken the first tentative steps back from the nuclear abyss—with the limited test-ban treaty, the hot line between Washington and Moscow, and our mutual efforts to prevent the spread of nuclear weapons. But if we lose our present confidence in strategic stability and mutual deterrence, we will invite a new period of disagreement with the Soviet Union even on matters of crucial importance to us both—including issues affecting the prospects for nuclear war.

Furthermore, beginning talks with the Soviet Union on an end to the arms race, as well as forswearing new strategic nuclear programs, may be the price of preventing the spread of nuclear weapons to many nations not now possessing them. Several countries have already declared that their support for the nonproliferation treaty is conditional on a show of self-restraint by the Soviet Union and the United States. This is a matter to which we must give serious consideration before deciding either to proceed with Sentinel or to delay the start of these arms control talks.

These diplomatic factors, as well as reasons of strategy, argue against deployment of the Sentinel system at this time. There is also its high cost. I have said that cost must be no object where the security of the United States is at stake. But where a program, such as Sentinel and its variants, is of unproven merit—and may actually be of real harm—we must look at the economic factor.

At present, the planned Sentinel system is estimated to cost no less than $5 billion, and probably about $10 billion. If the system expands to be directed against Russian missiles, the cost of Sentinel in the next few years could soar to $100 billion or more for the full system. And there will be no guarantee, even then, that we will have any real defense for our money.

We are now facing grave problems in this country, with urgent demands for money to combat poverty, curb crime, and meet the crises of blight in our cities. We need to invest our resources in those things which will most enrich and enhance our lives and those of our neighbors. But if we spend billions of dollars on shaky systems which we may not need, we will have less for those challenges of urgent priority. Unless we are careful, the inertia of Government spending—that often irresistible force—will set in and carry the Sentinel's costs beyond our control. If we are to prevent this inertia from taking command, I submit, Mr. President, that we must exert ourselves now.

Finally, there is a fundamental problem, the question of our attitudes concerning the role of force in security, and the role of weapons in the conduct of diplomacy. For many years I have been concerned by what I believe is our tendency to look at problems of military policy without considering the related questions of diplomacy and the securing of peace through political means. We must not delude ourselves: in the long run, we must deal with our adversaries on political and human levels as well as on the military plane. We can no longer hide beyond the oceans, nor will we be able to hide behind a screen of missile defenses which do not work.

Fortunately, we have learned some lessons in our dealings with our chief adversary, the Soviet Union. We have had modest successes in making the world a safer place, and in exercising a mutual caution and mutual trust. As a result, the specter of nuclear war has receded a little farther from us. We must not lose the chance to carry on with these developments, including talks with the Soviet Union to end the nuclear arms race.

For all these reasons, I reaffirm the conclusion that I formed and acted upon last year as a Member of the other body. On the basis of all of the information available to me, it is still my view that a limited ABM system should not be deployed at this time. Rather, we should redouble our efforts to tip the international balance on the side of peace, by vigorously pursuing talks on the limitation of nuclear arms, and seeking to expand the constructive communication with other nations which the President's trip to Europe has so greatly improved.

In the longer run, we must continue our search for new ways to order our relations with other nations—ways that do not depend upon the power of nuclear weapons to deter, nor require the piling up of unneeded weapons of systems. Peace will be won by men, not by missiles or machines. It will be achieved by a patient process of political effort, not by the unconsidered purchase of new, complex military hardware.

We must never neglect the hard demands of our own sure defense. But we must also not lose what chances we have to lessen the uncertainties of the nuclear age, and advance the search for lasting peace.

Mr. FULBRIGHT. Mr. President, will the Senator from Maryland yield?

Mr. MATHIAS. I am happy to yield to the Senator from Arkansas.

Mr. FULBRIGHT. First, I wish to compliment the Senator from Maryland and congratulate him on a very thoughtful and penetrating speech. I think his statement covers much of the ground which the Committee on Foreign Relations and its subcommittees have been looking into, and he has brought the

relevant material together in a very effective way.

I was particularly impressed by his last point as to whether the security of a country can be assured by weapons and military means. It seems to me that the whole experience of the human race negates the prospect that peace can be attained by military means. Since the beginning of recorded history that is one proposition which has been tested time after time and been found wanting.

So there certainly is no assurance the piling up more weapons will bring peace. In fact, history and experience suggest the opposite. So the Senator's suggestion that we should look elsewhere for peace is well taken, and I think he has put it in an extremely effective manner.

I was impressed by the Senator's statement that he walked personally over the ruins of Hiroshima, if I understood him correctly. Very few people have done that, and very few people, I think, really understand the nature of nuclear warfare and what we are faced with. When we have testimony before our committee, and elsewhere, and in the press, to the effect that an exchange of nuclear weapons will result in 100 million deaths of Americans, and that if we have the ABM it will be only 40 million or 20 million or 30 million—intimating that this is acceptable—I think it is a wholly unrealistic way to talk about the whole situation. I cannot imagine that anyone can consider 20 million or 10 million deaths as being acceptable if he has in mind the preservation of what we call a democratic, free country.

Does the Senator think we could preserve what are the essentials of our society if we had an exchange which would kill even only 10 million?

Mr. MATHIAS. That is why I suggested that a Solomon could not be found to decide which 10 million should go and which should stay. It would be an impossible choice.

Mr. FULBRIGHT. Would it not really destroy our kind of society and result, among those who survived, in a complete change of our society, and probably a dictatorship, the kind of dictatorship we are supposed to be opposing by these means and these military weapons?

Mr. MATHIAS. It would be the ultimate in State planning.

Mr. FULBRIGHT. And would destroy all confidence in the future, it seems to me, of any possibility of making peace among the human race. So I particularly like the way the Senator has treated the last statement—that there is not any hope along that path.

I do not think the Senator thinks this is equivalent to unilateral disarmament. I have heard it said by the opponents of the treaty; that is, the proponents of the Sentinel ABM, that if we do not do this, it means unilateral disarmament. I think there is nothing further from the truth. That is not at all what the Senator from Maryland is saying. Nor am I. Is that correct?

Mr. MATHIAS. Absolutely. The Senator has stated my feeling absolutely—that we must keep our guard up, and this is a rabbit warren into which we should not fall.

Mr. FULBRIGHT. It seems to me that people who say, "I am interested in the security of this country regardless of the cost" miss the point completely. The Senator from Maryland is interested, and I am interested, in the security of the country. Where we differ with those who wish to rely upon military weapons so strongly is in the means to assure our security. I share the Senator's belief that the route to security is by a newer approach. We must affect the attitudes of our people so they will understand diplomatic means and negotiations will be in the interests and mutual security of, in this instance, both great nuclear powers, and finally all powers. Is that a correct interpretation?

Mr. MATHIAS. I think that is clearly the direction we have to take.

Mr. FULBRIGHT. It irritates me to have someone say, "You know, my primary responsibility is the security of the United States," as if no one else were interested, as if the Senator from Maryland or I were not interested, because we differ upon the way to achieve that security. Really, the narrow point is how we achieve the security of the United States. I could not agree more with the Senator's judgment that it is not by piling up more and more nuclear weapons.

One other point. Other Senators wish to comment on the Senator's statement. Mention was made of the Chinese. Of course, I have never believed that there was any real point in building up the Sentinel system just for the benefit of protection against the Chinese. That was a way of taking advantage of the emotion of the moment growing out of the Vietnam war, which would facilitate the approval by the Congress of a Sentinel system. That technique succeeded last year. But it has now become quite evident that it was just a maneuver without substance.

I was reminded of the editorial appearing in the principal Communist paper in Peking some months ago which showed how little they were thinking of bombarding or attacking the United States. The editorial expressed the gratitude of the Chinese people for the fact that the Government of the United States was bringing American soldiers to Asia, where they could be destroyed in the paddy fields and jungles of Asia; whereas, if the Americans had stayed at home, the Chinese had no means of getting to the United States and thus no prospect of destroying or weakening us. So the Chinese were expressing gratitude to the Government of the United States for sending our people there and subjecting them to the deaths that we have suffered, now over 32,000 and 200,000 casualties.

So I think it is quite clear, from the Chinese themselves, that they have no idea of attacking the United States by missiles, because it would be wholly ineffective; but it is very effective when we go to Asia and subject our soldiers to those conditions.

I certainly congratulate the Senator from Maryland on a very fine speech.

Mr. MATHIAS. I thank the distinguished chairman of the Foreign Relations Committee for his very valuable and very generous comments.

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

Mr. MATHIAS. I yield to the Senator.

Mr. COOPER. Mr. President, I want to congratulate the Senator from Maryland for the very fine speech he has made. I am sure all of us who have attended this debate agree that it is one of the best balanced speeches we have heard. It goes thoroughly into the political and social implications and consequences of this decision.

I think the discussion of the Senator from Maryland with the Senator from Arkansas has pointed out very clearly that installation of the system will not solve the real problems affecting the security of our country. So I commend the Senator from Maryland for his valuable contribution to this debate.

I have talked with the Senator from Montana (Mr. MANSFIELD), who, I know, is going to speak later on this subject. I must leave and cannot be here when he delivers his statement. I had intended to make a short statement following that of the distinguished majority leader, directed chiefly to the testimony we heard yesterday in the first day of hearings held by the Foreign Relations Committee's Subcommittee on Disarmament chaired by the distinguished Senator from Tennessee (Mr. GORE). I intend to direct my attention to the testimony of the scientists, chiefly to point out that at least two, and I believe in the second case all three of them, spoke on the deployment of the Sentinel system. Two of them said there was no immediate danger, and that there was time for negotiations. As to the new variant on this Sentinel system—that of the deployment of the Sprints around our Minuteman sites or some similar system, two said clearly that there was no danger in delaying deployment until negotiations or nuclear arms limitation had been tried.

Mr. MATHIAS. I thank the distinguished Senator from Kentucky and appreciate his contribution.

I yield now to the Senator from New Jersey.

Mr. CASE. Mr. President, I join my colleagues in expressing my appreciation for the fine talk which the Senator from Maryland has just made. Those of us on this side of the Capitol who have been expressing our concern about this specific matter for many months now welcome the addition of someone who brings the same viewpoint, and great strength to it, as a new Member of this body.

He has expressed with clarity the position which all of us feel. His statement, as the chairman of our Committee on Foreign Relations has said, was an excellent summary of the position that we believe is bringing matters more and more to the point that the burden of proof of the necessity of such a system is now upon its proponents. The burden, if it ever was on those who oppose it, has certainly shifted, and I think we are correct in calling upon its advocates, whether it be the administration, if that should be its position, or those in this body who have taken that viewpoint in the past, to demonstrate clearly, and

with the burden of proof on their side, not only that this step is necessary, but also that it is not positively harmful, as the Senator has so well suggested.

I think, in this connection, it is proper to point out that we have all heard suggestions that the point of view from which the argument for a so-called light system is advanced is now going to be shifted from the defense of our cities to the defense of our missile bases. If that is so, it invalidates much of what, even at the time, some of us thought was ineffective, and an inadequate reason for this action, when expressed and advanced last year.

I again express my appreciation to our colleague from Maryland.

Mr. MATHIAS. I thank the Senator for his kind remarks.

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

Mr. MATHIAS. I yield to the Senator from New York.

Mr. JAVITS. Mr. President, I join with my colleagues in expressing great pleasure at the speech, balanced and informative and obviously the result of much thought and soul searching, of the Senator from Maryland. He has made his first major speech in this body on as historic a question, and at as historic a moment, as our country may very well face before the turn of the year 2000. We are about to ascend or not to ascend to a new plateau of military preparation, which may be of such a character as to put beyond us the ability to control it through subsequent arms limitation efforts.

As I said at that disrupted luncheon some of us attended the other day, the next generation of nuclear weapons systems may propel us into the realm of automaticity where it will no longer be men but rather computers that decide whether there is to be a nuclear response or not, so fast will be the course of events.

Mr. President, I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks the full text of my statement.

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

(See exhibit 1.)

Mr. JAVITS. I welcome Senator MATHIAS to the company here. He came to Congress marked as a progressive. He has not left us in doubt that the transition from the House of Representatives to the Senate has not changed his profound convictions, his powers of persuasion, or his learning and judgment.

Mr. President, like the Senator from Kentucky, I, too, had hoped to say a word following the speech of the majority leader. I, too, must leave the Chamber on a very important mission; nonetheless, I should like to say that all of us take tremendous heart from the fact that the majority leader, as well as the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Missouri (Mr. SYMINGTON), and other distinguished members of the majority, especially noted in this field, take the same position that we do.

Mr. President, this is not a decision without risk. I should like to say this in tribute to my friend, the Senator from Maryland: One cannot simply dismiss the arguments of those who would mount an anti-ballistic-missile defense now. For all we know, in the long corridor of history, they may be right and we may be wrong, however deeply we now feel it is not so. But we know one thing, Mr. President: We know that if there is a risk involved we know the direction in which the risk should be taken. As the Senator from Kentucky has said, we have Gerard Smith, who, in a negative way, tells us we will not prejudice negotiations with the Russians; and we have the scientists who tell us in a positive way that we do have the time—in a sense which will not prejudice the national security of the United States—to consider this matter much more deeply and to try the arts of negotiation before plunging irrevocably ahead.

We have assurances from both that there is some time. The axe does not have to fall now.

Many of us deeply feel that if we start on this program of deployment, appropriation, and further deployment, the jig is up—it will inevitably go on and on and on. We would then never know whether this possible opening which we have now, when everybody wants to negotiate, could have been availed of in such a way as to stop the mad momentum of the nuclear arms race—which could end in the extinction of the human race if it is not checked.

Because the question now must be resolved in favor of man, I am delighted that, intellectually, I find myself in this company. I think it will be a source of gratification to me for the rest of my life, and I feel the same way about the very distinguished statement which has today been made by the Senator from Maryland. I thank him very much for yielding.

EXHIBIT 1

[From the office of Senator Jacob K. Javits, of New York, Mar. 5, 1969]

NUCLEAR-WEAPONS CONTROL AND WORLD ORDER

(An address by Senator Javits to The Fund For Education and World Order, New York Hilton Hotel, March 5, 1969)

According to the "Statement of Purpose" I received, the central theme of this Convocation is ". . . citizen education as a sound basis for citizen participation in the formation of policies for lasting peace." With this in mind, I have chosen to address myself today to what is the overriding issue before our nation—the control of nuclear weapons and the prospects for lasting peace; and, especially, since "citizen education" and "citizen participation" with respect to this issue are likely to be the decisive elements in the crucial decisions which the nation must make in the months ahead.

The great debate in our nation concerning nuclear arms control has focused largely on whether or not we should proceed with the deployment of the Sentinel anti-ballistic missile system. Some sixteen months ago, in November 1967, when the ABM public debate was just getting under way, I had occasion to speak on this subject in a lecture at New York University. As you may recall, at that time former Defense Secretary McNamara had just announced the Johnson Administration's decision to deploy a "thin", Chinese-oriented ABM system. I began my remarks that night by expressing deep concern over ". . . the inadequacy of the national debate which preceded the ABM decision."

In recalling those remarks from the perspective of today I see reason to be encouraged by the scope of the public debate which subsequently has developed on the ABM issue. The interest and the participation of the public at large in this debate has increased strikingly, and has done much to broaden the scope of the debate and to relate it more directly to the fundamental issues of national policy which are at stake.

But a realistic assessment of where we stand today with respect to the isue of nuclear arms control precludes any sense of complacency. Ratification by the Senate of the Non-Proliferation Treaty (NPT) can restore some momentum to the cause of international arms control. But there is still no certainty of early negotiations with the USSR on limitation of missile systems, pursuant to Article VI of the NPT. And, most important, no final decision has yet been made on whether good faith negotiations under Article VI of the NPT requires us to delay further procurement or deployment of the Sentinel ABM. Moreover, in addition to the ABM a whole new generation of nuclear weapons systems is reaching technological maturity in the R & D field and we are poised just short of a possible major escalation in the nuclear arms race—an escalation which could gravely endanger prospects for continuing world peace.

Even in the earliest stages of the ABM debate it was apparent that the important differences between the proponents and the opponents of the Sentinel system concerned broad matters of policy and basic assumptions and judgments about the kind of world we will be living in in the 1970's.

On the most important policy questions we are far from having reached a broadly acceptable national consensus. In my judgment, the most important service which leaders on both sides of the ABM debate can now perform for the nation is that of clarification and crystalization of the fundamental, underlying policy issues.

I am concerned by the danger that the ABM debate could take on some of the more bitter and destructive attributes which have characterised the dispute over Vietnam policy. Our nation would be ill-served indeed if this should prove to be the case.

Personally, I am strongly of the view that it would be a mistake for this country to procure and deploy an antiballistic missile defense system at this time.

But as I also know of Senators whose intelligence and integrity I deeply respect who strongly favor deployment of the Sentinel system, I would like to suggest here certain informal ground rules which, if observed by both sides, could give heightened clarity and relevance to the ABM debate.

First, the burden of proof clearly lies with those who wish to proceed with the deployment of the Sentinel system.

The advocates of the Sentinel ABM have done their case serious and unnecessary harm, in my judgment, by constantly shifting the arguments in favor of the system. Originally, Sentinel was proposed to Congress as a defense against a projected Chinese nuclear missile capability in the mid-1970's. A plausible case on these grounds must have been developed within the Administration but this case has never been placed before the public in a convincing manner. The legitimate questions raised against the rationale for a Chinese-oriented ABM have never been answered.

Yet, during the discussions in the Senate last year on the ABM question, the leading proponents made it clear that they view Sentinel as a Soviet-oriented defense system. In addition, they went so far as to characterise the "thin" Sentinel system as but a building block toward a "thick", or full-blown, ABM system. In advancing this line of argument, no satisfactory answers were given to the classic brief against a Soviet-oriented ABM system articulated by former Defense Secre-

tary McNamara in his landmark speech of September 18, 1967. It was these circumstances which most aroused and alarmed the opponents of the Sentinel deployment and produced real skepticism in the minds of the opponents of the Sentinel system with respect to the soundness of the whole rationale for an ABM defense system.

More recently, Defense Secretary Clifford and his successor, Melvin Laird, have introduced the argument that the United States must proceed with the deployment of the Sentinel system in order to strengthen our hand in prospective negotiations with the Soviet Union on the limitation of both offensive and defensive strategic missile deployments. Suffice it to say that this argument has not been sufficiently articulated to overcome the fear of many that the deployment of the Sentinel system would have the opposite result—that of gravely prejudicing the chances of successful negotiation.

Two additional justifications for Sentinel have also been introduced in the past year which, in the general confusion and swirl of debate, have not received adequate justification or refutation. One of these arguments is that a modified Sentinel system which would provide "hard point" protection to our retaliatory offensive missiles is now necessary to maintain the credibility of our deterrent following the development of MIRV's (multiple warhead missiles) which might tempt Soviet strategists to attempt a preemptive first strike at our missile force.

Personally, I am inclined to feel that this would not be a cost-effective decision, to borrow Mr. McNamara's pet phrase, in view of the great competing demands on the federal budget and the strength of our offense. But, if there is good argument on this score I urge that it be developed and put forth seriously. I, for one, am prepared to listen.

The second of these latter two arguments is that ABM technology has been carried forward in the R&D stage now to the point where further meaningful advances require experience with deployment which alone, it is said, can enable a working out of the "bugs" and provide the possibility for significant technical breakthroughs.

In my view, this argument deserves to be considered seriously only after it became apparent that no reasonable agreement with the USSR on control of the nuclear arms race is possible. But to proceed on the basis of this rationale before we have even started negotiations violates the dictates of basic common sense, in my view.

While the burden of proof so far as the ABM is concerned clearly lies with the proponents—and clearly has not been established, to my mind—the opponents of ABM have not adequately articulated the deeper reasons for their opposition.

In essence, what is needed is a more compelling presentation of the necessity for moving away from the nuclear arms race through the deliberate creation of a more effective world order.

President Nixon has made a beginning in this direction—by consciously seeking the title of "Peacemaker" in his Inaugural Address, and by declaring his intention to move the United States out of the era of confrontation with the Soviet Union and into the era of negotiation. His choice of the concept of "sufficiency" with respect to nuclear weapons—rather than concepts of "superiority" or "parity"—is a useful contribution in this direction.

But the declaration of intentions and the articulation of broad concepts—as useful and important as these are—will not be sufficient to free us from the complusions of the nuclear arms race. It is not enough to just be against the arms race. We must have well-conceived alternatives.

The question of alternatives to the nuclear arms race assumes an immediacy when we examine the costs involved. The "thick" ABM system favored by the Joint Chiefs of Staff might cost $50 to $75 billion. Moreover, according to the former Director of the Arms Control and Disarmament Agency, "three weapons systems which have been suggested but not yet approved bear a price tag, over the next few years, of somewhere between $60 and $100 billions."

Certainly the economy of even this nation is in no position to absorb expenditures for new weapons in this magnitude, unless we are prepared to become a real garrison state. We have urgent domestic problems—the crisis of the cities—which will require large new federal expenditures in the years immediately ahead. The choices we make with respect to the allocation of our national resources as between military and civilian demands will determine the nature and quality of life in the United States in the decades ahead.

A clearer perception of this direct relationship between arms control agreements and domestic problems is required if we are to make the correct national decisions.

An urgent first step toward resolving the dilemma we face can be taken by a prompt agreement to begin the long-delayed negotiations with the USSR on the limitation of strategic nuclear missile systems. Such negotiations are clearly in the mutual self-interest of both the US and the USSR. The outcome of those negotiations could be prejudiced even before they commence, if they are delayed until after decisions are made concerning the deployment of the Sentinel ABM system. It is for this reason that members of the Senate Foreign Relations Committee pressed so hard for a decision by Defense Secretary Laird to delay deployment of the Sentinel until efforts had been made through negotiations to relieve both the US and the USSR of the burden of undertaking the major expenses involved.

I am not so naive as to think that mere good intentions on the part of the United States can produce meaningful agreements with the Soviet Union. Certainly, it takes two parties to make an agreement and we must face the possibility that no agreement proves possible with the Soviet Union to curb the nuclear arms race despite our best efforts.

The challenge before us is far from simple. We must do more, out of our own self-interest, than just enter negotiations in good faith. We must pursue policies which consciously and actively seek to influence the Soviet Union to move in the direction we desire. I believe that President Nixon understands this. Before his election, he said: ". . . for arms control to be successful, we must first establish prerequisites and incentives, and this requires a cooperative pursuit of common objectives. We will succeed, first, to the extent that we can convince our adversaries to share our interest in stability and to rely on peaceful, not military, means for effecting change. Second, our success will depend not so much on mutual trust as on mutual knowledge, so that each side can know with reasonable assurance what the other is about."

In addition, during the campaign President Nixon promised: ". . . the evolution of a strategic doctrine, stressing the non-belligerent aspects of our national security posture." This is a philosophy which many in the United States will wish to support. And the effectiveness of the support he receives in this direction from the public and from members of Congress will determine the freedom of action he has in this regard. He is going to need all the help we can give him.

The more chances he has to practice creative diplomacy the greater is the likelihood that we can avoid being locked into dangerous new escalation of the arms race.

There is little doubt that successful negotiations to end the Vietnam war; to prevent a new war—or super-power "eyeball to eyeball" confrontation—in the Mideast; to bring about the integration of free Europe; to end tensions on its Eastern border; and to deal with the massive problems of the developing nations and of the population explosion—and to free resources for our crises at home—would contribute infinitely more to the security of this country, and the world, than could any combination of exotic new weapons systems.

Mr. JAVITS. Mr. President, I ask unanimous consent that a statement by my colleague, Senator GOODELL, entitled "Do We Really Need the ABM?" be printed in the RECORD.

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

DO WE REALLY NEED THE ABM?

There have been serious questions raised regarding the present ABM Sentinel system and what its future should be. These questions have not yet been answered satisfactorily by the Pentagon and arguments against deployment persist.

I am pleased to join the continuing efforts of Senator Cooper and other Senators in underscoring the need for further review of the ABM Sentinel system and its contribution to the requirements of our national security.

Last year, I supported Senator Cooper's amendment to the Defense Appropriations bill which would have delayed deployment of the Sentinel system. Although Congress passed these initial funds for Sentinel deployment, the ABM issue has erupted again this year as citizen opposition to site-acquisition provides additional restraint to deployment.

On February 6, President Nixon called for a temporary halt in ABM site-acquisition and construction pending further review. This halt is a welcome opportunity to take another look at the Sentinel and the grave problems of our country's defense against nuclear striking power.

I am opposed to the deployment of the ABM Sentinel system at the present time. There is, I believe, an urgent need for more facts about the real effectiveness of such a system, its costs and its impact upon our domestic priorities before we commit ourselves irrevocably to such a multi-billion dollar project.

While the Pentagon has argued for the ABM on the grounds of preparedness to meet nuclear threats, there is need for pause before we get hopelessly bogged down in a quagmire of competing ABM objectives and inconsistent policies encouraging the arms race on the one hand while pursuing arms control on the other. There is need for pause before we proceed further on a program with unclear cost estimates based on speculative calculations. There is need to pause to reassess alleged nuclear threats, in view of conflicting measurements of foreign nuclear capabilities and guessitudes of use. Indeed, there is need for serious reflection if we are to avoid a tremendous waste of resources; if we are to avoid spending billions of dollars on an ABM system and at the end be left with still unmet domestic needs of the American people and be relatively at the same point on the security scale as we are now.

Presently, the interplay of multiple perspectives has produced discussion on a variety of ABM programs.

There is the present "thin" Sentinel ABM system proposed by the Johnson Administration aimed against Red China's nuclear threat. The military has estimated its cost at $5.8 billion, but it may be much higher.

There is the proposed ABM system attributed to Secretary Laird. This might be called an "expanded thin" ABM system geared to protection against the nuclear threat of Red China but with added protec-

tion against that of the Soviet Union. The military has estimated its cost at from $6 to $10 billion, but it too may be much higher.

Then there is the so-called "thick" ABM system aimed primarily against the Soviet nuclear threat. The cost of this is beyond estimate.

There appears to be widespread consensus in both Soviet and American scientific communities that a "thick" ABM system would be an exercise in futility. Regardless of cost in the hundreds-of-billions of dollars, it would merely produce a nuclear action-reaction escalation. A heavy ABM system, geared to fire defensive missiles at offensive warheads, would only motivate increases in offensive capability to cancel out defensive advantage.

In addition, consensus is that the technology of nuclear attack has so outstripped the technology of defense that obstacles to an effective missile defense—an impenetrable nuclear shield—seem virtually insurmountable. Deterrence against U.S. and Soviet nuclear striking power, then, has rested on "assured destruction capability" and the knowledge that nuclear aggression means suicide to the aggressor.

My concern, now then, centers on the present Sentinel system and its proposed revision.

What will be the effectiveness of such an ABM system aimed primarily against Red China? In approaching this question, a most disturbing fact here again is the technology of nuclear attacks. Effectiveness would relate to the very question of time it would take Red China to develop its nuclear capability to penetrate the nuclear shield making it useless.

I am deeply concerned that the ABM system may simply be obsolete by the time we have spent billions of dollars to install it.

Military experts have testified that Red China is not expected to have available the more sophisticated penetration aids for several years following initial nuclear capability.

But what if Red China develops penetration aids before or after our anti-missile system is operative?

We have learned the hard and costly way that our own defense projects often fails to meet target deadlines. In the case of the ABM, there is the possibility that penetration technology before ABM implementation would make the system meaningless. There is the other possibility that penetration after implementation merely means expanding the ABM system to meet increased Chinese nuclear capability.

Here again is the vicious circle of nuclear action-reaction escalation.

On these grounds of doubtful effectiveness and likely nuclear action-reaction response, I have opposed deployment of the ABM Sentinel system.

The points raised today cautioning against deployment of the Sentinel system are serious ones. I am hopeful that President Nixon's forthcoming statement of position on the ABM will take them into consideration.

While we will spend much time this year examining the ABM, the time will come to consider appropriations for defense and to make a decision on the future of the ABM system.

Today there seems to be more confidence in our military means than there is clarity of our national purposes.

Have we failed to learn the lesson of the Cuban missile crisis epitomizing as it does the dangers of confrontation in this thermonuclear age? Have we failed to learn the urgent need for restraints against nuclear offensive and defensive escalation?

What about the domestic impact of our defense policy? Surely, our military spending must be considered in the context of the urgent need to meet pressing social problems at home, in our deteriorating cities and in areas of rural poverty. We simply cannot afford to let our domestic priorities be distorted by limitless spending on costly military hardware of questionable usefulness.

It is presently estimated that expenditures for Vietnam will decline by $3.5 billion due to the bombing halt, but non-Vietnam defense spending will rise by $5 billion or more due to development and deployment of ABM. These figures are a startling blow to those of us who would like to see savings from Vietnam transferred to pressing needs at home, not automatically siphoned off for more military weaponry.

And after recent disclosures by the military that the Soviets out-distance us in the production of biological and chemical warfare (BCW), will there be defense requests to expand efforts on this insidious weaponry?

There is a way out of this arms escalation if we have both reason and will.

I speak of arms limitations and confidence-building among nations.

Article VI of the Nonproliferation Treaty provides that each party to the Treaty "undertakes to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control."

This Treaty is a most hopeful sign to proceed with limitation of all weapons by the nations of the world. Another hopeful sign is President Nixon's willingness to meet with the Soviet Union on missile talks.

It is an irony that while we look forward to arms limitation, we are still confronted with the possibility of ABM deployment.

I am following with interest the hearings on ABM before the Senate Foreign Relations Committee as so many of us are.

There are a few people today who are confirmed optimists denying evidence of nuclear peril; there are some who are pessimists denying any hope for disarmament agreement.

But between these, there are many who realize the grave perils in arms escalation; and who are alarmed at the absurd point at which government spending on arms has jeopardized vital services to people. There are many who recognize and are receptive to opportunities to international cooperation; and want restraints against an arms race course of action.

I am hopeful that we will move forward in this critical area of disarmament.

I am hopeful that while strengthening international peace-keeping measures, we will move toward reduction, parallel reduction and progressive reduction in nuclear weapons as well as limitation of production and condemnation of use of biological and chemical weaponry (BCW).

The most compelling arguments for these disarmament moves are survival and humanity.

Today Senator Mathias has presented a very thoughtful statement on the ABM. I have read the text of his statement and wish to associate myself with the purposes of his thoughtful comments. I congratulate him in his thought-provoking examination of the ABM issue.

Mr. MATHIAS. I thank the distinguished Senator from New York, not only for his contribution to the debate over a long period of time, but for his kind personal comments today.

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

Mr. MATHIAS. I yield to the Senator from Illinois.

Mr. PERCY. Mr. President, I have worked with the distinguished Senator from Maryland for a number of years. The first intimate experience we had together was when I was in the private sector and he was in the House of Representatives, in connection with the Mathias amendment to try to approach one of the most complex domestic problems this country has faced; and I think now, several years later, that his wisdom, his foresight, and his judgment have proven correct in his proposals in the area of civil rights. I think they have advanced the cause of justice in this country a great deal.

I think now, as he turns, on this historic occasion, to this subject in his own maiden speech in the U.S. Senate, he has addressed himself to a problem that not only deals with our posture abroad and our national security and defense, but to a problem that will deeply involve us for a long time to come, as to whether we are going to be able to turn our attention to nation-building here at home, in a constructive, positive manner.

I think the analysis he has made of the deployment of the antiballistic missile, and the course that it would carry us and the country through, has been perceptive and wise, and I am pleased to associate myself with his position.

I believe, Mr. President, that we have arrived at the moment of truth. This is an important moment for this body and for the decisionmaking process of the Nation. Though I cast my vote last session for continued research and development, and energetically support proceeding with research and development in the field of antiballistic missiles, I do feel the ABM should not be deployed now, and I did cast my vote against deployment.

I did so after considered judgment, although at that time I had wished I had more testimony available to study. As has been admitted quite frankly by the Armed Services Committee, they heard only proponents of the system; witnesses to the contrary did not ask to be heard. It was not the fault of the committee; witnesses who oppose the system did not ask to be heard.

I really feel that many in this body voted on the deployment proposal without the ability to study adequately all factors involved in the decision. I believe that a body of knowledge has now been brought to bear on the subject which enables us more intelligently to appraise where we are going, and I believe also that discussion has alerted the Nation as to the consequences of what we are doing.

I think, and I deeply believe, on the basis of information available to me at the present time, that the decision to deploy the Sentinel anti-ballistic missile system at this time would be wrong—militarily, diplomatically, economically, and psychologically—and it would be wrong from the standpoint of national unity. Deployment now would adversely affect the Nation both at home and abroad. Militarily, ABM deployment would not increase our security, because the system can be saturated and penetrated by incoming missiles; and this is supported, certainly, by the best advice that we can obtain from military experts.

Diplomatically, to proceed with deployment now would be to say to the Soviets that we have no confidence in the forthcoming talks on missile limitation and that we are unwilling to delay deploy-

ment even a few months until we can see whether useful and enforceable agreement may be reached.

Economically, the deployment of a system which would cost upwards of $10 billion and could lead to a much larger system would be a serious drain on natural resources desperately needed to solve the problems of crime, urban decay, and education. Massive ABM spending would create further inflationary pressures at a time when inflation must be controlled. Nation-building here at home is essential to our strength, our national security, and our worldwide leadership position.

Psychologically, ABM deployment would encourage a new escalation of the nuclear arms race, heightening the dangers of micalculation, and bringing us back toward cold-war thinking.

From the standpoint of national unity, the approval of ABM deployment could cause the first major division between the administration and the American people, because on this issue millions of Americans are deeply concerned that we are setting forth on the wrong course.

I do not believe there is a single Senator who is not searching his soul and conscience and bringing to bear every bit of knowledge he can in order to be able to render a proper and correct decision.

Each Senator is trying to make a reasoned and thoughtful statement. We are all well aware of the gravity of the decision which only the President at this stage can make.

We hope and pray that the decision will be made after all of the facts are available and after every branch of the Government has been heard from.

I only hope that all of the evidence can be brought out in the forthcoming hearings before the Committee on Foreign Relations and the Committee on Armed Services and that full light can be shed on the subject before a fateful decision is made that might commit us to a course of action for many years to come.

I thank the distinguished Senator from Maryland for yielding, and I congratulate him for the excellence of his thinking in this area.

Mr. MATHIAS. Mr. President, I thank the distinguished Senator not only for his contributions today, but also for those contributions made by him during the years.

Mr. President, I once again take the opportunity to express my very deep appreciation to the Senator from Montana, whose courtesy and consideration are his hallmark, for yielding to me today.

Mr. MANSFIELD. Not at all. I have been well repaid by the outstanding and well-thought-out and carefully detailed speech of the distinguished Senator.

I am glad that so many Senators were present to participate in the discussion and to express on a nonpartisan basis their feelings on a statesmanlike subject at this time.

Mr. President, at this time, I ask unanimous consent that I may yield 3 minutes to the distinguished senior Senator from Missouri (Mr. SYMINGTON), with the proviso that I do not lose my right to the floor and that I may be recognized after his speech.

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

Mr. SYMINGTON. Mr. President, I appreciate the courtesy of the distinguished majority leader. I congratulate the distinguished and able Senator from Maryland on his talk. I believe that it is appropriate to discuss a few figures concerning this matter at this time.

OVER $23 BILLION ALREADY EXPENDED IN ABANDONED MISSILE PROGRAMS

Mr. SYMINGTON. Mr. President, in a statement earlier this week, I presented that in recent years approximately $15 billion of the taxpayers' money has been expended on missile systems first placed in production, then deployed, then abandoned; and that $4.2 billion additional was spent on additional missile systems which were abandoned in the research and development stage.

I mentioned at that time that this list was not complete. More up-to-date figures are now available. These figures show that the total investment in what are now acknowledged to be unworkable or obsolete missiles is much higher than originally reported—in fact totals over $23 billion.

In other words, as of now we already know that nearly a quarter of a trillion dollars has been expended in recent years on missile systems which were terminated either prior to or after deployment.

Nor is this figure complete. It is certain to go higher.

As we consider this Sentinel ABM system, let us also consider, if deployed in its present stage of technology, that this system could only add to the $23 billion that has already been spent for missile systems that have now been abandoned.

In this connection, Secretary McNamara, in his posture statement of January 1967, said:

> It is worth noting that had we produced and deployed the Nike-Zeus system proposed by the Army in 1959 at an estimated cost of $13 to $14 billion, most of it would have had to be torn out and replaced, almost before it became operational, by the new missiles and radars of the Nike-X system. By the same token, other technological developments in offensive forces over the next seven years may make obsolete or drastically degrade the Nike-X system as presently envisioned. We can predict with certainty that there will be substantial additional costs for updating any system we might consider installing at this time against the Soviet missile threat.

I point out that that has already happened. The very fact that we are now discussing the Sentinel shows that McNamara was correct and that the Nike-Zeus system is now obsolete.

In February of that same year in hearings on "U.S. Armament and Disarmament Problems," Dr. John Foster, Director of Defense Research and Engineering, made the following statement with respect to a thick ABM system:

> I am concerned that with a very heavy system we would be in the following kind of position: Because of the enormous quantities involved, quantities of equipment involved, and the very rapid rate at which the technology changes, to maintain an effective system one would essentially have to turn over the whole system, the whole $20 billion system, every few years. I do not believe we would do this. As a consequence, I am afraid we would have a heavy deployment of a system most of which was obsolete, made obsolete by changes in the enemy's offense.

I ask unanimous consent to insert at this point in the RECORD two tables showing the specific abandoned missile systems in question and their respective costs.

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

MAJOR MISSILE PROJECTS TERMINATED DURING THE PAST 16 YEARS (PRIOR TO DEPLOYMENT)

Project	Year started	Year canceled	Funds invested (millions)
Army:			
Hermes	1944	1954	$96.4
Dart	1952	1958	44.0
Loki	1948	1956	21.9
Terrier, land based	1951	1956	18.6
Plato	1951	1958	18.5
Mauler	1960	1965	200.0
Total, Army			399.4
Navy:			
Sparrow I	1945	1958	195.6
Regulus II	1955	1958	144.4
Petrel	1945	1957	87.2
Corvus	1954	1960	80.0
Eagle	1959	1961	53.0
Meteor	1945	1954	52.6
Sparrow II	1945	1957	52.0
Rigel	1943	1953	38.0
Dove	1949	1955	33.7
Triton	1948	1957	19.4
Oriole	1947	1953	12.5
Typhon	1958	1964	225.0
Total, Navy			993.4
Air Force:			
Navaho	1954	1957	679.8
Snark	1947	1962	677.4
GAM-63 Rascal	1946	1958	448.0
GAM-87 Skybolt	1960	1963	440.0
Talos, land based	1954	1957	118.1
Mobile Minuteman	1959	1962	108.4
Q-4 Drone	1954	1959	84.4
SM-72 Goose	1955	1958	78.5
GAM-67 Crossbow	1957	1958	74.6
MMRBM	1962	1964	65.4
Total, Air Force			2,774.6
Grand total			4,167.4

Total investment costs for missile systems no longer deployed

	Millions
Army:	
Nike-Ajax	$2,256
Entac (antitank missile)	50
Redstone	586
Lacrosse	347
Corporal	534
Jupiter	327
Total, Army	4,100
Navy:	
Polaris A1	1,132
Regulus	413
Total, Navy	1,545
Air Force:	
Houndog A	255
Atlas D, E, F	5,206
Titan I	3,415
Bomarc A	1,405
Mace A	328
Jupiter	498
Thor	1,415
Total Air Force	13,241
Grand total	18,886
Plus missile systems terminated prior to deployment	4,167
Total	23,053

Mr. SYMINGTON. Mr. President, I express my gratitude to the distinguished majority leader for yielding to me.

Mr. MANSFIELD. Mr. President, I thank the distinguished Senator from Missouri. I again express my appreciation to the distinguished Senator from Maryland (Mr. MATHIAS) for making his maiden speech in such a statesmanlike manner on one of the most important subjects of the day.

Mr. President, before I go into my prepared remarks, I want to say a few words. In the first place, I want it clearly understood that this is not a political matter, that there is no partisanship involved. I think that the debate today and prior to today, which has included Members from both sides of the aisle, emphasizes that fact. Second, as far as I am concerned personally, I wish to state for the record that I had grave doubts in my mind about the ABM during the previous 2 years of a Democratic administration under President Johnson. I have grave doubts today, also.

I am not one of those who think that an American citizen who wears a star, or two or three or four stars, on his shoulder, should be automatically branded as a brass hat and as someone who does not have the interest of the country at heart. I think that has been a caricature of the military. I think that the military by and large is trying to do what they can, as they see the situation, in the interest and the security of the country.

The fact that we may differ with them from time to time in no way should be cause for denigration of dedicated service.

The questions I have raised about the particular proposal under discussion, the ABM, has to do with the cost—the accurate cost and not a guess or an assumption—with the validity, the accuracy, of the system, and whether it is already obsolescent.

I think it should be emphasized that those of us who have raised questions about the ABM have, to the best of my knowledge, unanimously advocated a continuing research and development program to the end that if such a system became necessary, we would have the best possible one at our disposal.

Incidentally, if I were certain that the program were necessary, I would vote for every dime required to put it into operation.

I also have some questions about the Soviet ABM system, the Galosh, around Moscow, which may be a system on which work has stopped entirely, or which may be a system which is quite ineffective. Then, of course, there is the Tallin system along the northern coast, which I understand is not an ABM system in any sense of the word but is an aircraft defense system.

There is also the question of the United States and U.S.S.R. negotiations I recall, as I have several times, the statement by the President, Mr. Nixon, in his inauguration address, in which he stressed negotiation and not confrontation. And I believe that what he has done to date indicates that he meant it.

Then I have to weigh against each other the internal security of this country and its external security. It is a balance which we must maintain in some way, because we could become far stronger than we are at the present time in our external security and far weaker in our internal security as it is involved in the difficult and dangerous situations which have become so apparent in our urban areas and in our rural areas as well.

Mr. President (Mr. COOK in the chair), the deployment of the Sentinel antiballistic-missile system does not boil down to the question of whether or not dangerous hardware should be placed close to or distant from the densely inhabited locations of the Nation—whether in urban or rural settings. The decision involves much more. It involves more, even, than the initiation of another round of armaments escalation. Important as these considerations may be, the ramifications of this issue reach far beyond them.

The decision for or against deployment of the Sentinel, in present circumstances, may well determine the basic direction of public leadership for a decade or more. If we decide to go ahead with this project, as we have done in other more affluent times with other weapons systems of questionable value, the decision can only be seen as a continuance of both the practices and the priorities of the past. It will be seen, properly, as an inability to escape from the shackles of our own rhetoric. Having spoken so long and so loudly of a distant danger, we are not able to hear the rising voice of need at hand. We are unable to do other than keep the emphasis of our national efforts on costly military systems as we have for the past two decades. We are not able to shift gears despite the serious inner difficulties which loom ahead.

Yet it is these inner difficulties, in my judgment, which present the Nation with the clearest and most imminent danger. The multibillion-dollar Sentinel does not meet these difficulties any more than Vietnam has met them. On the contrary, it, too, may well act to intensify them.

As I have indicated, the Sentinel is not the first costly and dubious new weapons system which has been brought to the attention of the Senate during the past two decades. What is new at this moment is our altered capacity to take on a great expenditure of questionable value in the light of the other demands which are being made on the tax-burdened and inflation-pressed citizens of the Nation. Quite apart from the technical shortcomings of the Sentinel, its deployment would be, in my opinion, a movement of the Nation's leadership in the wrong direction and at the wrong time. Sentinel will not add one iota to the security of life in the United States. It may well detract from it.

Let me illustrate the point. Since the near catastrophe of the Cuban missile crisis, in 1962, nuclear weapons seem to me to have been eliminated as a practical alternative in the international strategy of both the Soviet Union and the United States. It did not require a written agreement to confirm this understanding. The message came through loud and clear, from the brink of nuclear annihilation. We learned and, I believe, they learned that a relevant survival for both countries and the world depended upon neither nation entering on any path of policy which, in the end, had to lead to nuclear confrontation. The Cuban crisis when coupled with the Nuclear Test Ban Treaty has provided a respite of many years from the pressure of ever-incipient nuclear conflict between the Soviet Union and the United States.

In my judgment, the deployment of a Sentinel ABM system would once again open up a period of grave uncertainty. It would tend to revitalize the use of nuclear weaponry as a component of the international strategy of the United States and the Soviet Union. Moreover, it would have that effect without benefit to either nation but with increased risks to the survival of both.

That such is the case is indicated by the so-called action-reaction pattern of strategic armament, as it has operated between the two countries over the years. For two decades or more, when the Soviet Union has acted by making a weapons advance which imbalances the nuclear equations between the two countries, we have reacted by an advance in order to maintain the balance of terror. In the same fashion, the Soviet Union has responded to our nuclear advances.

Even if the action-reaction process is recognized as necessary to the maintenance of a precarious peace of mutual terror, it does not follow that it is being applied in a relevant fashion in the context of the ABM issue. It is argued, for example, that since the Soviet Union is deploying an ABM system around Moscow, we must respond with the Sentinel ABM system. However, the relevant reaction to the deployment of a Soviet ABM is not necessarily an identical action on our part but rather a balancing action. We have, in fact, already responded to the Soviet ABM system. In the fully developed MIRV system we will have assured that whatever defense the Soviet Union might build in the way of an ABM structure, let alone what has actually been deployed, our capacity to penetrate it will be more than sufficient. To respond, now, a second time by putting into place an American ABM system—that is, by deploying the Sentinel—is not a relevant response. It is, rather, the opening of another round of nuclear escalation.

Under the action-reaction formula, the deployment of the Sentinel should and undoubtedly would precipitate a relevant response from the Soviet Union, regardless of the testimony to date. The Russians may be expected to increase even further their offensive capacity in order to assure penetration of the Sentinel defense. By deploying the latter, in short, we will have put ourselves in the ironic position of stimulating the expansion of the over-all offensive capabilities of the Soviet Union against the American people.

Recent statements in favor of deployment indicate the possibility that an alternative plan of deployment for the Sentinel will be offered in the near future. As I understand the new concept, the chief protection of the system will be transferred from the vicinity of great

cities to the remote ICBM missile sites. Instead of offering protection to people which obviously it cannot do, the Sentinel is now proposed as a missile to protect other missiles. To put it another way, the Sentinel deployment is about to be billed not as a safeguard for our cities but of our deterrent capacity in the event of an attack against the United States. To what degree is this additional protection of the deterrent actually necessary? Is there any question about the adequacy—the enormous adequacy—of our present deterrence? Indeed, the accumulation is already so immense as to be almost beyond calculation. It is many times what anyone can perceive as necessary for the total destruction not only of the Soviet Union but of the entire structure of civilization. Moreover, the delivery systems for this great power are multiple in number and widely dispersed. So I repeat is there any question about the sufficiency of our present deterrent? Why is it necessary, then, to add the Sentinel protection?

To shift the Sentinel from the population centers may allay the current concern of the residents thereof about the dangers of accidental disaster. The shift may make it easier to get legislation for Sentinel through the Congress. I repeat, however, what value does Sentinel as it is now proposed to deploy it, add to an already bulging overloaded arsenal of deterrence? Beyond the emplaced missiles of ICBM have we forgotten the deterrent effect of the Polaris submarine fleet? Nevertheless, if further assured deterrent capability of the land-based ICBM is really needed, would not an additional hardening of the sites be equally or more effective than trying to protect them with other missiles?

It has been said last year and again this year, in effect, that Sentinel deployment will improve our bargaining position with the Soviet Union. It will make it easier, it is contended, to bring about mutual disarmament. The fact is that for more than two decades, every major escalation in the arms race, every significant new addition to the nuclear arsenals has been introduced with precisely the same assurances—that somehow a movement forward in armament will produce agreement on disarmament. It is now 25 years later. Where are the disarmament agreements which the expansion of armaments were to produce? A quarter of a century later, where is there one such agreement on a reduction of armaments? The fact is that not a single nuclear weapon has been dismantled on the basis of a disarmament agreement between the Soviet Union and the United States. So let us at least have the good sense to reason from this experience that whatever its other merit or demerit, Sentinel is hardly an instrument for bringing about disarmament.

The Sentinel system is already, admittedly, dated—dated back to 1962, as I recall. It is readily acknowledged that it will not work against a Soviet attack. Nevertheless, it is contended it will be useful against the Chinese. This contention presupposes not one irrational Chinese decision but two. In the first place the Chinese would have to make the irrational decision to launch a dubiously effective nuclear attack upon us with their most inadequate nuclear resources even though it would bring great retaliatory destruction to their homeland. This initial irrationality, however, would then have to be coupled with an irrational Chinese choice of delivery systems if the Sentinel's deployment is to be justified as a defense against China. The Chinese would have to decide to use intercontinental ballistics missiles to launch the nuclear warheads, a nuclear approach into the United States against which we would have the defensive capacity of the Sentinel. They would have to choose that means, rejecting the use of off-coast submarines which, firing nuclear weapons of low trajectory, could eliminate Seattle, Portland, San Francisco, Los Angeles, San Diego, Boston, New York, Philadelphia, Baltimore, Washington, Norfolk, Charleston, S.C., Miami, New Orleans, and Houston without activating Sentinel. Why would they have to reject this latter approach by sea and with intermediate range missiles which would be clearly the more promising from their point of view? Because the Sentinel is ineffective against missiles of insufficiently high trajectory. It is amazing to what lengths of irrationality the Chinese are expected to go in order to validate the deployment of this system. Is it any wonder that President Nixon has already rejected completely this specious contention as a basis for decision?

There are other arguments which are made to justify the Sentinel deployment arguments of greater or lesser fragility. There is no need to reiterate them now. Each of us has had the benefit of the prolonged probing into the substance of this issue.

I do not know what the President's decision will be in this matter. The responsibility which is his is grave and, whatever he may decide, it goes without saying that it will be because he is persuaded that it is in the best interests of the Nation. However, the Senate, too, has its responsibilities—its independent responsibilities. We must arrive at our own conclusions with respect to this question.

As one Senator, as a Senator from Montana, I have seen enough and heard enough to be persuaded that it would be inadvisable almost to the point of tragedy to spend out of the constricted financial resources of this Government the enormous cost of deployment of this weapons system. To be sure, I can see as warranted a continuance of research and development on Sentinel in the hopes of a significant technological breakthrough which might give meaning to the weapon in later circumstances. But to deploy the system now? We will begin that deployment at a cost estimated at somewhere below $10 billion. We will end, however, in the tens of billions if this deployment actually takes place.

I see no safety for this Nation in bristling and burnished missiles whether they stand tall around deteriorating cities, or rise in the empty fields of an impoverished rural society. I see, rather, the beginnings of a deep trouble if we ever permit a driven pursuit of an elusive security against threats abroad to distract us from the rising tide of insecurity at home.

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

Mr. MANSFIELD. I yield.

Mr. SYMINGTON. Let me congratulate the able majority leader on his presentation as to why he opposes the proposed Sentinel system. I am glad, also, that I had the opportunity to hear the fine address on this subject by the distinguished junior Senator from Maryland (Mr. MATHIAS).

I would ask the majority leader, is it not true that the ABM system was first offered as a system to defend against the Chinese; but that was changed when it appeared the system could not be sold on that basis? Then after the cities objected, it was changed, as the Senator from Montana so well brought out, to a system that would protect our missile sites.

Is it not true that none of this has anything to do with the missiles which would be launched from our Polaris submarines?

Mr. MANSFIELD. That is correct. So far as the Sentinel system being directed against China was concerned, that, in my opinion, was always a phony and unpalatable argument. I just could not swallow it. I could not believe it. I was glad to note that President Nixon did not, to use his words, "buy it" either.

Of course, during the debate last year, it was brought out that instead of this system being directed against China, it was being directed against the Soviet Union. This produced a popular outcry when it was announced—not so much in my part of the country; we are used to it. When the country focused on this issue and asked what the ABM would look like, or what the results would be—for the first time we find the President ordering a review. I honor the President for what he has done. I recognize the fact that the Director of the Disarmament Agency, Girard Smith, a very fine man and a good Government official, and Mr. Melvin Laird, a former outstanding Representative, have indicated there is a possibility that a really thin ABM system will be put into operation. Despite this fact and the rumors that it will be put into operation around the missile sites and not in the cities, I nevertheless, have faith and confidence in the President of the United States who, I believe, is keeping an open mind and is trying to arrive at a decision after a thorough review of all the facts. It is he who will make the final decision, sometime next week. We cannot go beyond that point.

Mr. SYMINGTON. We know that our Polaris submarines have hundreds of nuclear missiles ready to be launched against any aggressor, missiles that are a great deal more lethal than the Hiroshima bomb. In addition, is it not also true that we have many thousands of shorter range nuclear weapons all over Europe, and in other parts of the world, which could come into action for the defense of our country, or the country of an ally. The proposed Sentinel would have nothing whatever to do with those

thousands of warheads. Is that not correct?

Mr. MANSFIELD. The Senator is correct. Many thousands of missiles, is the correct way to state it.

Mr. SYMINGTON. I again thank the able majority leader and congratulate him on his outstanding presentation of this critically important issue.

Mr. PERCY. Mr. President, I also would like to comment on the remarks of the majority leader, which I believe have been exceedingly helpful. I wonder whether I might ask a question of the Senator from Montana on how we could protect our ICBM bases or missiles in another way. As I read the January 15 statement by the outgoing Secretary of Defense, Clark Clifford, he indicated that for a relatively modest appropriation—I think it was $58 million—they could superharden the missile sites and withstand an impact of tremendous power. As I understand it, within a quarter of a mile, they could withstand that kind of blast.

Would this not be a better system, and would not the majority leader support such a request for funds as a means of protecting our ICBM bases, rather than going into the deployment of the system we are now discussing?

Mr. MANSFIELD. Yes, indeed. I so stated during the course of my remarks. I think it would be a cheap price to pay for this additional protection. At the same time, as the Senator knows, those of us who have raised questions about the ABM system would like to see continued research and development in that field so that if and when it became necessary—and that day might come—we would have the best possible weapons system available.

Mr. PERCY. May I further ask whether the distinguished majority leader is aware of the feelings of the Honorable William Foster who, for 8 years after coming to the Disarmament Agency, probably had as much to do with negotiating with the Soviet Union as any American, and what his attitude would be as to whether it would be wise for us to sit down with the Soviet Union now to discuss a potential agreement, and whether he might have expressed to the majority leader an opinion as to whether a useful agreement could be reached in this area?

Mr. MANSFIELD. He has not expressed that opinion to me, but I have heard that he had expressed it to other Members.

I would throw the ball back to the Senator from Illinois and ask him whether he could answer the question which he has just raised, because I believe he has been a close friend of Mr. Foster for a good many years.

Mr. PERCY. It is my feeling that he was of that impression, that a very high priority should be placed on discussions with the Soviet Union.

I believe that I could quote the former Vice President of the United States, in a conversation with him in which I asked him, during a briefing at the White House, when I first came to the Senate, to show us why we should not deploy an ABM system and why it would not make any sense for the country to build one. I also asked him at the time whether, if we reached an agreement in this area, we had the ability to police the agreement, whether our satellite reconnaissance would be adequate, and whether an ABM system could be deployed in the Soviet Union without detection.

He indicated at the time that they could not deploy such a system without detection. Just as in Cuba we were able to pick out what was being done there and progressively to follow it through photo reconnaissance the same could be done with ABM sites.

So that here we can draw up an agreement, the integrity of which can be preserved with our present scientific and technical capability. It would not require on-the-site inspection in order to preserve the useful integrity of a useful agreement.

Mr. MANSFIELD. If the Senator will allow me to interrupt him let me say that on the question of Mr. Foster and his associate director or deputy, Adrian Fisher, this country has been served well. I anticipate that we will be served just as well by the present Director, Girard Smith, who has had previous experience in the State Department, who is a well-known, highly regarded, and well-respected individual, and who, in response to a question before the Gore subcommittee yesterday, stated flatly that while there had been a meeting of the National Security Council—and this is all in public—absolutely no decision had been reached. It is that, in part, which makes me hopeful that the President is giving this his closest, personal attention and is trying to look at all the factors involved, keeping in mind the need for funds to take care of the decay, disintegration, violence, and crime which are occurring within the Nation itself. I feel for him, because he has a great and grave responsibility.

To repeat: I know that no matter what his decision will be, it will be because he thinks it will be in the best interests of the security of this Nation.

Mr. PERCY. One last question for the majority leader, if I may. Does it not seem a bit strange that, in response to the deployment of an ABM system in Moscow, which admittedly has been slowed up or almost arrested now, we are going to build an ABM system, as last announced in some 20 cities, but we do not propose to build it in Washington, D.C., because, as I understand it, there is not to be an ABM installation within 200 miles of our Nation's Capital?

If it is so important to protect Chicago, Detroit, and Pittsburgh in response to a Moscow deployment, why, in the infinite wisdom of the Defense Department, have they not chosen to protect the Nation's Capital?

Mr. MANSFIELD. That is a good question. I do not know the answer.

Mr. PERCY. May I just comment, finally, that several days ago I had the privilege of going out on a nuclear submarine for the first time. I spent 3 years in Naval Avation, but I never had been in a submarine. I had the opportunity to spend a leisurely period of some hours in the wardroom of that nuclear submarine, one which carried the potential, with all the Polaris missiles it had on board, of possessing more explosive power than both sides dropped during all of World War II. That was just one of 41 nuclear submarines.

I put the question to the crew and to the officers—to the officers, essentially—of this submarine: "Let us role play here. Suppose you are ordered to attack Moscow because they have attacked us, and suppose also that they not only have the ABM missile system that they have partially deployed there, but they have everything we now know how to install in the Sentinel system. They have a full complex of Sprints, Spartans, softwear, computers, and everything else. Would you be able to penetrate it?" They said, "Absolutely. All we would have to do is exhaust them and then put up sufficient firepower. Our reconnaissance would know what their system is capable of doing, and we would always be sure that we had one more. Even if everything we were able to put up were knocked down up to 100, the 101st is all we need. So we would just exhaust the system." From their standpoint, it was less expensive to build the extra offensive power than to build the defensive system.

So the psychology the majority leader has pointed out, about this senseless and reckless escalation of nuclear war capabilities, would be carried on because that is the military mentality, and it is their responsibility and obligation to always build something to offset the defensive weapons established. The same mentality that exists in the Pentagon can be assumed to exist in the Soviet military service.

I thank the Senator for yielding.

Mr. MANSFIELD. I thank the Senator from Illinois. I think this action-reaction process holds true not only in the field of armaments, but also in this body as well.

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

Mr. MANSFIELD. I yield.

Mr. MATHIAS. I wish to thank the distinguished majority leader for his continued efforts to shed light in this area, not only by what he has said today but what he has done over a long period of time. I was particularly struck by the value of that part of his remarks today which detailed the chronology of thinking in the ABM field, as to the objective of such a system, on the one hand directed against a Russian attack, on the other hand directed against a Chinese attack. I think by detailing the chronology, as he has done, he made it very clear that the proponents of the system are not able to define what their objective is, over an extended period of time, with any great precision. This is certainly a very major factor that has to be considered before a decision to go ahead. I am singling out this particular aspect of the Senator's remarks. I am not in any way overlooking the value of the rest of what he said, but I think the question of where we are aiming has to be decided conclusively, and until it is, we cannot make any intelligent decision.

Mr. MANSFIELD. I appreciate the remarks of the able Senator. I am hopeful that the discussion this afternoon, and the discussions over the past several

weeks—discussions which, I want to emphasize, have been carried on in a very statesmanlike manner and on a very high plane—will be given the consideration which many of us feel they warrant. It is my belief that what has been said on both sides of the aisle will be given that attention, and, hopefully, will play a part before a final decision is reached.

Mr. COOPER. Mr. President, I do not know what decision the President may make on the deployment of the Sentinel ABM system as was proposed by the administration of President Johnson, or some modification of that system. Whatever decision is made, I have no doubt that President Nixon will act in what he considers to be in the security and best interest of the United States.

I argue today that the President should not order a deployment of an ABM system. Since last year when the Congress provided the original funds for deployment, there has been a continuing and more informed debate in the Congress and in the country as to its necessity. I believe that the process of consultation with the Congress, and of education and open debate in our country, should go on until all facts available have been presented to the Congress and the country before a decision is made to deploy. We do not yet know all the facts.

My second reason is that deployment should be delayed until the President has had an opportunity to determine whether the Soviet Union will enter negotiations and negotiate in good faith on the control of defensive and offensive nuclear weapons systems. There is no surer way to test the fidelity of the Soviet offer to negotiate a cessation of the nuclear arms race. The clearly understood ability of both the United States and the Soviet Union that each has the assured ability to destroy each other has been the deterrent against nuclear war and is the basis for a possible settlement. It is the only kind of "bargaining from strength" that has meaning.

Is there some new element of danger which we do not yet know which requires the early deployment of some defensive system? And it is to this question that I address myself chiefly today.

Over the past year, the Senate and public have become aware that the rationale offered for the Sentinel ABM system has been confusing and contradictory, whether described as a protection against a Soviet Union or Communist Chinese nuclear attack. This was crisply clarified during the first days of hearings held by the Senate Foreign Relations Subcommittee on Disarmament under Senator GORE, by the testimony of three of the country's most informed nuclear missile scientists, Dr. Hans Bethe, Dr. J. P. Ruina, and Dr. Daniel Fink. Their testimony confirmed the position that former Secretaries of Defense McNamara and Clifford and Dr. Foster, Chief of Research and Development of the Department of Defense, had stoutly maintained that the Sentinel system would provide no protection against a massive Soviet attack. Dr. Bethe and Dr. Ruina gave little support for the argument that it would provide limited protection against China or that there was credibility in reasoning that such attack might occur.

Senator RICHARD RUSSELL's instinctive judgment that the Chinese rationale for the Sentinel system is not credible is also held by these two scientists and by many in the Senate and throughout the country. You will recall that Senator RUSSELL said in hearings before the Senate Appropriations Committee last year:

> This concept of a missile attack originating in China any time in the near future seems to me to be very remote. The Chinese are not completely crazy; they are not going to attack us with four or five missiles when they know we have the capability of virtually destroying their entire country. They will fight us with conventional weapons, if we do have a war, in order to run us out of Korea or some similar area. All of this talk about preparing for a Chinese missile attack, in my judgment, is just to cover up an admission of error in not starting an anti-ballistic missile system against Soviet Russia any earlier than we did.

Later in the same testimony, the distinguished chairman said:

> I don't think there is any question but what they will proceed to develop one. It is inconceivable to me that they would fire the first ones they had against this country and know they would be destroyed if they did so. I am glad we are going ahead, you understand, but I don't like people to think I am being kidded by this talk of defense against a Chinese nuclear threat because I don't think that the Chinese are likely to attack us with an intercontinental ballistic missile at any time in the near future.
>
> I am delighted that the executive branch finally decided to proceed with the deployment of even this "thin" ABM system, because it is the first step toward the deployment of the complete system that I think is required. I have often said that I felt that the first country to deploy an effective ABM system and an effective ASW system is going to control this world militarily.

The three witnesses raised another key issue in their testimony which must be considered. It is relevant because I believe the issue is one that the administration is presently considering, and upon which it may base its recommendations to the Congress. The scientists agreed that the deployment of the radars and the Sprints to protect the sites of our offensive ICBM missiles would provide needed protection if the Soviet Union increased the number and quality of its offensive missile forces by the development of MIRV, FOBS, and related offensive weapons. The capacity of such offensive weapons to neutralize our ICBM missiles and destroy our offensive ICBM capability would destroy or degrade our deterrent.

I comment on this issue by noting that the United States is also proceeding with the development of MIRV, and that it posseses over 600 missiles positioned in our Polaris submarines. We have not been told that the Soviet Union is deploying any missiles such as Sprint to protect its ICBM bases.

Unless there are new facts which would upset the existing assured balance, that make it imperative for the United States to deploy such a site defensive system now, and if there are such facts, they should be made clear to the Congress and the American people. I do not believe that the United States should initiate the deployment of a Sentinel system whether as proposed by the past administration as an area of defense to protect our cities and industries, or a missile site defensive system. If the United States does so without new facts to justify immediate danger, it could be responsible for the commencement of a new stage in the nuclear arms race—a stage that would be matched by the Soviet Union and a continuing nuclear race which could become irreversible.

Out of all the testimony heard yesterday, I think it very important that the Congress, the news media, and the people of our country remember the statements of the three scientists on this issue. Is there such a present danger as to require the deployment of either the proposed Sentinel system, or the deployment of Sprint or similar missiles at our ICBM sites, before negotiations occur? Both Dr. Bethe and Dr. Ruina gave their opinion that there is not such a danger. They suggested that before the deployment of Sprint at missile sites there should be greater study of the type of defense that should be provided. I believe that Dr. Fink said with respect to the necessity of immediate deployment of Sprint at missile sites, that he would want to study the question further.

Senator SYMINGTON has spoken about the enormous costs involved in the deployment of an ABM system. If we do not enter into negotiations and conclude an arms limitation agreement, our country will face an annual investment of offensive and defensive missiles in the tens of billion of dollars. If this expenditure is necessary for the security of our country, I will support it. But we must recognize that both the United States and the Soviet Union have the capacity to keep up with the other in offensive and defensive weapons. With a continuing nuclear arms race we will end up at some later stage no further ahead, and we will be less secure because of the proliferation of United States and Soviet nuclear weapons in the world.

Because of the enormous stakes involved, the costs, our security and human life, I hope the President will defer deployment until he can determine whether negotiations leading to a limitation of the nuclear arms race will be successful. It would be in harmony with his stated desire and purpose to be a peacemaker. He has, I believe, an opportunity that perhaps no other President has had before him. It is the chance to halt the nuclear arms race.

Mr. President, I ask unanimous consent that three articles that appeared in the Wall Street Journal, the Washington Star, and the New York Times on the hearings held by the Foreign Relations Committee yesterday be placed in the RECORD at the conclusion of my remarks.

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

[From the Wall Street Journal, Mar. 5, 1969]

THE GREAT ABM DEBATE

Were its implications not so grave, the great debate over the anti-ballistic missile would be somewhat comical. At first blush, it is hard to believe that a number of competent men, presumably proceeding from the same data, can arrive at diametrically opposed conclusions.

In any event, the Center for the Study of Democratic Institutions has performed a useful service in publishing a microcosm of the debate, in the form of statements and a discussion by experts and others at least familiar

with the territory. It may not make up your mind one way or another—it didn't ours—but it gets to the core, or rather cores, of the ABM issue. And in the course of the give-and-take it becomes clear why it is in fact extremely difficult to reach a rational decision whether to deploy an ABM system.

Mostly in the news now is the setting up, as approved by Congress, of the so-called thin Sentinel system, at a purported cost of around $5 billion. The Nixon Administration is reviewing this question. Meantime, the suspicion remains strong that the military really want Sentinel as a step toward a thick system, costing maybe $20 billion—or maybe $100 billion or, as Senator Symington charges, $400 billion.

Part of the argument is technical, of course. Will an ABM, thin or thick, work well enough, be able to destroy enough incoming enemy ballistic missiles to justify the investment? Investment, it may be noted, not only in money but in scientific talent and manpower to service the system.

Opponents contend that Sentinel would be obsolete before it was finished, and they have large doubts about the workability of a thick ABM. Proponents retort that Sentinel is actually pretty sophisticated, compared with earlier designs; as for the thick system, they believe it could radically cut fatalities in a nuclear attack.

It isn't just whether an ABM network would be effective against the capabilities of existing offensive missiles. Those missiles can be refined to outwit ABMs, diminishing or nullifying their effectiveness. Here lies one possibility of constant escalation of the arms race: The Soviets develop missiles to penetrate our ABM system, we improve the system and at the same time develop means of penetrating their ABMs. And so on and on.

Another part of the argument turns on domestic political-economic considerations. Is an ABM system essential to national security or is it one more "toy" for the "military-industrial complex" to play with, enhancing their power, prestige and economic position?

Certainly we do not question the motives of the military and the defense contractors or think there is some incipient conspiracy afoot to take over the country. But we do sense a danger in the very momentum of the arms build-up; the bigger it gets, it seems, the still-bigger it tends to get. Undoubtedly it could get too big for the economic and political health of the nation.

Perhaps the basic part of the argument concerns what the Russians are up to and will be up to depending on what the U.S. does. It appears definite they have deployed some kind of ABMs around Moscow, and perhaps elsewhere. Beyond that, the intelligence evidently isn't very precise; little agreement merges as to how good their system is, whether it is strictly speaking an ABM system at all, whether they intend to extend it.

Now if the Soviets are seriously deploying ABMs, it would seem plain that the U.S. has little choice but to do the same. The opponents, however, say not necessarily; the U.S. can rely on its offensive missiles, adapted to penetrate any Soviet ABMs, to deter a Soviet attack. Our nuclear capability is what has deterred attack these 20 or more difficult years.

One reason for the depth of the confusion, we suspect, is that the ABM is not just a new weapons system; it represents to some extent a new strategy, defense on top of offensive capacity.

True, the nation has long had an early-warning system, but successive Administrations have up to now rejected the ABM approach, just as the nation couldn't maintain any great interest in fallout shelters and other manifestations of defensive psychology. If, in other words, the U.S. has the offensive power to deter, does it need this costly defensive arrangement too?

Then there is the issue of possible negotiations with the Soviets. ABM advocates say the U.S. has to start installing the network in order to have a bargaining counter; that is, we would agree to stop ours if they stop theirs. It may be so, but it can also be reasoned that the obvious threat of U.S. deployment, in the failure of agreement, would be a sufficient bargaining point.

In negotiations, anyway, lies what hope exists of averting this mammoth new venture—negotiations, needless to say, conducted with the sharpest of eye to Soviet deception. Some hope of avoiding the defensive-missile race and curbing the offensive-missile race does exist, if only because the current and prospective costs may be getting intolerable for the Soviets.

As a general principle we would say that the U.S. must do whatever is necessary for its security, although we do not overlook the danger of ending up as a sort of garrison state in the process. The profoundly disturbing thing about the ABM debate so far is that some of the best minds in the field cannot agree on what is or is not necessary for that security.

[From the New York Times, Mar. 7, 1969]

NIXON AIDE DENIES SENTINEL IMPERILS ATOM ARMS TALKS—CHALLENGES SENATORS' VIEW AN ANTIMISSILE NET WOULD INTENSIFY WEAPONS RACE—OPPONENTS SET BACK—THREE SCIENTISTS ALSO LEAN TO SYSTEM IN TESTIMONY AT "EDUCATIONAL" HEARING

(By John W. Finney)

WASHINGTON, March 6.—The Administration asserted today that a deployment of the Sentinel ballistic missile defense system would not disrupt attempts to reach a strategic arms control agreement with the Soviet Union.

The position was presented by Gerard C. Smith, the new director of the Arms Control and Disarmament Agency, to the Senate Foreign Relations Subcommittee on Disarmament, which began "educational" hearings on the strategic and foreign policy implications of an antiballistic missile system.

Senator J. W. Fulbright, Democrat, of Arkansas, described the hearings as "an exercise in persuasion," directed at President Nixon, that the United States should not deploy the Sentinel. But the exercise did not go exactly as many subcommittee members had hoped.

If anything, the Sentinel opponents came out of the first round with their case perhaps weakened. Mr. Smith, the President's chief disarmament adviser, challenged their arguments that the Sentinel system would accelerate the arms race and impede arms talks with the Soviet Union.

SCIENTISTS DISAGREE

Their technical-strategic arguments found a panel of scientists leaning toward a missile defense system designed to protect missile and bomber bases from Soviet attack. That is precisely the direction in which the Administration is leaning in its current review of the Sentinel program.

As initially presented by the Johnson Administration, the Sentinel system, now estimated to cost at least $5.5-billion, was to protect the American population from a Chinese missile attack in the nineteen-seventies.

However, the Nixon Administration is moving toward a plan to provide protection of strategic bases from a Soviet attack as well as some protection for population centers from a Chinese attack.

Under this modification, Sentinel bases would be moved away from population centers and additional bases providing "terminal defense" would be set up around missile and bomber bases.

President Nixon, who canceled a weekend trip to Florida so he could review the issue, plans to announce his decision early next week.

The Administration's apparent inclination to proceed with a modified version of the Sentinel system, combined with the President's desire to make a decision before the Senate subcommittee could hold its hearings, produced a note of testiness toward the Administration from influential members of the committee.

COOPER GIVES VIEW

Senator John Sherman Cooper, Republican of Kentucky, who is a leader of the Sentinel opposition, said that it was apparent the Administration was trying to modify the Sentinel in such a way so that it could win votes in the Senate

Senator Fulbright, chairman of the Foreign Relations Committee, said it was apparent that the Administration had decided to proceed with the Sentinel. Mr. Smith emphatically denied this, saying that no decision had been made.

Mr. Fulbright, noting that a pig's head had been thrown at his feet yesterday during a peace luncheon in New York City, asked: "What good is this defense if we are going to blow up internally?"

Senators Fulbright and Cooper repeatedly came back to the arguments that a deployment of the Sentinel system would accelerate the atomic arms race, hinder arms control talks with the Soviet Union and violate the spirit of Article VI of the treaty against the spread of nuclear weapons.

That article calls upon the atomic powers to enter into "good faith" negotiations to stop their nuclear arms race. All these arguments were disputed by Mr. Smith, providing a further indication of the Administration's intention to proceed with the Sentinel.

Noting that there had been no significant adverse Soviet reaction on the initial decision to deploy the Sentinel system in 1967, Mr. Smith said:

"I would think that a decision to resume such deployment at this time would not prevent strategic arms limitation talks."

LITTLE REACTION SEEN

He also said that he did not believe a reorientation of the Sentinel system to provide protection of strategic bases from Soviet missiles would result in a significant Soviet reaction against arms talks.

To subcommittee suggestions that the United States delay the Sentinel while it seeks an arms agreement with the Soviet Union, Mr. Smith said that was what the Administration was proposing to do.

It will be several years, he said, before the Sentinel system is deployed, and in the meantime the Administration hopes to enter into arms talks.

During the four-hour hearing, the subcommittee also heard from a panel of scientific experts in the nuclear missile field.

They were Dr. Daniel Fink, former deputy director of Defense Research and Engineering and now general manager of General Electric's Space Division in Valley Forge, Pa.; Dr. John P. Ruina, former director of the Pentagon's Advanced Research Projects Agency and now professor of electrical engineering at the Massachusetts Institute of Technology, and Dr. Hans A. Bethe, a physicist at Cornell University who is a Nobel Prize winner.

The three scientists agreed that there would be no military danger in delaying the Sentinel. They also agreed that it would be impractical to build an effective defense system to protect population centers from a Russian attack.

They differed somewhat on the effectiveness of the sentinel system against a Chinese attack.

PERIOD OF EFFECTIVENESS

Dr. Fink contended that it would be effective for "some period of time." Dr. Bethe and Dr. Ruina argued that Communist China could overcome and "exhaust" the Sentinel system by using radar decoys, such as balloons or metallic chaff.

However, Dr. Bethe and Dr. Ruina, who have been among the leading scientific critics of the Sentinel, joined Dr. Fink in saying that some ABM protection of strategic bases might be needed against Soviet missiles. They differed on the urgency of such a "hard point" defense and on how it should be done.

Because the Soviet Union does not now have the capability of knocking out the United States' retaliatory force of missiles and bombers, Dr. Ruina and Dr. Bethe contended that the United States could wait one or two years before making a decision on whether to provide a defense for the strategic bases.

The point at which the United States should begin to worry, Dr. Bethe said, is when the Soviet Union develops multiple warheads with sufficient accuracy to hit a missile base.

[From the Washington (D.C.) Star, Mar. 7, 1969]

SCIENTIST LINKED TO ABM DISCOUNTS DANGER IN DELAY

(By Orr Kelly)

One of the scientists who helped develop the Sentinel antimissile system has told a Senate committee he would be "hard-pressed to say there would be any great danger from a delay of a year" in deployment of the system.

Dr. Daniel Fink, former deputy director of defense research and engineering for strategic weapons, told a Senate Foreign Relations subcommittee yesterday that he favors the Sentinel system both as a defense against China and to protect American offensive missiles.

But when pressed on the urgency for deployment, he agreed that a delay of a year might be safe.

Fink was joined at the hearing table by two other scientists with long experience in weapons systems development—both firmly opposed to the "thing," Chinese-oriented Sentinel system now under review by the new administration.

DEPLOYMENT OPPOSED

Dr. Hans Bethe, Nobel prize winner in physics from Cornell University, and Dr. J. P. Ruina, professor at the Massachusetts Institute of Technology and former director of the Pentagon's advanced projects research agency, both told the committee they oppose Sentinel deployment and would thus welcome a delay of a year or more.

But the three also told the committee that the system could be effective against the possible Chinese threat for some years if the effort were made to keep up with the growth of Chinese missile development.

"If we deploy the Sentinel system we shall probably be tempted to improve it in quality and to increase the number of our antimissiles so as to keep up with the developing Chinese threat," Bethe said. "I believe that it would be possible for us to engage in such a race, and to stay ahead of the Chinese ICBM capability for a long time. This would probably be costly but would certainly be within our financial capability."

The three scientists also agreed that some form of missile defense designed to protect the American Minuteman missiles against a Soviet first strike might be desirable. Fink said such protection seemed to him fairly urgent, while the other two said they thought the United States had time to wait to see whether the Soviet capability to hit American missiles in their silos was going to increase.

President Nixon has said he will announce a decision on deployment of an ABM early next week and there has been speculation that he might advocate a relatively small system designed to protect Minuteman missiles. The argument is that once the U.S. and Russia begin talks on limiting strategic arms, each country would thus have something to trade off.

Earlier, the committee questioned Gerard C. Smith, new director of the Arms Control and Disarmament Agency. But, since he is involved in advising the President on the Sentinel decision, he said he could not answer many of the more specific questions.

He did, however, say he did not think a decision to go ahead with deployment of a system similar in scope to Sentinel would "prejudice the prospects for strategic arms limitation talks" with the Soviet Union.

TIMING NOTED

It was after the decision to deploy Sentinel had been announced by the Johnson administration, he noted, that the Soviets had agreed to arms limitation talks.

Sen. Albert Gore, D-Tenn., chairman of the subcommittee, said the purpose of the hearings, which will continue next Tuesday, is to "examine the question to the fullest extent possible in public hearings in order to develop a body of information which can serve as a basis for judgment by the Senate and by the American people."

But Sen. J. William Fulbright, D-Ark., chairman of the full committee and an opponent of Sentinel deployment, seemed disappointed that the President had announced he would reveal his decision on Sentinel before the hearings have run their course.

"My understanding of the purpose of these hearings," he said, "was to influence the President's decision. It's late, but I think they still might."

Mr. PELL. Mr. President, I congratulate the majority leader on a singularly lucid, closely reasoned speech on the reasons why we should not at this time deploy an ABM system. This speech has made a very valuable contribution to our current debate—a debate whose importance far transcends the halls of this Chamber. I know it has helped clarify my own thinking on this subject—a subject in which I personally find reasonably valid arguments can be made on either side.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session.

The PRESIDING OFFICER. Is there objection?

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

TREATY ON THE NONPROLIFERATION OF NUCLEAR WEAPONS

Mr. MANSFIELD. Mr. President, I move that the Senate turn to the consideration of Executive H, 90th Congress, second session, the Treaty on the Nonproliferation of Nuclear Weapons.

The PRESIDING OFFICER. The treaty will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A treaty on the nonproliferation of nuclear weapons.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to, and the Senate, as in committee of the whole, proceeded to consider the treaty, which was read the second time, as follows:

TREATY ON THE NON-PROLIFERATION OF NUCLEAR WEAPONS

The States concluding this Treaty, hereinafter referred to as the "Parties to the Treaty",

Considering the devastation that would be visited upon all mankind by a nuclear war and the consequent need to make every effort to avert the danger of such a war and to take measures to safeguard the security of peoples,

Believing that the proliferation of nuclear weapons would seriously enhance the danger of nuclear war,

In conformity with resolutions of the United Nations General Assembly calling for the conclusion of an agreement on the prevention of wider dissemination of nuclear weapons,

Undertaking to cooperate in facilitating the application of International Atomic Energy Agency safeguards on peaceful nuclear activities,

Expressing their support for research, development and other efforts to further the application, within the framework of the International Atomic Energy Agency safeguards system, of the principle of safeguarding effectively the flow of source and special fissionable materials by use of instruments and other techniques at certain strategic points,

Affirming the principle that the benefits of peaceful applications of nuclear technology, including any technological by-products which may be derived by nuclear-weapon States from the development of nuclear explosive devices, should be available for peaceful purposes to all Parties to the Treaty, whether nuclear-weapon or non-nuclear-weapon States,

Convinced that, in furtherance of this principle, all Parties to the Treaty are entitled to participate in the fullest possible exchange of scientific information for, and to contribute alone or in cooperation with other States to, the further development of the applications of atomic energy for peaceful purposes,

Declaring their intention to achieve at the earliest possible date the cessation of the nuclear arms race and to undertake effective measures in the direction of nuclear disarmament,

Urging the cooperation of all States in the attainment of this objective,

Recalling the determination expressed by the Parties to the 1963 Treaty banning nuclear weapon tests in the atmosphere in outer space and under water in its Preamble to seek to achieve the discontinuance of all test explosions of nuclear weapons for all time and to continue negotiations to this end,

Desiring to further the easing of international tension and the strengthening of trust between States in order to facilitate the cessation of the manufacture of nuclear weapons, the liquidation of all their existing stockpiles, and the elimination from national arsenals of nuclear weapons and the means of their delivery pursuant to a treaty on general and complete disarmament under strict and effective international control.

Recalling that, in accordance with the Charter of the United Nations, States must refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the Purposes of the United Nations, and that the establishment and maintenance of international peace and security are to be promoted with the least diversion for armaments of the world's human and economic resources,

Have agreed as follows:

ARTICLE I

Each nuclear-weapon State Party to the Treaty undertakes not to transfer to any recipient whatsoever nuclear weapons or other nuclear explosive devices or control over such weapons or explosive devices directly, or indirectly; and not in any way to assist, encourage, or induce any non-nuclear-weapon State to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices, or control over such weapons or explosive devices.

ARTICLE II

Each non-nuclear weapon State Party to the Treaty undertakes not to receive the

transfer from any transferor whatsoever of nuclear weapons or other nuclear explosive devices or of control over such weapons or explosive devices directly, or indirectly; not to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices; and not to seek or receive any assistance in the manufacture of nuclear weapons or other nuclear explosive devices.

ARTICLE III

1. Each non-nuclear-weapon State Party to the Treaty undertakes to accept safeguards, as set forth in an agreement to be negotiated and concluded with the International Atomic Energy Agency in accordance with the Statute of the International Atomic Energy Agency and the Agency's safeguards system, for the exclusive purpose of verification of the fulfillment of its obligations assumed under this Treaty with a view to preventing diversion of nuclear energy from peaceful uses to nuclear weapons or other nuclear explosive devices. Procedures for the safeguards required by this article shall be followed with respect to source or special fissionable material whether it is being produced, processed or used in any principal nuclear facility or is outside any such facility. The safeguards required by this article shall be applied on all source or special fissionable material in all peaceful nuclear activities within the territory of such State, under its jurisdiction, or carried out under its control anywhere.

2. Each State Party to the Treaty undertakes not to provide: (a) source or special fissionable material, or (b) equipment or material especially designed or prepared for the processing, use or production of special fissionable material, to any non-nuclear-weapon State for peaceful purposes, unless the source or special fissionable material shall be subject to the safeguards required by this article.

3. The safeguards required by this article shall be implemented in a manner designed to comply with article IV of this Treaty, and to avoid hampering the economic or technological development of the Parties or international cooperation in the field of peaceful nuclear activities, including the international exchange of nuclear material and equipment for the processing, use or production of nuclear material for peaceful purposes in accordance with the provisions of this article and the principle of safeguarding set forth in the Preamble of the Treaty.

4. Non-nuclear-weapon States Party to the Treaty shall conclude agreements with the International Atomic Energy Agency to meet the requirements of this article either individually or together with other States in accordance with the Statute of the International Atomic Energy Agency. Negotiation of such agreements shall commence within 180 days from the original entry into force of this Treaty. For States depositing their instruments of ratification or accession after the 180-day period, negotiation of such agreements shall commence not later than the date of such deposit. Such agreements shall enter into force not later than eighteen months after the date of initiation of negotiations.

ARTICLE IV

1. Nothing in this Treaty shall be interpreted as affecting the inalienable right of all the Parties to the Treaty to develop research, production and use of nuclear energy for peaceful purposes without discrimination and in conformity with articles I and II of this Treaty.

2. All the Parties to the Treaty undertake to facilitate, and have the right to participate in, the fullest possible exchange of equipment, materials and scientific and technological information for the peaceful uses of nuclear energy. Parties to the Treaty in a position to do so shall also cooperate in contributing alone or together with other States or international organizations to the further development of the applications of nuclear energy for peaceful purposes, especially in the territories of non-nuclear-weapon States Party to the Treaty, with due consideration for the needs of the developing areas of the world.

ARTICLE V

Each Party to the Treaty undertakes to take appropriate measures to ensure that, in accordance with this Treaty, under appropriate international observation and through appropriate international procedures, potential benefits from any peaceful applications of nuclear explosions will be made available to non-nuclear-weapon States Party to the Treaty on a non-discriminatory basis and that the charge to such Parties for the explosive devices used will be as low as possible and exclude any charge for research and development. Non-nuclear-weapon States Party to the Treaty shall be able to obtain such benefits, pursuant to a special international agreement or agreements, through an appropriate international body with adequate representation of non-nuclear-weapon States. Negotiations on this subject shall commence as soon as possible after the Treaty enters into force. Non-nuclear-weapon States Party to the Treaty so desiring may also obtain such benefits pursuant to bilateral agreements.

ARTICLE VI

Each of the Parties to the Treaty undertakes to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control.

ARTICLE VII

Nothing in this Treaty affects the right of any group of States to conclude regional treaties in order to assure the total absence of nuclear weapons in their respective territories.

ARTICLE VIII

1. Any Party to the Treaty may propose amendments to this Treaty. The text of any proposed amendment shall be submitted to the Depositary Governments which shall circulate it to all Parties to the Treaty. Thereupon, if requested to do so by one-third or more of the Parties to the Treaty, the Depositary Governments shall convene a conference, to which they shall invite all the Parties to the Treaty, to consider such an amendment.

2. Any amendment to this Treaty must be approved by a majority of the votes of all the Parties to the Treaty, including the votes of all nuclear-weapon States Party to the Treaty and all other Parties which, on the date the amendment is circulated, are members of the Board of Governors of the International Atomic Energy Agency. The amendment shall enter into force for each Party that deposits its instrument of ratification of the amendment upon the deposit of such instruments of ratification by a majority of all the Parties, including the instruments of ratification of all nuclear-weapon States Party to the Treaty and all other Parties which, on the date the amendment is circulated, are members of the Board of Governors of the International Atomic Energy Agency. Thereafter, it shall enter into force for any other Party upon the deposit of its instrument of ratification of the amendment.

3. Five years after the entry into force of this Treaty, a conference of Parties to the Treaty shall be held in Geneva, Switzerland, in order to review the operation of this Treaty with a view to assuring that the purposes of the Preamble and the provisions of the Treaty are being realized. At intervals of five years thereafter, a majority of the Parties to the Treaty may obtain, by submitting a proposal to this effect to the Depositary Governments, the convening of further conferences with the same objective of reviewing the operation of the Treaty.

ARTICLE IX

1. This Treaty shall be open to all States for signature. Any State which does not sign the Treaty before its entry into force in accordance with paragraph 3 of this article may accede to it at any time.

2. This Treaty shall be subject to ratification by signatory States. Instruments of ratification and instruments of accession shall be deposited with the Governments of the United States of America, the United Kingdom of Great Britain and Northern Ireland and the Union of Soviet Socialist Republics, which are hereby designated the Depositary Governments.

3. This Treaty shall enter into force after its ratification by the States, the Governments of which are designated Depositaries of the Treaty, and forty other States signatory to this Treaty and the deposit of their instruments of ratification. For the purposes of this Treaty, a nuclear-weapon State is one which has manufactured and exploded a nuclear weapon or other nuclear explosive device prior to January 1, 1967.

4. For States whose instruments of ratification or accession are deposited subsequent to the entry into force of this Treaty, it shall enter into force on the date of the deposit of their instruments of ratification or accession.

5. The Depositary Governments shall promptly inform all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification or of accession, the date of the entry into force of this Treaty, and the date of receipt of any requests for convening a conference or other notices.

6. This Treaty shall be registered by the Depositary Governments pursuant to article 102 of the Charter of the United Nations.

ARTICLE X

1. Each Party shall in exercising its national sovereignty have the right to withdraw from the Treaty if it decides that extraordinary events, related to the subject matter of this Treaty, have jeopardized the supreme interests of its country. It shall give notice of such withdrawal to all other Parties to the Treaty and to the United Nations Security Council three months in advance. Such notice shall include a statement of the extraordinary events it regards as having jeopardized its supreme interests.

2. Twenty-five years after the entry into force of the Treaty, a conference shall be convened to decide whether the Treaty shall continue in force indefinitely, or shall be extended for an additional fixed period or periods. This decision shall be taken by a majority of the Parties to the Treaty.

ARTICLE XI

This Treaty, the English, Russian, French, Spanish and Chinese texts of which are equally authentic, shall be deposited in the archives of the Depositary Governments. Duly certified copies of this Treaty shall be transmitted by the Depositary Governments to the Governments of the signatory and acceding States.

IN WITNESS WHEREOF the undersigned, duly authorized, have signed this Treaty.

DONE in triplicate, at the cities of Washington, London and Moscow, this first day of July one thousand nine hundred sixty-eight.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into legislative session.

The PRESIDING OFFICER. Is there objection?

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

IMPORTANCE OF CLOSE CONSULTATION OF UNITED STATES AND THE VATICAN

Mr. PELL. Mr. President, at his press conference on March 4, President Nixon emphasized the importance he attached to close consultation between the United States and the Vatican on foreign policy matters. Replying to a question, he said that the possibility of sending an American envoy to the Vatican was under study. I agree completely with the President's statement regarding the importance of close consultation with the Vatican, and I hope that the study to which the President referred will conclude that we should take steps to improve our relationship with the Vatican, which, it seems to me, can best be done by appointing an envoy.

There is nothing new or novel in this idea.

For 73 years, from 1797 to 1870 when the Kingdom of a United Italy took over the papal states, the United States had consular relations with the Vatican. In fact, the United States maintained regular diplomatic relations with the Vatican from 1848 to 1868.

Before and after World War II, from 1939 to 1950, Presidents Roosevelt and Truman sent Myron Taylor, complete with an official staff, as a personal representative to the Pope. I suggest that this latter approach or one similar to it, would be of great advantage to us at this time.

The initiative of Pope John, which Pope Paul continues, puts the Vatican in the vanguard of peace. Pope Paul's recent historic visits to the Holy Land, India, Latin America and the United States provided a dramatic demonstration of the profound influence for peace which his papacy holds. In this age of total and instant annihilation, the U.S. Government surely should be in daily, official contact with the Roman Catholic Church's campaign literally to save the world from destroying itself.

Simply from the viewpoint of knowing more about the world, and particularly behind the curtain, I believe we are at a serious disadvantage in not having direct access to Vatican sources of information and intelligence. Furthermore, we need a more effective method of bringing our Government's views on world issues to the attention of the papacy.

If such a strong Protestant country as England, where Anglicanism is the established church, can maintain full diplomatic relations with the Vatican, as has been the case since 1914, certainly we can do so.

In fact, 63 countries, including Communist Cuba and Poland, presently maintain diplomatic representatives at the Vatican. Only about two-thirds of these nations could be characterized as Catholic nations. Moreover, 10 of the 15 members of the United Nations Security Council are amongst those nations maintaining diplomatic relations with the Vatican.

I am not unmindful of the sensitivities of my fellow Protestants, but I am simply saying that I believe our national interests would be best served by having an official, open channel of communication with the Vatican.

I am glad President Nixon is considering this matter, and strongly hope that his conclusion will be to send an envoy there.

LETTER OF RONALD W. PARTRIDGE ON DISENGAGEMENT OF AMERICAN FORCES FROM VIETNAM

Mr. PELL. Mr. President, I have received a letter from Ronald W. Partridge who has spent 2 years in Vietnam with the International Voluntary Services. Mr. Partridge makes a very good case, it seems to me, for a publicly stated schedule of disengagement of American forces from Vietnam beginning immediately. It is his view that such a step could improve the political climate because, among other things, the South Vietnamese Government would be forced to broaden its base of support and the National Liberation Front would thus lose a major recruiting argument.

I believe that readers of the CONGRESSIONAL RECORD would find Mr. Partridge's letter interesting, and I therefore ask unanimous consent that it be printed in the RECORD at this point.

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

JANUARY 31, 1969.

Hon. CLAIBORNE PELL,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PELL: I would like to thank you for your time and attention during our recent meeting. I am sorry that your schedule did not permit us to personally visit. I am sending you a summary of points which I feel are of great concern for our Vietnam policy. They are based largely on my experiences as a volunteer teacher in Vietnam (Bac Lieu on the southern coast of the Mekong Delta) for International Voluntary Services (IVS is a private, Peace Corps type agency funded by the United States government) from September 1966, until December 1968. From June 1968, I administered the educational part of the IVS program and will continue in that capacity upon my return to Vietnam next month.

Although all eyes are focused on the Paris negotiations, I would agree with the recent statement by South Vietnam's Prime Minister Huong to the effect that "the success of the negotiations depends on events in South Vietnam." With this in mind, I would suggest that our exclusive support of the Thieu/Ky regime has resulted in the following consequences:

1. Potentially viable middle ground political life is being eroded, leading to a polarization of political choices: between the Saigon regime and the NLF.

2. Those who disagree with policies or personalities of the present regime are faced with two choices: dropping out of political life or going over to the NLF.

3. The present regime continues political imprisonment and remains oblivious to the need to: broaden its political base, reach accommodation with non-Communist Nationalist forces, and respond to the needs of the people.

4. The middle ground of political forces is left open to exploitation by the NLF, which capitalizes on the Saigon regime's behavior as justification for the charge that it is merely a tool of the United States.

Through a *publicly stated* schedule of disengagement from Vietnam, *beginning immediately*, we could improve the political climate in these ways:

1. Saigon would out of necessity make a strong effort to broaden its base of support in order to stay in power, thereby responding to its domestic responsibilities more effectively in order to win respect.

2. The NLF would lose a major recruitment argument point (i.e., the Saigon government is a puppet of the U.S.), as well as losing some of its adherents who are not hard core Communists.

3. A more broadly based Saigon government would be more favorably inclined toward the Paris talks, expressing the widespread and deeply felt desire of the people for peace.

4. The NLF cadres would be more willing to lay down their arms to participate in a viable political atmosphere.

5. Should Saigon respond by liberalizing its policies, the possibilities for speeding up the American disengagement would improve, and the people of Vietnam would have gained a better chance of determining their own future without external pressures.

After two years of working with the people of Vietnam for International Voluntary Services, the above represents the thinking which resulted.

Thanking you again for your attention, may I express the hope I know we all share: that this terrible problem may reach a settlement favorable to the interests of both the Vietnamese and American peoples.

Sincerely,

RONALD W. PARTRIDGE.

P.S.—I would suggest that you keep in contact with Stu Bloch of the Vietnam Education Project. He is an excellent source of information on how events in South Vietnam effect the people's attitudes towards their government and the United States.

THE NEEDS AND CHALLENGES OF TOMORROW

Mr. MOSS. Mr. President, recently Mr. Elmo Roper, who is a senior consultant of Roper Research Associates, Inc., delivered a memorable address at the annual meeting of the Life Insurance Agency Management Association at the Palmer House in Chicago. In his address, Mr. Roper very frankly and rather eloquently summarized the many problems that confront America today, and in his analysis pointed the way for our solution of some of these problems. I commend the reading of his address to my colleagues who will find it stimulating and provocative. Mr. Roper has many important assignments at this time. I therefore ask that a brief summary of his career and present affiliations be printed at the beginning of the speech, and that the text of his speech along with the biography be printed in the RECORD at this point.

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

BIOGRAPHY OF ELMO ROPER

Elmo Roper, Senior Consultant of Roper Research Associates Inc., was born in Hebron, Nebraska, in 1900. He attended the University of Minnesota and the University of Edinburgh, Scotland. His early business experience was in jewelry retailing and manufacturing. And from the gamut of this experience, he began to grasp the importance of learning what the public wanted rather than trying to sell them what some designer or corporation president thought they should want. His own amateur applications of what he later learned were "marketing research techniques" in jewelry merchandising gradually led him into what became his life's work. He is best known for his articles, radio

and television broadcasts and election analyses. During World War II, he served as a dollar-a-year man for the Office of Strategic Services, the Army Air Force, Navy and Marines and other government agencies. Much of his time in recent years has been devoted to race relations and national and international affairs. He is also a successful and respected business leader and serves as a member of the Board of Directors of Home Life Insurance Company, Tiffany & Co., International Research Associates, Haug Associates, Encyclopedia Brittanica, Encyclopedia Brittanica Educational Corporation, Elba Systems Corporation, and other companies. He has been accorded a number of honorary degrees for his contributions toward informing man's understanding of his fellow man and the world he lives in. Mr. Roper and his wife, Dorothy, make their home in West Redding, Connecticut. His office is at 111 West 50th Street, New York City.

ADDRESS BY ELMO ROPER TO LIFE INSURANCE AGENCY MANAGEMENT ASSOCIATION

When I saw the title of my speech, I first thought they had gotten me mixed up with Jean Dixon, the woman in Washington who predicts the fate of presidents and the events which will befall the nation. When I confirmed that the subject was indeed meant for me, I was at least relieved that I could talk about the world of "sometime" tomorrow, and not next week. But today even that is risky. Last spring I had lunch with a friend of mine, to whom I made the oracular statement, "The one thing you can be sure of these days is that you have no idea what the news will bring by tomorrow morning." That statement, at least, was correct. Some hours later, Martin Luther King was shot, and that was not the end of the dramatic events which this year have changed overnight the look of the world in which we live. These are violent and troubled times, in which the projection of tomorrow's world is repeatedly shattered by today's events. But perhaps it is possible to get beyond those events and find some clues to the direction in which we are moving. In my effort to do this, I have been fortunate in having the help of some of the best, most far-sighted minds in America, because of a special depth interview study our firm recently completed.

This study, which was done for Standard Oil of New Jersey, explored the problems of tomorrow with 30 highly influential thought leaders from a wide range of fields. Our standards for selecting the men we talked to were very strict: Each had to be a recognized leader in his field. Each is an acknowledged man of ideas. Each has a demonstrated record of having influenced public policy or social direction. And each is a person with a record of concern for the emerging problems of tomorrow as well as the pressing problems of today. I can't tell you who the men were, because we wanted absolutely frank, off-the-cuff, speculative discussions of possibilities and didn't want to bind them to the public commitments or positions, so we guaranteed them complete anonymity. I can tell you that they included U.S. Senators, foundation presidents, respected journalists and authors, educators, as well as former high government officials and outstanding business leaders.

What did these knowledgeable observers visualize as the social challenges on the horizon? Their answers ranged widely, but a number of recurrent themes ran through the interviews. One of the major themes was put this way by a former high government official: "To me the biggest problem of the next decade is pretty damn obvious—it is that man must once again address himself to the problem of getting on top of his environment." The choice confronting us, their comments indicated, is between letting things drift toward chaos and possible catastrophe or of bringing the forces of our world under rational human control.

Take, for example—as many of them did—our cities. I think we would all agree that they are big enough. However, while they may still be tolerable enough places to visit, today you have to be very rich or very poor or very crazy to live there. In our thought leader study, a U.S. Senator had this to say: "There is no question that the all-important problem of the next decade is the big city. I am not just referring to decent housing. I am talking about transportation, race relations, education, recreation—practically everything that affects the human being. There simply has to be a better way of getting into and out of the city, and there also has to be a better way of getting around in the city, and most important, to live in it." A leading editor took this dim view: "Cities are half out of control now and going further out each day. I think we are in for an era of social turbulence the likes of which we have never seen before in the history of this country, except during the Civil War."

To talk about cities is to open a Pandora's Box of problems including water and air and noise pollution and traffic congestion and just plain jamming too many people into too little space. What are we doing about it? In New York our latest approach to the problem is to build a new skyscraper on top of Grand Central Terminal—and adding about 10,000 people to the mid-town jam. But our cities are not isolated pest-pockets which one can evade by means of superhighways. For there is urban sprawl, and now suburban sprawl, and the plain fact is that cities are only the most glaring example of what happens when our physical environment is allowed, like Topsy, to "just grow."

That is what Stewart Udall, Secretary of the Interior, has written about the crisis of values that we face: "One could contemplate the United States a century from now with equanimity if our growth rate and growth patterns reflected a mature purposeful national will. Arrogant events and the headlong pace of material progress have left us little time to ask what people are for or to agree on long-term societal aspirations. We have no environmental index, no census statistics to measure whether the country is more or less livable from year to year. A tranquility index, a cleanliness index, a privacy index might have told us something about the condition of man, but a fast-growing country bent on piling up material things has been indifferent to the 'little things' that add joy to everyday living. We have learned neither how to grow nor at what pace, and that is our failing and our future trouble. If we are to establish the secure foundations of an equal-opportunity society and master the sensitive arts of building a life-encouraging environment, then at this moment in history we need to realize that: bigger is not better; slower may be faster; less may well mean more."

And, I add, more may well mean less. Where this is clearest is in the implications of the population exploding around us. It took all the thousands of years of history up until the mid-nineteenth century to amass the first billion of human beings on earth. But it took less than one century to reach the second billion and only one generation beyond that to get to the third billion. At the present rate of world population growth, the number of people on earth will double about every 35 years. And this frightening increase is not limited to the "unenlightened" regions of the world; some population experts predict that the U.S. population, too, will double by the year 2000.

A population of this size will vastly exceed the facilities for the care and feeding of human beings now available on this planet. Remember each one-acre plot in a new subdivision or a new highway is one acre that won't grow food, thus reducing capacity at the same time we increase demand. Last year one and one-half million acres of farm land became subdivisions or shopping centers. To put it in one simple figure, agricultural experts estimate that a tripling of the world's food supply will be necessary between now and the turn of the century, if the people then alive are to be reasonably adequately fed. This perhaps sounds Utopian since most of the people alive on this planet are not now and have perhaps never been adequately fed. Yet this is only the minimum humane requirement of the population now around the corner.

If these needs can be met at all, the only way is through the careful use and nurturing of the land we now have—in short, through enlightened policies and practices of conservation. Much is being done, but even in the United States, what we are now doing falls far short of what is needed. Agriculture now takes three to four million tons more nutrients from the soil than are replaced each year. About a quarter of the land now used for crops is being damaged by erosion at a critically severe rate. Another quarter is eroding at a less rapid but still serious rate. The need for conservation, of course, goes far beyond the proper use and treatment of land. It implies respect for and proper cultivation of all the natural resources on which life depends. For example, it is anticipated that our water needs may quadruple in the next forty years while our population is doubling. So we will need access to new supplies of fresh water, and we will need to vastly improve our treatment of the water now being used. Water pollution is an ugly luxury that can no longer be afforded by our expanding society. Conservation also means going beyond the basic questions of how much of what resources we need to live. It means asking how much unspoiled nature we need to keep in order to nourish and revitalize our lives. It means conserving the open spaces we need to periodically refresh our lives. It means conserving the joy we take in contemplating both the loveliness of nature and the beauty of well-run human enterprises.

However, our efforts to achieve the needed environmental control will fail to bring us a habitable world unless at the same time we achieve a measure of population control. As a prominent biologist has put it: "Improving food production is treating a symptom, not the disease. It is like using morphine as the sole treatment for acute appendicitis. The patient feels better for a while and then dies in agony. The disease of this planet is overpopulation. One of the symptoms is hunger and it can be suppressed temporarily. The only possible cures are a drastic reduction in birth rate or a drastic increase in death rate. Regardless of any improvement of food production, sooner or later we will have one cure or the other, make no mistake about it."

Our choice, in regard to our physical environment, is ever-increasing population pressures on the finite resources of our globe, which will lead inexorably to overcrowding, even more polluted streams and beaches, even more polluted air and finally, famine and war—or a controlled development of the fruits of the earth—including man—to create a humane and habitable planet.

The first task, then, is to make manageable the physical world in which we live. What, then, are we to do in and with this world? This was the second major theme of the thought leaders we interviewed in our survey of the problems of tomorrow. There emerged from these interviews a clear consensus that the major problems of tomorrow will not be economic. There was general agreement that in America, despite the pockets of poverty that remain, the basic economic problems have been solved and that we can expect affluence and prosperity to be part of our future. And so the focus of our concern will shift. This is what one noted author said:

"In recent decades we have been chiefly concerned with who gets what share of the economic pie. But today the content of the political dialogue is sharply changing. Now there are questions about the character and quality of life the individual will achieve—how we and our children will live." Or, as a former high government official put it: "Now the question will be less 'What do I get?' and more 'What do I get out of it?' The question may not be conscious, but it will be there."

Now this is a profound change, with implications that extend into many areas of life. It means that we have to stop measuring progress—both indivdual and social—by "How many?" and "How much?" and begin to ask "What kind?" It means that Gross National Product is no longer the best index of how well off the nation is. It means that how many schools are built each year is less important than what is happening inside them. And how many millions our population contains is less important than the kinds of lives those millions are leading. I am not suggesting that anyone will or ought to be indifferent to the level of his yearly income. A good income enables a man to take care of the needs of his family, to send his kids to college, as well as to share in the multiplicity of things that make life easier, more pleasant and more fun. What I am saying is that now that the good material things of life are within the reach of most of us, the question turns to whether our lives are lived with meaning, with zest and satisfaction. A foundation executive expressed the challenge this way:

"We must have a more intelligent search for the meaning of life—the purpose on this planet for every living human being. The taking up and rejecting of religion is an example of the search for meaning. The search takes many strange forms. The experimentation with drugs on the part of the young is another example. In fact, all of the "isms" that continue to come up, it seems to me, are examples of the search for meaning. Our increased leisure time has had the national effect of spurring this search for meaning."

For generations, we struggled to get enough. Now we have found that affluence is not enough. This is evident in the attitudes and behavior of the young, and I don't just mean the hippies and Yippies. Young people all over the country are expressing in many ways that they want more than the chance to make a bundle; they want careers that offer personal satisfaction and meaningful involvement. What they want is not more, but better.

I think we will all find ourselves increasingly involved in this quest for a better quality of American life. And I think we will find that this quest has a number of dimensions. Here are some of the areas in which I think the struggle for quality of life will focus in tomorrow's world:

First, the dimension of change. One thing that it is hard to get used to is the prevalence of newness. The world alters as we walk in it—not some small growth or rearrangement or moderation of the old, but a great upheaval. The fact of continuing change implies a permanent state of restlessness, and a permanent problem of social disorder in the world of tomorrow. Wonderful new possibilities will continue to open up, but the winds of discontent will be with us too, and the threat of riot and rebellion will not soon disappear. We have the choice of channeling the stirring energies of the restless and awakened, the disadvantaged and the young into healthy growth and creative effort or seeing those frustrated energies turned against society. This means that we shall have to give up the security of familiar ways and take the risks of innovation and experiment. Tomorrow's world will be an open-ended thrust into the future. We cannot stop change, but we can make a choice between allying ourselves with the forces of constructive change and watching the ugly growth of violence and anarchy.

The issue of coming to terms with change is closely involved with a second issue: the nature of freedom in the world of tomorrow. As we become caught up in the currents of change, and challenges arise to the beliefs, customs and institutions we once took for granted, challenges will also arise to the freedoms we have taken for granted. We can already perceive the threat in the increasing virulence of the extremists of both left and right, where leftist cries of "Up against the wall" are met with rightist promises to run over the next protester who lies down in front of the presidential limousine. It is easy to identify the threat to freedom with the unruly protests of hecklers and demonstrators, and if dissent takes violent forms, it is indeed such a threat. If it takes the form of wildly irrational accusations, oversimplified assumptions and a lumping together of everything it objects to in our society under such labels as racism or fascism or genocide, it is, in a subtler way, also a threat to freedom.

But the threat to freedom is more far-reaching than the acts and words of a small group of New Left or New Right or black militant extremists. We can see it also in the rising temper of intolerance for opposing points of view, in the waning of rational discourse and the polarization of opinion, and in a tendency to equate dissent with disloyalty. If the answer to protest is not to explore the reasons for that protest but rather to shut the shouters up, we have come a long way from the concept of freedom which guarantees to minority opinion the same right to expression as that possessed by the majority. If laws are broken, appropriate actions must be taken. No freedom is possible without due process and the rule of law. But we must also ask whether our laws are just, and whether our system of laws is flexible and responsive to the needs of a changing society. The choice before us is to affirm our traditional commitment to diversity of opinion and freedom of expression or to fall into the sterile trap of attempting to deal with discontent by forced conformity and repression.

A third dimension of the quest for quality in the life of tomorrow is what might be called the human dimension. A focal point of the discontent that is already making itself felt is a demand that the large and often impersonal institutions of an increasingly technological society be humanized. Citizens and voters, employees of large corporations, as well as students in universities, have experienced feelings of powerlessness and alienation, and a sense that major decisions concerning their lives are taken by people they do not know and made in indifference to their needs. There is a revolt against this drift toward decisionmaking from remote centers and a demand for more local and personal control over the crucial areas of people's lives. The solution to this problem will not be easy; the young have offered more Protest than Program, and decentralization is a simple slogan but not an automatic remedy. Institutions will continue to be big and computers will continue to take many matters out of human hands. We cannot really go back to the world of the town meeting and the small entrepreneur. There are, of course, many areas in which small, local, self-governing groups can make an effective contribution, and we should make efforts and experiments in this direction. But big business and big government are not going to go away. The belief that smaller units can take over all their major functions is romantic escapism. What we must do is find ways to make our large institutions more flexible and responsive to human needs. The goal of a technological society must be not just more efficiency but the liberation of creative human energies.

There is another dimension of the search for a more rewarding, meaningful life in the world of tomorrow. In an automated world, run partly by computers, economics ceases to be the chief fundamental. What is more fundamental is the organization of communities, including the world community, for the common good. This dimension of community is crucial to man's future fulfillment and to his very survival. We must establish a new sense of community on several levels.

To begin with, we must regain our place in nature. As Stewart Udall has written, "The time has come for us to evolve an ecology of man in harmony with the constantly unfolding ecologies of other living things. We need a man-centered science which will seek to determine the interrelationships of life, interrelationships whose understanding will enhance the condition of man."

We must also establish a new sense of community with the human beings among whom we live. This country was founded on a strong sense of individualism, and in the days of the frontier and nation building rugged individualism was a highly fruitful philosophy. In a situation where, if you didn't get along with your neighbors, you could always move on to the next settlement or start one of your own, manners didn't matter so much and much could be achieved by one man struggling alone. But the frontier is gone and the old individualism is no longer an adequate philosophy in our emerging world. If we try to live in tomorrow's world with yesterday's philosophy, we shall be doomed to an existence of insecurity, fear, distrust and isolation. Today we must live together and in order to do so fruitfully, we must develop beyond the narrow struggle for personal achievement and establish new connections with other human beings. When the flower children suggest that we should all love one another, they may be naive, but they are expressing in their way this very real need to supplement the old individualism with a new sense of genuine human involvement and responsibility.

The most obvious example of this need for a new sense of community is the need to establish a genuine racial community in the world of tomorrow. Today blacks and whites watch each other wearily across a gulf of distrust and misunderstanding. Many whites feel that Negroes want and have gotten too much, while most blacks feel that what has been done to solve their problems is pitifully little in proportion to their past and present deprivation. Despite their frustrations and disappointments, surveys show that the majority of Negroes still hope to make it into the mainstream of American society. But as the struggle for Negro rights has moved from the legal level to the tougher task of implementing school and housing integration, and the intensity of white resistance to Negro advances in these areas has been revealed, the old dream of integration has come under attack. The militants now talk of a separate black society, and the emphasis is to development within the ghetto rather than working to get people out of it. Of course nothing is more pleasing to the whites who want blacks to stay in their place than to find blacks saying they're happy to do so. But if blacks are to get "a piece of the action," they will have to leave the ghetto and go where the action is. Ghetto communities, cut off from the rest of society, will inevitably remain pockets of economic and cultural poverty. In the short run, it may be necessary and desirable to pour money and effort into ghetto development. But two separate societies, one white, one black, existing permanently side by side, can only perpetuate racism and injustice, and trouble.

Integration does not mean that every tenth house on every block be occupied by a black family; Negroes may often choose to live in their own neighborhoods as Jews or second generation Poles or Italians often do today. Integration does mean that blacks have full access to the myriad activities and rewards available in American society. Because the going is tough, because skin color and a heritage of slavery are hard barriers to overcome does not mean the goal of integration should be abandoned. No society can develop in a healthy way if an important segment of its citizens exists on its fringes and is excluded at its heart. Once again, we are faced with two alternatives: either increasing distance and tension and hostlity between the races, accompanied by various forms of black rebellion countered by police repression, or the gradual expansion of opportunities for Negroes and their gradual integration in all the major areas of American society.

Finally, we must create a new world community in which peaceful development is possible and men can fight the battle of health, education, and food supply instead of each other. That, of course, is easier said than done. Russia has recently taught us how precarious is the so-called detente between East and West—indeed even between East and East. Vietnam is presently embittering our relations with much of the world. And De Gaulle goes his obstructive way. In the UN, the true voices of peace are nearly lost in the clamor of propaganda and accusation, and nations go their chosen ways despite high-minded statements about the interdependence of man.

What is to be done? Though a world community may seem today to be a Utopian dream, I think that our only hope of surviving into the world of tomorrow is through moving beyond nationalism—as at home we must move beyond narrow individualism—to create new governmental bonds in which nations can work together. Obviously we cannot do this in any meaningful sense with dictatorships, whose concept of government has nothing in common with ours. But I think we could start with some of the democracies, such as the countries of Western Europe, to work out new arrangements for joint action and policy. De Gaulle may presently be a stumbling block, but I suspect his successor will see things somewhat differently. It is an old truth that in unity there is strength, and I think we have seen enough of the pitfalls of unilateral action that we should be ready to try a more cooperative approach.

I can report that surveys we have done show that there is considerable receptivity on the part of the American public to closer ties with Europe. Our people know that whatever short-term difficulties and disruptions may mark our relations with Europe, long history, common values and traditions, as well as economic and political self-interest, act to unite us most closely with the democratic nations across the Atlantic. And Atlantic integration itself could be followed by an even broader integration which would gradually come to include all the nations anywhere in the world which are governed by democratic principles. Such a union could ally itself with the forces of growth and development throughout the world and be a force for peace. For the choice ahead of us is between a world of anarchy, famine and war or a world where gradual steps are taken toward the rule of law, in which mankind can flourish under a political superstructure of his own choosing.

These, then, are the needs and challenges of the world of tomorrow: to gain human control over our environment, and to create, within that environment, the conditions for living more meaningful, satisfying human lives. We must come to terms with change, preserve our liberty, enlarge our humanity, and establish a new sense of community within a technological society. To do all this will require all the wisdom and imagination of which the human race is capable. And to realize this needed human potential, we shall need something else: a reconsideration of our basic approach to education. Robert Hutchins has observed that "in an advanced technological society, futility dogs the footsteps of those who try to prepare the child for any precise set of conditions. Hence the most impractical education is the one that looks most practical, and the one that is most practical in fact is the one that is commonly regarded as remote from reality, one dedicated to the comprehension of theory and principles. An education that tried to assist the formation of the world community would seek to connect rather than divide men; it would seek to do so by drawing out the elements of their common humanity. It would be theoretical rather than practical, because, though men do different things, they can all share in understanding. It would be general rather than specialized, because, though all men are not experts in the same subject, they all ought to grasp the same principles. It would be liberal rather than vocational, because though all men do not follow the same occupations, the minds of all men should be set free. An education that helps all men to become human by helping them gain complete possession of all their powers would seem to be the only defensible education in a world of rapid technological change; it would seem to be the best for a national community and for the world community as well."

The world of tomorrow will be a learning society in which I hope the old truths and authorities will carry some weight—more weight than now—but they also will be inadequate guides, and all of us—students and teachers, young people and mature adults alike—will have to live with a permanent sense of impermanence, participants in an unending search, not for ultimate truth and the perfect society, but for the partial and limited truths which will help us find our way to a better, fuller life amid the changing challenges that lie ahead. The genius of man has made possible a good life economically. But the genius of man has also created a society in which it is difficult for genius to continue to flourish—crowded cities, polluted streams and beaches, and air not fit to breathe. The challenge of tomorrow is to create an environment in which genius can be happy—and continue to flourish.

S. 1442—INTRODUCTION OF A BILL TO CREATE A PILOT OUTDOOR ADVERTISING SIGN REMOVAL PROGRAM

Mr. MOSS. Mr. President, because of its cost, and other problems, it has never been possible to implement the highway beautification program that Congress enacted several years ago. Today highway beautification is just barely alive. Only $2 million has been authorized for the removal of nonconforming outdoor advertising signs from Federal highways in the fiscal year 1970, and in fiscal 1968 and 1969 there was no money at all. Many people in the Congress, the executive branch of the Government, and the outdoor advertising industry have been seeking earnestly a course which might be followed which would be satisfactory to all concerned.

Some 18 months ago I began conferring with a young advertising executive of Salt Lake City, Mr. Douglas T. Snarr, about the plan he had developed to eliminate outdoor advertising signs at a cost substantially below the problem which the States have developed, and in a manner which would assure the advertising industry that it had been treated fairly by both the State and the Federal Government.

Basically, the program calls for acquiring by contract all of the nonconforming signs of a company at one time, and authorizing the owning company to dismantle and remove the signs on an agreed time schedule. This would cost less, and would remove the uncertainties facing sign companies under the present plan. Because of these uncertainties, small sign companies have been particularly apprehensive. They have found themselves unable to maintain lines of credit, and are being forced toward bankruptcy as their nonconforming signs simply deteriorate. But if they could retain their employees and proceed to remove the offending signs, they could also continue business in areas where outdoor signs are acceptable.

I made arrangements for Mr. Snarr to present his program to the Highway Beautification Coordinator in the Department of Transportation, and also to the Bureau of Public Roads. After a careful review of the recommendations, Mr. F. C. Turner, recently appointed Director of Public Roads, wrote me on February 20, 1969, that he believes the Snarr approach was a desirable one.

The Utah State Highway Department has also made an exhaustive study of the Snarr proposals, and endorses them without qualification. The department has checked the Snarr cost estimates and found them to be accurate and to be below estimates of total cost if the State condemned and removed the signs. The State has now adopted the Snarr program as its own. Many of the Utah sign companies heartily endorse it.

Under legal requirements to distribute funds to all States by formula, insufficient money is available to inaugurate this program. Even on a pilot basis it would be necessary to use a substantial portion of the money appropriated for nationwide use on one or two States. This is not possible without congressional authorization.

I am, therefore, introducing today a bill to amend section 131 of title 23 of the United States Code—the section which deals with the control of outdoor advertising along Federal-aid highways—to authorize one or more pilot programs along the lines of the Snarr advertising sign removal program and to authorize the appropriation of $5 million to finance a pilot program or pilot programs.

This proposal has received favorable comment from private enterprise, the Utah State Highway Department, and the Federal highway officials who have looked it over I think Congress should now check it out. If it has the merit I believe it has, we should authorize such a pilot program, to prove through actual experience whether or not it does point the direction the highway beautification program should take.

I send my bill to the desk, for appropriate reference, and I ask unanimous consent that the bill be printed in the RECORD.

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

The bill (S. 1442) to amend section 131 of title 23 of the United States Code, relating to control of outdoor advertising along Federal-aid highways, in order to authorize one or more pilot programs for the purpose of such section, introduced by Mr. Moss, was received, read twice by its title, referred to the Committee on Public Works, and ordered to be printed in the RECORD, as follows:

S. 1442

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 131 of title 23 of the United States Code is amended by inserting at the end thereof a new subsection as follows:

"(o)(1) The Secretary is authorized to enter into agreements with one or more States for the purpose of carrying out one or more pilot programs to determine the best means of accomplishing the purpose of this section. Any such agreement shall provide for the payment of the Federal share, prescribed in subsection (g), of the cost of the program, and shall be in accordance with the other provisions of this section to the extent applicable for the purpose of this subsection.

"(2) There are authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, not to exceed $5,000,000 to carry out the provisions of this subsection. Amounts appropriated for the purpose of this subsection shall remain available until expended."

NURSING HOME STANDARDS MUST BE RAISED, NOT LOWERED

Mr. MOSS. Mr. President, the 1967 amendments to the Social Security Act included two expressions of congressional intent about the need for raising standards of care and management in long-term-care institutions that receive Federal payments under title IX, the medicaid program.

One amendment, advanced by Senator EDWARD KENNEDY, requires the licensing of nursing home administrators. Another—which I proposed was intended to broaden services and elevate standards for skilled nursing homes furnishing services under State-approved title IX plans. The two amendments resulted from long and intensive hearings of the Subcommittee on Long-Term Care of the Senate Special Committee on Aging. It is one thing for Congress to require new standards. It is quite another for those standards to be implemented realistically and with some dispatch. I have, therefore, been following the steps toward implementation of my amendment with mixed feelings. I am pleased by the careful attention given to the proposed regulations by governmental and nongovernmental analysts, but I had hoped that this lengthy period of evaluation would have resulted in earlier action leading toward higher standards.

My feelings were mixed further within the past weeks by reports that the Medical Services Administration of the Social and Rehabilitation Service may soon act on standards for payment for skilled nursing home care under title XIX of the Social Security Act that apparently could be regressive, rather than helpful. I submit for the RECORD at this point an article which appeared in the Washington Star. I have not yet had time to evaluate this account of the facts, but I have heard expressions of concern from individuals who are concerned about the need for better care in long-term-care institutions. It is essential, I believe, that no action be taken on the proposed standards until the matter has been more fully explored.

Additional evidence on the need for evaluation of the situation was provided in the most recent issue of the Senior Citizens News, a publication issued by the National Council of Senior Citizens. The article discusses the need for continuing an intensive scrutiny of the care provided in long-term-care institutions. While the article does not discuss the many progressive and farsighted improvements and standards now in effect in what is probably the majority of most such institutions—both proprietary and nonprofit—it nevertheless provides a helpful summary of the abuses that spring up all too quickly if the public is unaware or tolerant of abuses.

I ask unanimous consent to have printed in the RECORD an article entitled "Nursing Homes Fight Standards," written by Judith Randal, and published in the Washington Star of February 20, 1969, and an article entitled "Nursing Homes in Your Community May be Deadly Houses of Horror," published in the Senior Citizen News of February 1969.

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

[From the Washington (D.C.) Star, Feb. 20, 1969]

WASHINGTON CLOSE-UP: NURSING HOMES FIGHT STANDARDS

(By Judith Randal)

In another of those remarkable arrangements that always seem to be happening in this capital, a special interest group is trying to get government approval of performance standards that will bring more public money in return for less service to the public.

At issue is whether it will become legal to have a double standard for federally financed nursing home care—on the one hand for people over 65 whose bills are paid for by medicare, and on the other for the "medically indigent" under 65 who qualify for medicaid.

If the American Nursing Home Association has its way, standards for the latter will be lower, at a considerable economic advantage to its members. The American Medical Association is supporting the nursing home group. It should be noted that many doctors have financial interests in such establishments.

The matter may be said to have come to a head during the week of Jan. 10, when the Nursing Home Association was meeting here.

Harold G. Smith, a paid consultant both to this trade association and to the Department of Health, Education and Welfare, and himself the former operator of a nursing home, conveyed the lobby's displeasure over proposed standards to Dr. Francis L. Land, HEW medicaid chief. The standards were revised downwards over the following weekend and Smith was in on the rewriting.

This happened in the last 72 hours of the Johnson administration, so there was little that the outgoing HEW secretary, Wilbur J. Cohen, could have done, and nothing to prevent someone from sending Nursing Home Association members copies of the new draft proposal.

A sidelight on the situation is that Land thereafter began to be mentioned as a possible candidate for the post of assistant secretary for health and scientific affairs. Organized medicine—in the person of the American Medical Association and the American Academy of General Practice—has vigorously objected to the Nixon administration's first choice for the job, Dr. John Knowles of the Massachusetts General Hospital, while Land is a name that is acceptable to both groups.

In a recent telephone conversation, Dr. Amos Johnson of Garland, N.C., a power in the AAGP who also is a medicaid consultant to HEW said that, in his view, Land is the best man for the top HEW health job.

Fortunately for the public, Rep. L. H. Fountain, D-N.C., chairman of the House subcommittee on intergovernmental relations, wrote HEW Secretary Robert H. Finch after the change of administration, asking for an explanation both of what had happened to the guidelines and of why Smith was a consultant to both HEW and the nursing home lobby.

Whatever may be the merits of the dispute over new standards, it was made clear last week by a recognized expert on nursing homes that standards now demanded for medicare patients are only minimal and are often laxly enforced.

In testimony before the Advisory Council of the American Hospital Association in Chicago, Mary Adelaide Mendelson of the Welfare Foundation of Cleveland told of visits to nursing homes in many places, including the Nation's Capital.

Mrs. Mendelson, a nursing home planning consultant, said: "Poor quality health care is provided to both private and public patients . . . throughout the country."

In one New York City home, patients were lined up and left to themselves in windowless halls like passengers on a train. In Detroit, all patients were served the same dinner—a chicken wing and a scoop of mashed potatoes—despite special diet instructions that accompanied the patient's name on labels for each tray. In Uniontown, Pa., the door labeled "physical therapy" in an expensive home led into a storeroom.

Mrs. Mendelson and a Cleveland Press reporter found it almost impossible to get a response from any level of government, even the federal. After an exposé of conditions in Cleveland, one nursing home administrator admitted having bilked his patients of funds. The county welfare department obtained reimbursement, but authorities refused to reveal the amounts or the identities of the patients involved.

"Why," asked Mrs. Mendelson, "has Social Security not analyzed its checks to the patients to verify the administration's own admission that he, himself, signed most of these checks with an 'X' without legal authority—and in some instances, it is charged, that he signed for patients not in the home?"

Mrs. Mendelson says that families of medicare or medicaid repicients are at the mercy of nursing home operators. To complaints about surcharges and conditions, she asserts, the stock response of administrators is, "If you don't like what's happening take the patient away."

Clearly, something needs to be done about nursing-home standards, but lowering them does not seem to be the indicated solution.

[From Senior Citizens News, February 1969]

NURSING HOMES IN YOUR COMMUNITY MAY BE DEADLY HOUSES OF HORROR

It is time for the nation's seniors to insist upon improvement of U.S. nursing homes.

Every day, some of us have to go to these places.

In many instances, they are the deadliest places in America.

Thousands of smaller nursing homes are firetraps.

At Fountaintown, Ind., 20 residents died in a nursing home fire.

At Fitchfield, Ohio, 63 lost their lives when flames consumed the nursing home where they were patients.

At Warrenton, Mo., 72 died in a nursing home blaze.

Testifying before the U.S. Senate Special Committee on Aging, Rexford Wilson, field representative of the National Fire Protection Association, said that over a recent period six persons died in nursing home fires for every patient killed in a hospital fire.

After the Fitchfield nursing home fire, Ohio authorities made an inspection that showed only 386 of the State's 1,153 nursing homes met minimum safety requirements.

FAILURE OF THE STATES

The Fire Protection Association insists that automatic sprinklers offer the only real protection against fire, yet most States do not require these devices in their nursing homes.

Federal law requires that, by the end of this year, nursing homes must, to be eligible for Medicaid reimbursement, have sprinklers if they are not in so-called fire-resistant buildings (fire resistant being steel frame construction with the steel covered by noncombustible material).

However, this provision of the law has a gaping escape hatch you could drive a 10-ton truck through. It allows States to waive the law's fire safety requirements in so-called hardship cases.

Fire is just one of the threats to health and safety for residents of a great many nursing homes.

At the Senate hearing just mentioned, Dr. Joseph B. Stocklen, Controller of Chronic Illness for Cuyahoga County (Cleveland, Ohio), told of shocking conditions found by his investigators in Cleveland area nursing homes.

NURSING CARE DEFICIENT

He testified: "Inadequacy of professional personnel and particularly nursing personnel is the rule rather than the exception in the nursing homes surveyed.

"One nursing home with 91 patients had only one licensed practical nurse. The same is true of another nursing home with 69 patients."

The witness told of a complaint from a woman about a nursing home where her 101-year-old mother fell during the night, broke her hip and lay without help until morning.

The mother was then moved to another nursing home, Dr. Stocklen testified, adding: "When the daughter visited her mother she found the bed wet. Looking for a nurse to change the bed clothing, she was told the nurse's aide supposed to attend her mother was drunk and in no condition to help with this task."

The Cleveland area nursing homes probably are neither better nor worse than the 23,000 licensed homes and facilities for care of the aged across the U.S.A.

MANHATTAN HORROR STORY

The New York *Daily News* assigned a young woman reporter to look into conditions in Manhattan nursing homes.

She found it easy to be hired as a nurse's aide. Nobody asked her for a character reference or a health certificate. She revealed that in one home, where she worked, average weight of the patients was 75 pounds, that their food was abominable and, when she mentioned this to a supervisor, she was told not to listen to the patients because they were senile and confused.

The *Daily News* reporter told of seeing filthy rooms, roaches in glasses, dirt in water pitchers and "indescribable conditions in bath rooms."

WHERE THEY GO TO DIE

Here are additional examples of the neglect of nursing home patients cited by Richard W. Garvin and Robert E. Burger in a recently published book, "Where They Go to Die: The Tragedy of America's Aged."

A chain of 17 licensed nursing homes with 558 welfare patients in Cook County (Chicago), Illinois, closed after lice were found on clothing of patients transferred to hospitals and the hair of one woman was so matted it had to be cut off.

A Special Commission in Massachusetts, investigating complaints by doctors about cases that had come to them from nursing homes, reported finding extensive misuse of drugs and ignoring of simple medical techniques with the result that several nursing home residents died.

The neglect by some nursing home operators of those in their charge is matched only by the operators' greed.

SENIORS MUST BRING ACTION

The 2,500 clubs and councils affiliated with the National Council of Senior Citizens are urged to take an interest in the nursing homes in their communities—proprietary as well as non-profit.

"We are asking club leaders to set up committees to visit nursing homes for the purpose of observing how they are run," John W. Edelman, 75-year-old National Council president, asserts, adding:

"We want our club members to join with other individuals and organizations—churches, service clubs, trade unions, for example—in regular visits not only to keep nursing home managements and staff on their toes but also to bring a little happiness or comfort into the patients' lives by providing entertainment, if desired, or helping write letters for patients or attending otherwise to their personal needs."

Meantime, the National Council of Senior Citizens will ask Congress to insist on adequate health services under Federally aided public assistance programs including Medicaid, Edelman states.

CALIFORNIA SCANDAL

Many California nursing homes force patients or their relatives to make illegal "under the table" payments on top of what the homes collect under the California Medicaid program (Medi-Cal), California Chief Deputy Attorney General Charles A. O'Brien has revealed in a blistering exposé of cheating by nursing home operators.

(A State regulation forbids health care vendors reimbursed under Medi-Cal to collect or demand additional reimbursement from or in behalf of beneficiaries, O'Brien noted.)

O'Brien also charged that it is common practice for nursing home operators to extort "kickbacks" from providers of services to persons in their care. In some instances, kickbacks ran to 35 per cent of the fees received by such providers as pharmacists, physical therapists, x-ray technicians and laboratories, O'Brien disclosed.

Probably the meanest "gyp" was the withholding by some California nursing home operators from their patients of the $15 a month spending money allowed the patients under Medi-Cal, according to O'Brien.

In the case of Medicare recipients, Medi-Cal pays what Medicare does not cover and O'Brien said his investigation showed some nursing home operators were collecting twice by submitting claims under both programs.

(Medicare, the Federal health insurance program for those 65 or over, does *not* pay the first $50 of a doctor bill and does *not* pay a fifth of the remaining doctor bill, Medi-Cal, the California version of Medicaid, is a Federal-State program for the needy regardless of age.)

One California nursing home received duplicate payments of approximately $50,000, O'Brien stated.

This kind of knavery can be costly to the taxpayers. O'Brien has estimated cheating by doctors, nursing homes and other health care providers under Medi-Cal has ranged from $6 to $8 million a year.

Despite the evil reputation of many nursing homes, demand for nursing home beds is, for all but the well to do, far greater than the supply and the cost of nursing home care has skyrocketed as alarmingly as the cost of hospital care.

NURSING HOME CHARGES

In fact, paying for the care for one senile relative in a nursing home can bankrupt a young family. Accommodation in an average nursing home can range between $400 and $900 a month. Very few families can bear such an expense.

There is no accurate estimate of the number of places that provide care for the aged in the U.S.A., the Department of Health, Education, and Welfare reports. In addition to the 23,000 that are licensed, thousands more operate without licensing.

Nine out of ten are proprietary homes run for profit, health authorities state. An estimated 5 per cent or more are owned by doctors.

The most recent statistics indicate there is a shortage of 130,000 nursing home beds.

As a consequence, mental hospitals have been used for many years as human warehouses for those infirm and elderly whose families and communities have failed to provide for them.

The New York Times recently reported that half the 6,300 patients at New York's Creedmoor State Hospital are elderly and that many could be released after relatively simple treatment but there is no place for them to go.

ECONOMY AT EXPENSE OF AGED

Yet, even a mental institution is better than simply denying the elderly care as was the case back in 1961 when Colorado, having exhausted a $10,000,000 appropriation for medical care for the aged, forbade admission of the elderly to hospitals except in emergencies until the Legislature should provide additional financing.

Since then, Colorado has been releasing non-psychotic residents from Colorado State Hospital. In a three-year period the number of patients over 65 in that hospital has been reduced almost by two-thirds.

A huge amount of public funds goes to support our inadequate, often deplorable, system of care for the infirm and elderly.

A Federal Housing Administration survey of nursing homes has brought out that only two out of every five patients pay for their care, the cost for the remainder being largely met by welfare, social security and relatives.

Workmen's compensation, private health insurance, Veterans Administration benefits, union-won industrial pensions and teachers' retirement benefits cover the care of a very small segment of nursing home patients, the survey revealed.

President Johnson's Older Americans message of 1967 estimated the U.S. Government was then providing one-third of the $1.2 billion a year spent on nursing home care.

NURSING HOMES GRIM

Still nursing home care has become a necessity for more and more disabled and aged in this era of small homes and small apartments.

"Of all America's sins against the elderly none is more deadly than the institutions we provide for those who no longer can care for themselves," Roul Tunley has written in the "American Health Care Scandal," published in 1966.

Life is grim even in the best of these places and in some it is slow torture, he asserts.

"And the real disgrace of the situation," says David Sullivan, president of the Service Employees International Union, AFL–CIO,

"is that the nursing home is heavily subsidized by the Government through Medicaid, welfare and other aid programs and it is also heavily subsidized by the underpaid men and women who work in non-professional and semi-professional jobs."

Dr. Harold Baumgarten, Jr., of Columbia University's School of Public Health and Administrative Medicine, has reviewed survey reports on nursing homes going back to 1948 and found "an almost universal deficiency in providing adequate nursing service."

NURSES SHUN NURSING HOMES

In a widely read manual on nursing home administration (Concepts of Nursing Home Administration, Macmillan, 1965), Dr. Baumgarten reports: "Registered nurses who form the foundation of the nursing home program are reluctant to apply for positions (in nursing homes) because of the low professional standards associated with the nursing home nurse."

Yet, there are greater demands on the professional knowledge and skill of a nursing home nurse than in many other health care areas, he insists.

Another physician, Dr. David D. Rutstein, head of the Harvard Medical School's Department of Preventive Medicine, regards the care of the chronically ill in the U.S.A. "the shame of modern medicine."

He says: "Even with the upgrading implicit in Medicare, our institutions for the chronically ill provide such a sharp contrast with facilities for patients with acute illnesses that future historians may well compare the care they (nursing homes) provide with that given by tribes who sent their aged and chronically ill out of the village to fend for themselves."

BEST NONE TOO GOOD

Standards of even the most expensive nursing homes can be surprisingly low as three sisters living in the Washington, D.C., area learned to their dismay.

Their father was receiving a low standard of care in a nursing home that charged them $2,500 a month, or $30,000 a year. So, they rented a house in the national capital, staffed it round-the-clock with nurses and nurses aides and their father now gets decent care at a cost of about $40,000 a year.

The sisters are among the few who can afford to spend at this rate to assure proper care for an ailing parent.

The nursing home has long been the stepchild of medicine. At the turn of the century, there were relatively few such places because a much smaller proportion of people developed chronic ailments requiring long term care.

Tuberculosis, influenza, internal ailments and pneumonia were leading killers. The average person's life span was 48 years. Science has since conquered the worst infectious diseases so that the average person's life span is now 70 years.

GROWTH OF NURSING HOMES

Today, heart and circulatory ailments, stroke, cancer and accidents on the job and on the highway are among the leading causes of disability and death.

As the need grew for places providing long term care, those with an eye on the dollar got into the nursing home business, frequently with no training or experience in the care of the ill.

As a result, the nursing home today has the same grim population the hospital did in the days before antiseptic surgery.

Here is what a nursing home resident had to say at a recent Department of Health, Education, and Welfare hearing at Denver, Colo., on standards for the licensing of nursing home administrators under the 1967 amendments to the Social Security Act. The licensing provision of the amendments becomes effective in 1972.

DEATH FASTER IN NURSING HOMES

A recent University of Chicago study shows 24 percent of elderly residents died in the first six months after entering three nursing homes in the Chicago area as against only 10 percent of a control group of similar age awaiting entrance. The study covered 1,000 nursing home residents and a slightly larger control group.

"Too often, the U.S. nursing home is a human warehouse where people wait for death," 75-year-old John W. Edelman, president of the National Council of Senior Citizens, observes. "We can and must make them into places of life and hope," he states.

ONE WOMAN'S EXPERIENCE

Marjorie B. Thurber of Lakewood, Colo., testified: "A nursing home is the last port of call, a place to go when no one needs you, a place to live, or more likely to exist, for the rest of your days. For some it is a place to die and they do it promptly."

The witness told of the hardships visited on nursing home residents, often unconsciously, such as assigning a woman who smoked to a room with a woman who detested tobacco, assigning a man who cried aloud all night, even after sedation, with a mentally alert man who wanted to sleep, upbraiding a confused resident who thought the buzzer reserved for summoning a nurse was the telephone.

COMPASSION IS ABSENT

The witness added: "I am not trying to pillory any particular nursing home. Actually, the one I'm in is considered, by those in a position to compare, one of the better ones but I just hope something can be done to help administrators and staff to gain more understanding of the social, psychological and emotional needs of those in their charge."

Medicare, the Federal health insurance program for the elderly, and Medicaid, the Federal-State program for financing health care for the needy of all ages, have helped focus attention on these shameful conditions.

UPGRADING IS SLOW

Under Medicare, the Public Health Service sets standards for reimbursement of extended care facilities (nursing homes).

Medicare covers 100 days' care in an extended care facility (nursing home) after three or more days' hospitalization.

At the end of 1968, only 4,800 nursing homes had been certified for reimbursement under Medicare.

The Public Health Service reports that, of 4,484 extended care facilities (nursing homes) certified for Medicare reimbursement as of May, 1968, only 1,219 or a little over one in four met Medicare standards.

The most glaring deficiencies dealt with physical environment, social services and nursing services, the Public Health Service has revealed.

Nor is Medicare approval necessarily a guarantee of quality in a nursing home.

LIFE CONTRACT NO BARGAIN

One of the questionable aspects of nursing home care is the life contract, Robert E. Burger writes in the January 25, 1969, issue of the *Saturday Review*.

In an article entitled "Who Cares for the Aged?" the magazine states: "The notorious 'life care contract' . . . amounts to an insurance policy, paid in advance by the patient or his family in a lump sum and guaranteeing a bed as long as the patient lives.

"Whether he lives or dies, however, the money is in the hands of the person who stands to benefit from the patient's early demise. By stripping the patient of his will to live—through daily sniping, snubs and slurs—a nursing home can kill a man.

"Even where life-care contracts are simply a reasonable bet by both parties, the unconscious resentment of a guest who is 'overdue' cannot fail to have its effect."

A DOCTOR'S OPINION

Dr. James D. Coyle, Jr., of Sacramento, Calif. who specializes in treatment of older patients, reported in *Medical Economics* magazine ("Ways to Tell Good Nursing Homes from Bad," 4–3–67) that, whether a nursing home is certified for Medicare reimbursement or not, the physician should make a check before recommending it for his patients.

"The first thing to find out is whether a nursing home is designed for negative or positive care," he states, adding:

"A negative care home gives only custodial care. No effort is made to improve the patient's condition. Almost no patients go home. They're there to vegetate until death."

Dr. Coyle describes a positive care nursing home as one that concentrates on rehabilitation of the patients.

He says: "These homes have active physical therapy units. Their goal is to motivate patients so they'll want to get about, to get well, and eventually go home."

He continues: "I've seen other doctors' patients who would be up and around if only somebody would approach them more positively. Unfortunately, too many doctors put patients in nursing homes and completely forget them."

NURSING HOMES OF FUTURE

Dr. Coyle warned against nursing homes with high turnover of the staff. "That usually means the staff is unhappy and the patients suffer," he says.

Dr. Rutstein, the Harvard expert on preventive medicine, predicts that care of the chronically ill in the U.S.A. will eventually be provided in buildings specifically designed as nursing homes and located near hospitals.

In his book, "The Coming Revolution in Medicine" (Massachusetts Institute of Technology Press, 1967), Dr. Rutstein says: "The chronic disease unit will of course be a simpler structure than that of the general hospital since patients who need more intensive care can be transferred.

"The close proximity of these institutions will allow for the education of (medical) interns and resident physicians in both acute and chronic illnesses and will make possible easy consultation with specialists when needed."

Much must be done before Dr. Rutstein's prediction is realized.

How much is reflected by the action of the Maryland Board of Health and Mental Hygiene in reducing State standards for 55 substandard nursing homes dropped from the Medicaid program to allow these homes to keep their 720 indigent patients.

WHAT IS THE ANSWER?

In nursing home care as in other areas, there must be greater appreciation and understanding of the needs of the elderly and their right to all the benefits of U.S. civilization on the same basis as other age groups.

The elderly themselves should insist on this, 75-year-old John W. Edelman, National Council President, states.

The able-bodied elderly should inspect public nursing homes in their communities and visit friends or relatives in nursing establishments, keeping an eye out for obvious deficiencies, Edelman asserts.

The National Council of Senior Citizens particularly asks affiliated clubs to make this a part of their agenda.

Nursing homes are seldom burdened with visitors, Edelman observes, adding:

"The more people learn firsthand about the shortcomings of nursing home care, the sooner these shortcomings will be corrected.

"The neglect of the elderly in so many nursing homes is a crime that cries out for redress.

"The able-bodied elderly must see that sub-standard nursing homes are replaced," he insists.

WE CAN LEARN FROM EUROPE

Day hospitals care for the infirm and elderly in Europe, Mrs. Marie McGuire, Assistant for Problems of the Elderly and Handicapped, U.S. Department of Housing and Urban Development, asserts.

She reports her observations during a European trip as follows: "The day hospitals are somewhat like U.S. community centers but include more services, staff and equipment. The effectiveness of these day hospitals comes not only from in-house services but also from a wide range of services the hospital staff provides.

"These arrangements make it possible for the older person to remain in his own home longer than would be possible otherwise. Costly institutional care in a nursing home, hospital or other facility is thus delayed, even avoided."

THE LIMITATIONS OF THE REGULATORY AGENCIES ON THE ADVERTISING OF CIGARETTES

Mr. MOSS. Mr. President, earlier this year I addressed the Senate, calling attention to the fact that the limitations which we placed on the regulatory agencies to control the advertising of cigarettes would expire on the 30th of June, 1969, and that I, for one, would do everything in my power to see that the limitation did expire so that the regulatory agencies might then limit or ban the advertising of cigarettes. Subsequent to that address, the Federal Communications Commission, by a 6-to-1 vote, announced a proposed rulemaking to ban the advertising of cigarettes on radio and television after the 30th of June. I hailed this landmark decision.

Today, I call the attention of the Senate to a new article which appeared in the New York Times on the 28th day of February, 1969, to the effect that the Canadian Medical Association has called for Federal legislation to forbid all advertising of cigarettes and to require a warning on the packages that smoking is a hazard to health. In a brief to the House of Commons body conducting the inquiry into smoking, the Canadian Medical Association said:

> There is no longer any doubt that cigarette smoking is a direct threat to the user's health.

We still hear in this country feeble defensive statements that the question is not yet resolved on the threat to health, but elsewhere in the countries of Europe and especially in our neighbor's area of Canada, the question is answered conclusively. I ask unanimous consent that the text of the news article referred to be carried in the RECORD at this point.

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

CANADA URGED TO BAN CIGARETTE ADVERTISING

OTTAWA, February 27.—The Canadian Medical Association called today for federal legislation to forbid all advertising of cigarettes and to require a warning on packages that smoking is a hazard to health.

In a brief to a House of Commons body conducting an inquiry into smoking, the organization said: "There is no longer any doubt that cigarette smoking is a direct threat to the user's health."

The association also urged more effective control over sales to minors and the discontinuation of Government financial support or subsidies to the tobacco industry.

The brief added that the Government should at least require warnings on cigarette labels and advertising, including levels of tar, nicotine and other toxic substances.

Mr. MOSS. Mr. President, also I ask unanimous consent to include in the RECORD a news item from the New York Times of March 6, 1969, entitled "More Actors Opposing Smoking by Shunning Roles on TV Ads."

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

MORE ACTORS OPPOSING SMOKING BY SHUNNING ROLES IN TV ADS

(By Robert Windeler)

Increasing numbers of actors are joining the fight against cigarette smoking. Some are refusing to participate in radio and television commercials. Others are speaking out about the hazards of tobacco.

Joseph Sirola, an actor ("Golden Rainbow") who made $250,000 last year as an off-camera voice on commercials, said yesterday he was renouncing cigarette ads after his current spot for Benson & Hedges. Mr. Sirola has received $50,000 to $100,000 for his work in cigarette commercials. Currently, he portrays Benson in one TV spot.

Henry Morgan, who concedes to smoking three packs of cigarettes a day, has told his agent that he is not available for any tobacco company commercials. He appears on panel shows (many of which have cigarette sponsors) and apologizes for his habit, all the while smoking on camera.

"I say things like 'I'll probably die right in front of your eyes'; and I implore other people not to start smoking, or to give it up, even though I can't," he said.

Vic Roby, a National Broadcasting Company staff announcer who does many ads on a free lance basis, took an ad in this week's Variety proclaiming that he was "not available for commercials for cigarettes, because evidence indicates that smoking can lead to: cancer, heart attacks, strokes, emphysema—and fires."

WORRIED ABOUT THE YOUNG

Mr. Roby, who is 51 years old and quit smoking 20 years ago, explained his action this way:

"I have a 16-year-old daughter and smoking is one of the things I don't want her to do. How can I take money to tell someone else's 16-year-old girl to smoke a particular brand and then ask my daughter not to smoke at all?" Mr. Roby has received $3,000 to $5,000 for TV tobacco commercials.

Lee Stevens, who once was paid $30,000 as the on-camera spokesman for L & M cigarettes, gave up smoking for the second time three years ago and later gave up cigarette commercials forever.

"The number of actors who are refusing to do cigarette commercials is growing every day," says Marje Fields, a partner in Voigts & Fields, one of the largest talent agencies devoted solely to commercials.

Miss Fields estimates that as many as 10 per cent of her 1,700 adult clients now refuse to participate in tobacco ads. That does not include women, who are less involved in cigarette commercials and who have been less active in withdrawing from them, and Christian Scientists like Dodie Goodman, who have always abstained for religious reasons.

Perhaps the most dramatic instance of an actor allied with the antismoking cause is that of William Tallman, who appeared opposite Raymond Burr on the "Perry Mason" series for many years.

Mr. Tallman, who died of lung cancer, made a one-minute film for the American Cancer Society six weeks before his death last August warning on the hazards of smoking.

And Tony Curtis, who recenty quit smoking, will assume the national chairmanship next week of a new American Cancer Society drive "to get more Americans to give up smoking."

It is expected that Mr. Curtis will enlist other major Hollywood names in his effort, some of whom would be able to insist that tobacco companies not be allowed to sponsor their television shows. Doris Day and Lawrence Welk were reported to have done just that in their new contracts for next season.

By taking a stand against cigarette commercials, a top-paid actor like Mr. Sirola loses the most (from $50 to $100,000), but he also has the most alternatives:

"I can afford to be moral," Mr. Sirola says. "If I were busted I might have to think twice about it."

Mr. Stevens' reward was that his two sons, aged 20 and 18, gave up smoking without a word from him.

That was worth any number of thousands of dollars I might have made," he says.

An actor's fee for a cigarette commercial can range from as little as $90 for a one-shot radio spot to $100,000 for serving as an on-camera TV spokesman for one brand for one year.

Younger, or less well known actors, like Peter Coffeen, Barney Hughes, John Beal and John Connell, all of whom have renounced cigarette commercials in recent weeks, probably would get $500 to $3,000 for a shooting session, plus residual fees each time a spot is used. Cigarette commercials have long been among the most lucrative, partly because they are changed less often.

Some actors, like Dan Frazer and Ed Penn, who feel most strongly against cigarette smoking, do volunteer radio and TV spots for the American Cancer Society (for which they get a $120 fee, no residuals, and no chance to change their minds.

"Once they've done the Cancer Society," Molly Bryant, an agent says, "no company would touch them."

Mr. MOSS. Mr. President, on March 5 the Federal Trade Commission submitted a report on the tar and nicotine yields of cigarettes tested in their laboratory.

I ask unanimous consent that the letter of transmittal, the report, the latest Government ratings on tar and nicotine content of cigarettes, and a press release which I issued today be printed at this point in the RECORD.

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

FEDERAL TRADE COMMISSION,
Washington, D.C., March 5, 1969.

Hon. WARREN G. MAGNUSON,
Chairman, Committee on Commerce, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Submitted herewith is a report of the tar and nicotine yields of 126 varieties of cigarettes, as determined by tests recently conducted by the Commission's laboratory.

This is the second time that the Commission's laboratory has tested samples of the various domestic varieties of cigarettes during a single testing period. The first time was by Report dated October 10, 1968, covering 122 varieties of cigarettes.

A comparison of results released in October with current results reveals that a number of varieties tested have undergone changes of statistical significance[1] in meas-

[1] For purposes of this report only, differences between October 1968 results and Feb-

urements of tar and nicotine yields. Specifically, 46 varieties have undergone such changes in tar content and 79 varieties in nicotine content out of a total of 121 varieties which were tested on both occasions.

Concerning the 46 varieties, 32 comparisons involve increases in tar while 14 involve decreases. The sum of these changes when divided by 46 equals +0.4 milligrams per variety.

Concerning the 79 varieties, 78 comparisons involve increases in nicotine while one involves a decrease. The sum of these changes when divided by 79 equals +0.11 milligrams per variety.

Thus, whether viewed in terms of number of varieties or net average change, there does not appear to have been any decrease in tar and nicotine content levels registered from the earlier testing period to the later among the compared varieties.

Submitted with the latest results is a report indicating those varieties which as defined have increased and those that have decreased measurements in either tar or in nicotine.

By direction of the Commission.

JOSEPH W. SHEA,
Secretary.

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ruary 1969 results pertaining to any given cigarette variety have not been deemed of statistical significance unless the particular difference exceeds twice its standard deviation.

REPORT OF TAR AND NICOTINE CONTENT OF THE SMOKE OF 126 VARIETIES OF CIGARETTES, FEBRUARY 27, 1969

The Federal Trade Commission's laboratory has determined the tar (dry particulate matter) and total alkaloid (reported as nicotine) content of 126 varieties of cigarettes. The laboratory utilized the Cambridge filter method with the following specifications as set forth in the Commission's announcement of July 31, 1967:

1. Smoke cigarettes to a 23 mm. butt length, or to the length of the filter and overwrap plus 3 mm. if in excess of 23 mm.,

2. Base results on a test of 100 cigarettes per brand, or type,

3. Cigarettes to be tested will be selected on a random basis, as opposed to "weight selection",

4. Determine particulate matter on a "dry" basis employing the gas chromatography method published by C. H. Sloan and B. J. Sublett in Tobacco Science 9, page 70, 1965, as modified by F. J. Schultz' and A. W. Spears' report published in Tobacco Vol. 162, No. 24, page 32, dated June 17, 1966, to determine the moisture content,

5. Determine and report the "tar" content after subtracting moisture and alkaloids (as Nicotine) from particulate matter.

Concerning the 126 varieties tested, 32 were capable of being smoked to 23 mm. or to an average range of between 23 and 24 mm. The butt lengths of the other 94 varieties tested ranged from 23 mm. to an average of between 34 and 36.5 mm. The butt lengths of 25 of the 126 varieties tested exceeded 30 mm.

The samples used were obtained from attempting to purchase two packages of each variety of cigarettes during October of 1968 in each of 50 geographic locations throughout the country. All varieties of cigarettes were not available in each of the 50 geographic locations and in these instances, one or more additional packages of cigarettes were purchased in those geographic locations where the respective varieties were available. The samples utilized in the tests were representative of the 126 varieties of cigarettes as available throughout the country at the time of purchase.

In the interest of scientific accuracy the tar content is reported to the nearest 1/10 milligram and the nicotine to the nearest 1/100 milligram, each with appropriate statistical values, in the table in which varieties are listed in alphabetical order. In the two tables which respectively list varieties in increasing order of tar values and in increasing order of nicotine values, the average weight and butt length columns have been eliminated; types of cigarettes are more clearly described; tar figures have been rounded off to whole numbers and nicotine figures to tenths of milligrams; and figures representing the standard deviation of the mean have been eliminated. Accordingly, tar and nicotine figures in these two tables represent rounded off averages without indication of their precision.

"TAR"[1] AND NICOTINE[2] CONTENT OF 126 VARIETIES OF DOMESTIC CIGARETTES

Name	Type[3]	Average weight[4]	Butt length[5] (millimeters)	TPM dry[1,6]	Nicotine[2,6]
Alpine	F, M, SP (85 mm.)	1.0680	27-30	19.9±0.3	1.31±0.02
Belair	F, M, SP (85 mm.)	0.9908	23-29	18.9±0.4	1.56±0.03
Benson & Hedges	F, HWP (70 mm.)	0.8728	23	20.1±0.5	1.38±0.03
Do	F, HWP (85 mm.)	1.0585	26-28	20.5±0.3	1.50±0.03
Do	F, SP (100 mm.)	1.2178	32.5-35.5	21.4±0.3	1.51±0.03
Do	F, M, SP (100 mm.)	1.2121	34.5-36	21.3±0.4	1.52±0.03
Bull Durham	F, SP (85 mm.)	1.2238	25.5-28	29.3±0.5	1.86±0.03
Camel	NF, SP (70 mm.)	0.9906	23	25.6±0.4	1.55±0.03
Do	F, SP (85 mm.)	1.0597	24-28	21.2±0.3	1.31±0.02
Carlton	F, SP (85 mm.)	1.0734	32-34.5	4.6±0.4	0.37±0.03
Cascade	F, M, SP (85 mm.)	1.1259	25.5-28.5	7.9±0.4	0.27±0.01
Century	F, SP (100 mm.)	1.2264	26.5-34	23.0±0.4	1.47±0.04
Chesterfield	NF, SP (70 mm.)	0.9789	23	24.9±0.3	1.39±0.01
Do	NF, SP (85 mm.)	1.1564	23	29.1±0.4	1.64±0.02
Do	F, SP (85 mm.)	1.0496	25.5-27	23.0±0.5	1.47±0.02
Do	F, M, SP (85 mm.)	1.0619	26-27.5	20.8±0.5	1.22±0.03
Do	F, SP (101 mm.)	1.2452	28.5-30.5	20.5±0.5	1.27±0.03
Colony	F, SP (100 mm.)	1.2272	26-28	28.6±0.4	1.75±0.04
Do	F, M, SP (100 mm.)	1.2265	26.7-27.7	26.2±0.5	1.44±0.04
Domino	NF, SP (85 mm.)	1.2307	23	25.4±0.5	1.08±0.04
Do	F, SP (85 mm.)	1.1859	23-24.5	21.8±0.5	0.95±0.03
Do	F, M, SP (85 mm.)	1.1516	23-24.5	14.2±0.5	0.68±0.04
Duke	F, SP (85 mm.)	1.1641	32.5-34	10.3±0.3	0.38±0.01
DuMaurier	F, HWP (85 mm.)	1.0326	27.5-28.5	18.3±0.4	1.47±0.04
English Ovals	NF, HWP (70 mm.)	0.9810	23	27.1±0.5	1.92±0.04
Do	NF, HWP (85 mm.)	1.2020	23	35.6±0.7	2.58±0.07
Fatima	NF, SP (85 mm.)	1.2139	23	32.7±0.5	1.86±0.02
Frappe	F, M, SP (85 mm.)	1.1119	25-28	9.7±0.4	0.33±0.01
Galaxy	F, SP (85 mm.)	1.1470	26.5-30.5	21.3±0.3	1.52±0.03
Gauloises Caporal	NF, SP (70 mm.)	1.0777	23	25.2±0.5	1.32±0.04
Gauloises Disque Bleu	F, SP (70 mm.)	1.0423	23	23.2±0.5	1.27±0.03
Half & Half	F, SP (85 mm.)	1.1532	26-28	24.1±0.5	1.65±0.04
Helmar	F, HP (80 mm.)	1.0428	24-25.5	25.2±0.5	1.52±0.04
Herbert Tareyton	NF, SP (85 mm.)	1.1175	23	30.5±0.5	1.79±0.04
Holiday	NF, SP (85 mm.)	1.2116	23	34.5±0.8	2.09±0.04
Do	F, SP (85 mm.)	1.2253	23-25	26.5±0.4	1.71±0.04
Home Run	NF, SP (70 mm.)	0.9033	23	20.4±0.5	1.67±0.05
Kent	F, SP (70 mm.)	0.9060	23-28	11.9±0.7	0.68±0.04
Do	F, HP (80 mm.)	1.0063	24.5-27.5	17.7±0.4	1.09±0.02
Do	F, SP (85 mm.)	1.0225	27.5-28.5	17.0±0.4	1.08±0.03
Do	F, SP (100 mm.)	1.2201	32.5-34	20.0±0.4	1.29±0.02
King Sano	F, SP (85 mm.)	1.1307	26.5-29	7.4±0.4	0.25±0.01
Do	F, M, SP (85 mm.)	1.1629	27-29	7.6±0.4	0.25±0.01
Kool	NF, M, SP (70 mm.)	0.8771	23	21.5±0.4	1.63±0.03
Do	F, M, SP (85 mm.)	0.9926	27-29	18.9±0.4	1.55±0.03
Do	F, M, SP (100 mm.)	1.1430	32-34.5	20.8±0.3	1.63±0.03
Lark	F, SP (85 mm.)	1.1887	29.9-32	18.4±0.3	1.16±0.03
Do	F, SP (100 mm.)	1.3209	27-29	19.3±0.3	1.26±0.02
Life	F, SP (85 mm.)	1.0047	32-34	11.1±0.3	0.74±0.02
L & M	F, SP (70 mm.)	0.8975	23-25	17.8±0.4	1.03±0.02
Do	F, HP (80 mm.)	0.9747	26.5-27.5	18.5±0.5	1.11±0.03
Do	F, SP (85 mm.)	1.0246	28.0-27.5	20.3±0.4	1.23±0.03
Do	F, SP (100 mm.)	1.2528	27-31	19.7±0.4	1.24±0.03
Do	F, M, SP (100 mm.)	1.2435	29-31.5	20.4±0.5	1.25±0.02
Lucky Strike	NF, SP (70 mm.)	0.9578	23	28.8±0.5	1.69±0.03
Lucky Filters	F, SP (85 mm.)	1.0938	26-28	21.4±0.3	1.38±0.03
Do	F, M, SP (85 mm.)	1.0693	25.5-29	20.1±0.4	1.14±0.03
Do	F, SP (100 mm.)	1.2558	32-34	20.9±0.4	1.36±0.03
Do	F, M, SP (100 mm.)	1.2169	32-34	18.9±0.4	1.10±0.02
Mapleton	NF, SP (70 mm.)	1.0029	23	24.1±0.6	0.88±0.02
Do	F, SP (85 mm.)	1.0815	28-30	21.4±0.4	0.91±0.02
Marlboro	F, HP (80 mm.)	0.9924	25.5-26.5	20.8±0.4	1.43±0.02
Do	F, SP (85 mm.)	1.0445	27-28.5	21.5±0.4	1.47±0.03
Do	F, SP (100 mm.)	1.2089	32-34	22.5±0.3	1.55±0.03
Do	F, HP (100 mm.)	1.1797	30-34	21.7±0.4	1.53±0.03
Do	F, M, SP (85 mm.)	1.0563	27-29	20.9±0.4	1.41±0.03
Marvels	NF, SP (70 mm.)	0.9970	23	19.2±0.4	0.67±0.01
Do	F, SP (70 mm.)	0.9530	27.5-29	3.7±0.2	0.14±0.01
Do	NF, SP (85 mm.)	1.1880	23	24.7±0.5	0.87±0.03
Do	F, M, SP (85 mm.)	1.1167	27.5-29	4.7±0.2	0.21±0.01
Do	F, SP (85 mm.)	1.1072	27-28.5	6.8±0.3	0.26±0.03
Montclair	F, M, SP (85 mm.)	1.0524	26.7-27.7	10.5±0.4	0.68±0.03
Newport	F, M, HP (80 mm.)	0.9892	23.5-26.5	21.1±0.4	1.35±0.03
Do	F, M, SP (85 mm.)	1.0037	26-28.5	21.1±0.3	1.34±0.03
Do	F, M, SP (100 mm.)	1.2125	26-35	21.0±0.4	1.35±0.07
Oasis	F, M, SP (85 mm.)	1.0534	23.5-28.5	21.3±0.4	1.18±0.03
Old Gold	NF, SP (70 mm.)	0.9111	23	23.3±0.5	1.42±0.03
Do	NF, SP (85 mm.)	1.0961	23	29.2±0.4	1.84±0.04
Do	F, SP (85 mm.)	1.0143	26.5-28.5	20.7±0.4	1.24±0.03
Omar	NF, SP (70 mm.)	0.9839	23	29.5±0.5	1.67±0.04
Pall Mall	NF, SP (85 mm.)	1.1181	23	28.5±0.6	1.71±0.05
Do	F, HWP (95 mm.)	1.1317	23-34	19.1±0.4	1.23±0.03
Do	F, M, HWP (95 mm.)	1.1275	33-34	18.5±0.3	1.14±0.01
Do	F, SP (100 mm.)	1.1836	32-35	20.4±0.3	1.34±0.02
Do	F, M, SP (100 mm.)	1.1795	27-34	19.2±0.3	1.21±0.02
Parliament	F, HP (80 mm.)	1.0197	27.5-32	16.3±0.4	1.07±0.03
Do	F, SP (85 mm.)	1.0865	32.5-34	16.6±0.3	1.10±0.02
Philip Morris	NF, SP (70 mm.)	0.9469	23	24.9±0.3	1.61±0.02
Philip Morris Commander	NF, SP (85 mm.)	1.1443	23	31.9±0.3	2.14±0.04
Philip Morris	F, PB (85 mm.)	1.1445	28.5-30.5	19.2±0.3	1.41±0.03
Do	F, M, PB (85 mm.)	1.1466	27-30.5	20.4±0.4	1.45±0.03
Picayune	NF, SP (70 mm.)	0.9155	23	20.9±0.3	1.73±0.04
Piedmont	NF, SP (70 mm.)	0.9877	23	25.4±0.4	1.44±0.03
Players	NF, HWP (70 mm.)	1.0913	23	31.9±0.2	2.01±0.02
Raleigh	NF, SP (85 mm.)	1.0951	23	29.7±0.6	2.17±0.05
Do	F, SP (85 mm.)	1.0392	26.5-29.5	19.0±0.4	1.49±0.03
Salem	F, M, SP (85 mm.)	1.0786	26-28.5	20.7±0.4	1.40±0.03
Do	F, M, SP (100 mm.)	1.2795	32.5-34	21.7±0.3	1.53±0.03
Sano	NF, SP (70 mm.)	1.0094	23	17.0±0.7	0.51±0.02
Do[7]	F, SP (70 mm.)	0.9462	26 -28	4.0±0.2	0.16±0.01
Silva Thins	F, SP (100 mm.)	1.0828	32 -34.5	14.9±0.4	0.91±0.03
Do	F, M, SP (100 mm.)	1.0807	32 -34.5	14.9±0.3	0.91±0.03
Spring	F, M, SP (100 mm.)	1.2179	27.5-33.3	21.2±0.5	1.15±0.03
Stratford	NF, SP (85 mm.)	1.1808	23	25.9±0.6	1.06±0.04
Do	F, SP (85 mm.)	1.1325	27 -29	19.5±0.3	0.74±0.02
Do	F, M, SP (85 mm.)	1.0750	24.5-30	21.4±0.4	0.80±0.01
Sweet Caporal	F, SP (85 mm.)	1.0815	26.5-28	22.8±0.3	1.41±0.02
Tareyton	F, SP (85 mm.)	1.1095	25 -29	18.1±0.5	1.08±0.03
Do	F, SP (100 mm.)	1.2662	31.5-34	18.1±0.2	1.12±0.03
Tempo	F, SP (85 mm.)	1.0843	26 -34	13.9±0.5	0.75±0.14
True	F, SP (85 mm.)	1.0831	32 -35	13.2±0.3	0.74±0.02
Do	F, M, SP (85 mm.)	1.0708	32-35	12.6±0.3	0.72±0.02
Tryon	F, SP (85 mm.)	1.1470	27-29	12.4±0.3	0.90±0.02
Do	F, M, SP (85 mm.)	1.1315	26.5-29	11.4±0.3	0.77±0.03
Viceroy	F, SP (85 mm.)	1.0336	27-29	19.5±0.4	1.50±0.03
Do	F, SP (100 mm.)	1.2181	31-5-35	20.5±0.4	1.54±0.03

See footnotes at end of table.

"TAR" [1] AND NICOTINE [2] CONTENT OF 126 VARIETIES OF DOMESTIC CIGARETTES—Continued

Name	Type [3]	Average weight [4]	Butt length [5] (millimeters)	TPM dry [1 6]	Nicotine [2 6]
Virginia Slims	F, SP (100 mm.)	1.0078	34–36.5	18.4±0.3	1.28±0.02
Do	F, M, SP (100 mm.)	1.0202	35–36	19.2±0.3	1.35±0.02
Vogue (colors)	F, HWP (85 mm.)	1.1459	23–24	12.8±0.3	0.38±0.01
Vogue (black)	F, HWP (85 mm.)	1.1348	23–24	19.5±0.8	0.63±0.02
Wings	F, SP (85 mm.)	1.0159	26–29.5	20.2±0.4	1.54±0.05
Winston	F, HP (80 mm.)	1.0280	23–25	21.7±0.4	1.36±0.02
Do	F, SP (85 mm.)	1.0750	26–28	21.3±0.3	1.32±0.03
Do	F, SP (100 mm.)	1.2846	32.5–34	22.2±0.3	1.57±0.02
Do	F, M, SP (100 mm.)	1.2811	33–34	22.2±0.4	1.56±0.02
Yukon	F, M, SP (85 mm.)	1.1566	23–25	20.4±0.4	0.82±0.03

[1] TPM dry (tar)—milligrams total particulate matter less nicotine and water.
[2] Milligrams total alkaloids reported as nicotine.
[3] F—filter; NF—nonfilter; M—menthol; HP—hard pack: SP—soft pack; HWP—hard wide pack; mm.—millimeters; PB—plastic box.
[4] Average weight reported in grams.
[5] Range used for butt length because of variance of overwrap.
[6] Tolerance shown is 2 standard deviation of the mean.
[7] Limited availability: based on reduced sampling.

TAR AND NICOTINE CONTENT OF 126 VARIETIES OF DOMESTIC CIGARETTES

[Shown in increasing order of tar values]

Brand	Type	Milligrams per cigarette: Tar	Nicotine
Marvels	Regular size, filter	4	0.1
Sano	do	4	.2
Carlton	King size, filter	5	.4
Marvels	King size, filter, menthol	5	.2
Do	King size, filter	7	.3
King Sano	do	7	.3
Do	King size, filter, menthol	8	.3
Cascade	do	8	.3
Frappe	do	10	.3
Duke of Durham	King size, filter	10	.4
Montclair	King size, filter, menthol	11	.7
Life	King size, filter	11	.7
Tryon	King size, filter, menthol	11	.8
Kent	Regular size, filter	12	.7
Tryon	King size, filter	12	.9
True	King size, filter, menthol	13	.7
Vogue (colors)	King size, filter (hard pack)	13	.4
True	King size, filter	13	.7
Tempo	do	14	.8
Domino	King size, filter, menthol	14	.7
Silva Thins	100 mm., filter, menthol	15	.9
Do	100 mm., filter	15	.9
Parliament	King size, filter (hard pack)	16	1.1
Do	King size, filter	17	1.1
Sano	Regular size, nonfilter	17	.5
Kent	King size, filter	17	1.1
Do	King size, filter (hard pack)	18	1.1
L & M	Regular size, filter	18	1.0
Tareyton	100 mm., filter	18	1.1
Do	King size, filter	18	1.1
DuMaurier	King size, filter (hard pack)	18	1.5
Lark	King size, filter	18	1.2
Virginia Slims	100 mm., filter	18	1.3
L & M	King size, filter (hard pack)	19	1.1
Pall Mall	95 mm, filter, menthol (hard pack)	19	1.1
Lucky Filters	100 mm, filter, menthol	19	1.1
Kool	King size, filter, menthol	19	1.6
Belair	do	19	1.6
Raleigh	King size, filter	19	1.5
Pall Mall	95 mm, filter (hard pack)	19	1.2
Virginia Slims	100 mm, filter, menthol	19	1.4
Pall Mall	do	19	1.2
Philip Morris	King size, filter (plastic box)	19	1.4
Marvels	Regular size, nonfilter	19	.7
Lark	100 mm, filter	19	1.3
Stratford	King size, filter	20	.7
Viceroy	do	20	1.5
Vogue (black)	King size, filter (hard pack)	20	.6
L & M	100 mm, filter	20	1.2
Alpine	King size, filter, menthol	20	1.3
Kent	100 mm, filter	20	1.3
Lucky Filters	King size, filter, menthol	20	1.1
Benson & Hedges	Regular size, filter (hard pack)	20	1.4
Wings	King size, filter	20	1.5
L & M	do	20	1.2
Pall Mall	100 mm., filter	20	1.3
Yukon	King size, filter, menthol	20	.8
Philip Morris	King size, filter menthol (plastic box)	20	1.5
L & M	100 mm., filter, menthol	20	1.3
Home Run	Regular size, nonfilter	20	1.7
Benson & Hedges	King size, filter (hard pack)	21	1.5
Viceroy	100 mm., filter	21	1.5
Chesterfield	101 mm., filter	21	1.3
Salem	King size, filter, menthol	21	1.4
Old Gold	King size, filter	21	1.2
Kool	100 mm., filter, menthol	21	1.6
Marlboro	King size, filter (hard pack)	21	1.4
Chesterfield	King size, filter, menthol	21	1.2
Picayune	Regular size, nonfilter	21	1.7
Lucky Filters	100 mm., filter	21	1.4
Marlboro	King size, filter, menthol	21	1.4
Newport	100 mm., filter, menthol	21	1.4
Do	King size, filter, menthol	21	1.3
Do	King size, filter, menthol (hard pack)	21	1.4
Spring	100 mm., filter, menthol	21	1.2
Camel	King size, filter	21	1.3
Oasis	King size, filter, menthol	21	1.2
Winston	King size, filter	21	1.3
Galaxy	do	21	1.5
Benson & Hedges	100 mm., filter, menthol	21	1.5
Stratford	King size, filter, menthol	21	.8
Mapleton	King size, filter	21	.9
Lucky Filters	do	21	1.4
Benson & Hedges	100 mm., filter	21	1.5
Marlboro	King size, filter	22	1.5
Kool	Regular size, nonfilter, menthol	22	1.6
Salem	100 mm., filter, menthol	22	1.5
Winston	King size, filter (hard pack)	22	1.4
Marlboro	100 mm., filter (hard pack)	22	1.5
Domino	King size, filter	22	1.0
Winston	100 m.m. filter	22	1.6
Do	100 m.m. filter, menthol	22	1.6
Marlboro	100 m.m. filter	23	1.6
Sweet Caporal	King size, filter	23	1.4
Century	100 m.m., filter	23	1.5
Chesterfield	King size, filter	23	1.5
Gauloises Disque Bleu	Regular size, filter	23	1.3
Old Gold	Regular size, nonfilter	23	1.4
Half & Half	King size, filter	24	1.7
Mapleton	Regular size, nonfilter	24	.9
Marvels	King size, nonfilter	25	.9
Chesterfield	Regular size, nonfilter	25	1.4
Philip Morris	do	25	1.6
Gauloises Caporal	do	25	1.3
Helmar	King size, filter (hard pack)	25	1.5
Piedmont	Regular size, nonfilter	25	1.4
Domino	King size, nonfilter	25	1.1
Camel	Regular size, nonfilter	26	1.6
Stratford	King size, nonfilter	26	1.1
Colony	100 mm, filter, menthol	26	1.4
Holiday	King size, filter	26	1.7
English Ovals	Regular size, nonfilter	27	1.9
Pall Mall	King size, nonfilter	29	1.7
Colony	100 mm, filter	29	1.8
Lucky Strike	Regular size, nonfilter	29	1.7
Chesterfield	King size, nonfilter	29	1.6
Old Gold	do	29	1.8
Bull Durham	King size, filter	29	1.9
Omar	Regular size, nonfilter	30	1.7
Raleigh	King size, nonfilter	30	2.2
Herbert Tareyton	do	31	1.8
Players	Regular size, nonfilter (hard pack)	32	2.0
Philip Morris Commander	King size, nonfilter	32	2.1
Fatima	do	33	1.9
Holiday	do	35	2.1
English Ovals	do	36	2.6

TAR AND NICOTINE CONTENT OF 126 VARIETIES OF DOMESTIC CIGARETTES

[Shown in increasing order of nicotine values]

Brand	Type	Milligrams per cigarette: Tar	Nicotine
Marvels	Regular size, filter	4	0.1
Sano	do	4	.2
Marvels	King size, filter, menthol	5	.2
King Sano	King size, filter	7	.3
Marvels	do	7	.3
Cascade	King size, filter, menthol	8	.3
King Sano	do	8	.3
Frappe	do	10	.3
Duke of Durham	King size, filter	10	0.4
Vogue (colors)	King size, filter (hard pack)	13	.4
Carlton	King size, filter	5	.4
Sano	Regular size, nonfilter	17	.5
Vogue (black)	King size, filter (hard pack)	20	.6
Life	King size, filter, menthol	11	.7
Montclair	King size, filter	11	.7
Kent	Regular size, filter	12	.7

TAR AND NICOTINE CONTENT OF 126 VARIETIES OF DOMESTIC CIGARETTES—Continued

[Shown in increasing order of nicotine values]

Brand	Type	Milligrams per cigarette: Tar	Nicotine
True	King size, filter	13	0.7
Do	King size, filter, menthol	13	.7
Domino	do	14	.7
Marvels	Regular size, nonfilter	19	.7
Stratford	King size, filter	20	.7
Do	King size, filter, menthol	21	.8
Tryon	do	11	.8
Yukon	do	20	.8
Tempo	King size, filter	14	.8
Tryon	do	12	.9
Mapleton	do	21	.9
Do	Regular size, nonfilter	24	.9
Silva Thins	100 mm, filter, menthol	15	.9
Do	100 mm, filter	15	.9
Marvels	King size, nonfilter	25	.9
L & M	Regular size, filter	18	1.0
Domino	King size, filter	22	1.0
Pall Mall	95 mm, filter, menthol (hard pack)	19	1.1
Parliament	King size, filter	17	1.1
Kent	King size, filter (hard pack)	18	1.1
Lucky Filters	100 mm., filter, menthol	19	1.1
Parliament	King size, filter (hard pack)	16	1.1
Kent	King size, filter	17	1.1
Tareyton	100 mm., filter	18	1.1
Do	King size, filter	18	1.1
L & M	King size, filter (hard pack)	19	1.1
Lucky Filters	King size, filter, menthol	20	1.1
Domino	King size, nonfilter	25	1.1
Stratford	do	26	1.1
Pall Mall	100 mm., filter, menthol	19	1.2
Lark	King size, filter	18	1.2
Pall Mall	95 mm., filter (hard pack)	19	1.2
L & M	King size, filter	20	1.2
Do	100 mm., filter	20	1.2
Oasis	King size, filter, menthol	21	1.2
Old Gold	King size, filter	21	1.2
Chesterfield	King size, filter, menthol	21	1.2
Spring	100 mm., filter, menthol	21	1.2
Virginia Slims	100 mm, filter	18	1.3
Lark	do	19	1.3
Alpine	King size, filter, menthol	20	1.3
Pall Mall	100 mm, filter	20	1.3
Kent	do	20	1.3
L & M	100 mm, filter, menthol	20	1.3
Camel	King size, filter	21	1.3
Newport	King size, filter, menthol	21	1.3
Winston	King size, filter	21	1.3
Chesterfield	101 mm, filter	21	1.3
Gauloises Disque Bleu	Regular size, filter	23	1.3
Gauloises Caporal	Regular size, nonfilter	25	1.3
Virginia Slims	100 mm, filter, menthol	19	1.4
Philip Morris	King size, filter, plastic box	19	1.4
Benson & Hedges	Regular size, filter (hard pack)	20	1.4
Marlboro	King size, filter (hard pack)	21	1.4
Lucky Filters	King size, filter	21	1.4
Marlboro	King size, filter, menthol	21	1.4
Newport	King size, filter, menthol (hard pack)	21	1.4
Salem	King size, filter, menthol	21	1.4
Lucky Filters	100 mm, filter	21	1.4
Newport	100 mm, filter, menthol	21	1.4
Winston	King size, filter (hard pack)	22	1.4
Sweet Caporal	King size, filter	23	1.4
Old Gold	Regular size, nonfilter	23	1.4
Chesterfield	do	25	1.4
Piedmont	do	25	1.4
Colony	100 mm, filter, menthol	26	1.4
DuMaurier	King size, filter (hard pack)	18	1.5
Raleigh	King size, filter	19	1.5
Philip Morris	King size, filter, menthol (plastic box)	20	1.5
Viceroy	King size, filter	20	1.5
Wings	do	20	1.5
Benson & Hedges	King size, filter (hard pack)	21	1.5
Do	100 mm., filter	21	1.5
Galaxy	King size, filter	21	1.5
Benson & Hedges	100 mm., filter, menthol	21	1.5
Viceroy	100 mm., filter	21	1.5
Marlboro	King size, filter	22	1.5
Do	100 mm., filter (hard pack)	22	1.5
Salem	100 mm., filter, menthol	22	1.5
Chesterfield	King size, filter	23	1.5
Century	100 mm., filter	23	1.5
Helmar	King size, filter (hard pack)	25	1.5
Belair	King size, filter, menthol	19	1.6
Kool	do	19	1.6
Do	100 mm., filter, menthol	21	1.6
Winston	100 mm., filter	22	1.6
Do	100 mm., filter, menthol	22	1.6
Kool	Regular size, nonfilter, menthol	22	1.6
Marlboro	100 mm., filter	23	1.6
Philip Morris	Regular size, nonfilter	25	1.6
Camel	do	26	1.6
Chesterfield	King size, nonfilter	29	1.6
Home Run	Regular size, nonfilter	20	1.7
Picayune	do	21	1.7
Half & Half	King size, filter	24	1.7
Holiday	do	26	1.7
Lucky Strike	Regular size, nonfilter	29	1.7
Pall Mall	King size, nonfilter	29	1.7
Omar	Regular size, nonfilter	30	1.7
Colony	100 mm, filter	29	1.8
Old Gold	King size, nonfilter	29	1.8
Herbert Tareyton	do	31	1.8
English Ovals	Regular size, nonfilter	27	1.9
Bull Durham	King size, filter	29	1.9
Fatima	King size, nonfilter	33	1.9
Players	Regular size, nonfilter (hard pack)	32	2.0
Philip Morris Commander	King size, nonfilter	32	2.1
Holiday	do	35	2.1
Raleigh	do	30	2.2
English Ovals	do	36	2.6

Report on Comparison of Tests of Tar and Nicotine Content, February 27, 1969

A comparison of test results between Commission October 10, 1968 and February 27, 1969 Reports on tar and nicotine content of cigarette smoke discloses statistically significant[1] difference in the measurements of the tar and nicotine content of certain cigarettes.

These test results for the following varieties registered increases in tar or in nicotine content:

Name	Type[1]	Increased tar or nicotine
Alpine	F, M, SP, 85 mm	Nicotine.
Belair	do	Do.
Benson & Hedges	F, HWP, 70 mm	Do.
Do	F, HWP, 85 mm	Do.
Do	F, SP, 100 mm	Tar and nicotine.
Do	F, M, SP, 100 mm	Nicotine.
Bull Durham	F, SP, 85 mm	Do.
Camel	NF, SP, 70 mm	Do.
Carlton	F, SP, 85 mm	Do.
Cascade	F, M, SP, 85 mm	Tar and nicotine.
Chesterfield	NF, SP, 70 mm	Nicotine.
Do	NF, SP, 85 mm	Do.
Do	F, SP, 85 mm	Tar and nicotine.
Do	F, SP, 101 mm	Nicotine.
Colony	F, SP, 100 mm	Tar and nicotine.
Do	F, M, SP, 100 mm	Nicotine.
Domino	NF, SP, 85 mm	Nicotine.
Do	F, SP, 85 mm	Do.
DuMaurier	F, HWP, 85 mm	Do.
English Ovals	NF, HWP, 70 mm	Do.
Do	NF, HWP, 85 mm	Do.
Fatima	NF, SP, 85 mm	Do.
Frappe	F, M, SP, 85 mm	Tar and nicotine.
Galaxy	F, SP, 85 mm	Nicotine.
Gauloises Caporal	NF, SP, 70 mm	Tar and nicotine.
Gauloises Disque Bleu	F, SP, 70 mm	Do.
Herbert Tareyton	NF, SP, 85 mm	Nicotine.
Holiday	do	Do.
Do	F, SP, 85 mm	Do.
Home Run	NF, SP, 70 mm	Do.
Kent	F, HP, 80 mm	Do.
Do	F, SP, 85 mm	Do.
Do	F, SP, 100 mm	Do.
King Sano	F, SP, 85 mm	Do.
Kool	F, M, SP, 85 mm	Do.
Do	F, M, SP, 100 mm	Tar and nicotine.
Lark	F, SP, 85 mm	Do.
L & M	F, SP, 70 mm	Nicotine.
Do	F, HP, 80 mm	Do.
Do	F, SP, 85 mm	Tar and nicotine.
Do	F, M, SP, 100 mm	Do.
Lucky Strike	NF, SP, 70 mm	Do.
Lucky filters	F, SP, 85 mm	Nicotine.
Do	F, SP, 100 mm	Do.
Do	F, M, SP, 100 mm	Do.
Mapleton	NF, SP, 70 mm	Tar and nicotine.
Do	F, SP, 85 mm	Nocotine.
Marlboro	F, HP, 80 mm	Do.
Do	F, SP, 85 mm	Do.
Do	F, SP, 100 mm	Tar.
Do	F, M, SP, 85 mm	Nicotine.
Marvels	NF, SP, 70 mm	Do.
Do	NF, SP, 85 mm	Tar and nicotine.
Montclair	F, M, SP, 85 mm	Tar.
Oasis	F, M, SP, 85 mm	Do.
Old Gold	NF, SP, 70 mm	Nicotine.
Do	NF, SP, 85 mm	Do.
Omar	NF, SP, 70 mm	Do.
Parliament	F, HP, 80 mm	Nicotine.
Philip Morris	NF, SP, 70 mm	Do.
Philip Morris Commander.	NF, SP, 85 mm	Tar and nicotine.
Philip Morris	F, PB, 85 mm	Nicotine.
Do	F, M, PB, 85 mm	Tar and nicotine.
Picayune	NF, SP, 70 mm	Do.
Players	NF, HWP, 70 mm	Do.
Sano	NF, SP, 70 mm	Nicotine.
Silva Thins	F, SP, 100 mm	Do.
Spring	F, M, SP, 100 mm	Tar and nicotine.
Stratford	NF, SP, 85 mm	Do.
Do	F, M, SP, 85 mm	Do.
Sweet Caporal	F, SP, 85 mm	Nicotine.
Tareyton	do	Tar.
Do	F, SP, 100 mm	Tar and nicotine.
True	F, SP, 85 mm	Nicotine.
Do	F, M, SP, 85 mm	Do.
Tryon	F, SP, 85 mm	Do.
Do	F, M, SP, 85 mm	Tar and nicotine.
Viceroy	F, SP, 85 mm	Do.
Do	F, SP, 100 mm	Do.
Vogue (colors)	F, HWP, 85 mm	Tar.
Winston	F, HP, 80 mm	Tar and nicotine.
Do	F, M, SP, 100 mm	Nicotine.
Yukon	F, M, SP, 85 mm	Tar and nicotine.

[1] For purposes of this report only, differences between October 1968 results and February 1969 results pertaining to any given cigarette variety have not been deemed of statistical significance unless the particular difference exceeds twice its standard deviation.

Test results for the following varieties registered decreases in tar or in nicotine content:

Name	Type[1]	Decreased tar or nicotine
Benson & Hedges	F, HWP, 70 mm	Tar.
Bull Durham	F, SP, 85 mm	Do.
Century	F, SP, 100 mm	Do.
Duke	F, SP, 85 mm	Do.
English Ovals	NF, HWP, 70 mm	Do.
Half & Half	F, SP, 85 mm	Do.

See footnore at end of table.

Name	Type [1]	Decreased tar or nicotine
Kent	F, SP, 70 mm	Tar and nicotine.
King Sano	F, M, SP, 85 mm	Tar.
Kool	NF, M, SP, 70 mm	Do.
L & M	F, SP, 100 mm	Do.
Marvels	F, SP, 70 mm	Do.
Do	F, M, SP, 85 mm	Do.
Tempo	F, SP, 85 mm	Do.
Wings	do	Do.

[1] F—filter; NF—nonfilter; M—menthol; HP—hardpack; SP—softpack; HWP—hard wide pack; mm—millimeters; PB—plastic box.

LATEST GOVERNMENT RATINGS OF TAR AND NICOTINE CONTENT OF CIGARETTES (ALPHABETICAL BY BRAND) FROM FEDERAL TRADE COMMISSION, OCTOBER 1968

[NF—Non-Filter (all other brands possess filters); M—Menthol; HP—(hard pack)]

Brand	Type	Tar (mg/cig)	Nicotine (mg/cig)
Alpine	King, M	20	1.2
Belair	King, M	19	1.5
Benson & Hedges	Reg. (HP)	21	1.3
	King (HP)	20	1.4
	100 mm	21	1.3
	100 mm, M	21	1.4
Bull Durham	King	30	1.7
Camel	Reg, NF	26	1.4
	King	21	1.3
Carlton	King [1]	4	.3
Cascade	King, M [1]	7	.2
Century	100 mm	24	1.4
Chesterfield	Reg, NF	25	1.2
	King, NF	30	1.5
	King	22	1.3
	King, M	21	1.2
	101 mm	21	1.2
Colony	100 mm	28	1.6
	100 mm, M	26	1.3
Domino	King, NF	26	1.0
	King	21	.8
	King, M [1]	14	.7
Duke of Durham	King [1]	11	.4
Dumaurier	King (HP)	19	1.3
English Ovals	Reg., NF (HP)	28	1.8
	King, NF (HP)	36	2.3
Fatima	King, NF	33	1.8
Frappe	King, M [1]	8	.3
Galaxy	King	21	1.4
Gauloises	Reg., NF	25	1.2
	Reg	22	1.2
Half & Half	King	26	1.7
Helmar	King (HP)	25	1.5
Herbert Tareyton	King, NF	31	1.7
Holiday	King, NF	34	1.9
	King	26	1.6
Home Run	Reg., NF	21	1.5
Kent	Reg [1]	15	.8
	King (HP)	17	1.0
	King	17	1.0
	100 mm	19	1.2
King Sano	King [1]	7	.2
	King, M [1]	10	.3
Kool	Reg., NF, M	23	1.7
	King, M	19	1.4
	100 mm, M	20	1.5
Lark	King	18	1.0
Life	King [1]	11	.7
L & M	Reg	17	.9
	King (HP)	18	1.0
	King	19	1.1
	100 mm	21	1.2
	100 mm, M	20	1.2
Lucky Strike	Reg., NF	28	1.5
	King	22	1.2
	King, M	20	1.1
	100 mm	21	1.2
	100 mm, M	19	1.0
Mapleton	Reg., NF	23	.8
	King	21	.8
Marlboro	King (HP)	20	1.4
	King	21	1.4
	King, M	20	1.3
	100 mm	22	1.5
	100 mm (HP)	22	1.5
Marvels	70 mm, NF	19	.6
	Reg [1]	4	.1
	King, NF	23	.8
	King [1]	7	.3
	King, M [1]	6	.2
Montclair	King, M [1]	9	.6
Newport	King, M (HP)	21	1.3
	King, M	21	1.4
	100 mm, M	22	1.4
Oasis	King, M	20	1.1
Old Gold	Reg., NF	23	1.3
	King, NF	29	1.7
	King	21	1.2
Omar	Reg., NF	30	1.6

LATEST GOVERNMENT RATINGS OF TAR AND NICOTINE CONTENT OF CIGARETTES (ALPHABETICAL BY BRAND) FROM FEDERAL TRADE COMMISSION, OCTOBER 1968—Continued

[NF—Non-Filter (all other brands possess filters); M—Menthol; HP—(hard pack)]

Brand	Type	Tar (mg/cig)	Nicotine (mg/cig)
Pall Mall	King, NF	28	1.6
	95 mm (HP)	19	1.2
	95 mm, M (HP)	19	1.1
	100 mm	20	1.3
	100 mm, M	19	1.2
Parliament	King (HP)	16	1.0
	King	16	1.1
Philip Morris	Reg., NF	25	1.6
	King, NF	31	2.0
	King	19	1.3
	King, M	20	1.3
Picayune	Reg., NF	19	1.5
Piedmont	Reg., NF	26	1.4
Players	Reg., NF (HP)	31	1.8
Raleigh	King, NF	30	2.1
	King	19	1.4
Salem	King, M	21	1.4
	100 mm, M	22	1.5
Sano	Reg., NF [1]	17	.5
Silva Thins	100 mm [1]	15	.9
Spring	100 mm, M	20	1.1
Stratford	King, NF	24	.8
	King	19	.7
	King, M	19	.7
Sweet Caporal	King	23	1.3
Tareyton	King	17	1.1
	100 mm	18	1.0
Tempo	King [1]	17	.8
True	King [1]	13	.7
	King, M [1]	13	.7
Tryon	King [1]	13	.9
	King, M [1]	11	.7
Viceroy	King	19	1.4
	100 mm	19	1.5
Vogue (Colors)	King (HP) [1]	12	.4
Vogue (Black)	King (HP)	19	.6
Wings	King	21	1.6
Winston	King (HP)	21	1.3
	King	21	1.3
	100 mm	22	1.5
	100 mm, M	22	1.5
	100 mm (HP)	21	1.5
Yukon	King, M	20	.8

[1] Brands marked are in the lowest ¼ in both tar and nicotine.

Source: U.S. Department of Health, Education, and Welfare, Public Health Service, Health Services and Mental Health Administration.

TAR AND NICOTINE CONTENT OF CIGARETTES (SHOWN IN INCREASING ORDER OF TAR VALUES) FROM FEDERAL TRADE COMMISSION, OCTOBER 1968

[NF—Non-Filter (all other brands possess filters); M—Menthol; HP—Hard pack]

Brand	Type	Tar (mg/cig)	Nicotine (mg/cig)
Carlton	King	4	0.3
Marvels	Reg	4	.1
Marvels	King, M	6	.2
Cascade	King, M	7	.2
Marvels	King	7	.3
King Sano	King	7	.2
Frappe	King, M	8	.3
Montclair	King, M	9	.6
King Sano	King, M	10	.3
Tryon	King, M	11	.7
Life	King	11	.7
Duke of Durham	King	11	.4
Vogue (Colors)	King (HP)	12	.4
True	King, M	13	.7
True	King	13	.7
Tryon	King	13	.9
Domino	King, M	14	.7
Kent	Reg	15	.8
Silva Thins	100 mm	15	.9
Parliament	King (HP)	16	1.0
Parliament	King	16	1.1
Tempo	King	17	0.8
Sano	Reg., NF	17	0.5
Kent	King	17	1.0
L & M	Reg	17	0.9
Kent	King (HP)	17	1.0
Tareyton	King	17	1.1
Tareyton	100 mm	18	1.0
Lark	King	18	1.0
L & M	King (HP)	18	1.0
Viceroy	King	18	1.4

TAR AND NICOTINE CONTENT OF CIGARETTES (SHOWN IN INCREASING ORDER OF TAR VALUES) FROM FEDERAL TRADE COMMISSION, OCTOBER 1968—Continued

[NF—Non-Filter (all other brands possess filters); M—Menthol; HP—(hard pack)]

Brand	Type	Tar (mg/cig)	Nicotine (mg/cig)
Dumaurier	King (HP)	19	1.3
Raleigh	King	19	1.4
Stratford	King, M	19	0.7
Pall Mall	95 mm, M (HP)	19	1.1
Kool	King, M	19	1.0
Marvels	Reg., NF	19	.4
Philip Morris	King	19	1.3
L & M	King	19	1.0
Lucky Filters	100 mm, M	19	1.0
Vogue (Black)	King (HP)	19	.6
Picayune	Reg., NF	19	1.5
Viceroy	100 mm	19	1.5
Pall Mall	100 mm, M	19	1.2
Stratford	King	19	0.7
Pall Mall	95 mm (HP)	19	1.2
Kent	100 mm	19	1.2
Belair	King, M	19	1.5
Alpine	King, M	20	1.2
L & M	100 mm, M	20	1.2
Yukon	King, M	20	.8
Philip Morris	King, M	20	1.3
Kool	100 mm, M	20	1.5
Spring	100 mm, M	20	1.1
Benson & Hedges	King (HP)	20	1.4
Pall Mall	100 mm	20	1.3
Lucky Filters	King, M	20	1.1
Oasis	King, M	20	1.1
Marlboro	King (HP)	20	1.4
Marlboro	King, M	20	1.3
Salem	King, M	21	1.4
Old Gold	King	21	1.2
Chesterfield	King, M	21	1.2
Camel	King	21	1.3
Benson & Hedges	100 mm	21	1.3
Home Run	Reg., NF	21	1.5
L & M	100 mm	21	1.2
Wings	King	21	1.6
Mapleton	King	21	.8
Winston	King (HP)	21	1.3
Newport	King, M (HP)	21	1.3
Domino	King	21	.8
Galaxy	King	21	1.4
Marlboro	King	21	1.4
Benson & Hedges	Reg. (HP)	21	1.3
Benson & Hedges	100 mm, M	21	1.4
Lucky Filters	100 mm	21	1.2
Winston	100 mm (HP)	21	1.5
Chesterfield	101 mm	21	1.2
Newport	King, M	21	1.4
Winston	King	21	1.3
Marlboro	100 mm (HP)	22	1.5
Newport	100 mm, M	22	1.4
Chesterfield	King	22	1.3
Gauloises	Reg	22	1.1
Lucky Filters	King	22	1.2
Winston	100 mm, M	22	1.5
Marlboro	100 mm	22	1.5
Salem	100 mm, M	22	1.5
Winston	100 mm	22	1.5
Sweet Caporal	King	23	1.3
Old Gold	Reg., NF	23	1.3
Mapleton	Reg., NF	23	0.8
Kool	Reg., NF, M	23	1.7
Marvels	King, NF	23	0.8
Stratford	King, NF	24	0.8
Century	100 mm	24	1.4
Gauloises	Reg., NF	25	1.2
Helmar	King (HP)	25	1.5
Philip Morris	Reg., NF	25	1.6
Chesterfield	Reg., NF	25	1.2
Colony	100 mm, M	26	1.3
Camel	Reg., NF	26	1.4
Piedmont	Reg., NF	26	1.4
Domino	King, NF	26	1.0
Holiday	King	26	1.6
Half & Half	King	26	1.7
Lucky Strike	Reg., NF	28	1.5
Colony	100 mm	28	1.6
English Ovals	Reg., NF (HP)	28	1.8
Pall Mall	King, NF	28	1.6
Old Gold	King, NF	29	1.7
Chesterfield	King, NF	30	1.5
Raleigh	King, NF	30	2.1
Bull Durham	King	30	1.7
Omar	Reg., NF	30	1.6
Players	Reg., NF (HP)	31	1.8
Philip Morris Commander	King, NF	31	2.0
Herbert Tareyton	King, NF	31	1.7
Fatima	King, NF	33	1.8
Holiday	King, NF	34	1.9
English Ovals	King, NF (HP)	36	2.3

Source: U.S. Department of Health, Education, and Welfare, Public Health Service, Health Services and Mental Health Administration.

MOSS SAYS FTC RATINGS SHOW SIGNIFICANT INCREASE IN TAR AND NICOTINE CONTENT OF CIGARETTES

The Federal Trade Commission has just reported to the Senate Commerce Committee its latest test results of cigarette tar and nicotine yields. Implications of these test results are at best discouraging and, at worst, sinister.

Of the 126 varieties tested, 79 showed significant changes in the nicotine yield since the last test in October of last year. Of those 79, 78 have increased in nicotine, while only one decreased.

Mr. President, 78 out of 79 is too uniform to be merely a statistical quirk. I hope that the explanation can be found in variations in the tobacco crop or in the FTC test methods. If not, it would be hard to escape the conclusion that the companies that produce these brands are deliberately stepping up the nicotine yield.

To what purpose? We know that nicotine is closely related to the addictive or habituating quality of cigarette smoking. If the change proves to be deliberate, we can only assume that it reflects a conscious tactic to stem the trend toward giving up smoking which is now making significant inroads on cigarette sales.

I cannot, however, make such an assumption until the cigarette companies have had the opportunity to explain or justify the FTC report. I am, therefore, today, by letter, asking each of the cigarette companies to analyze and offer their explanation of these figures. I will also ask them to explain why in the 46 varieties of cigarettes which revealed changes in tar, 32 changes involved increases in tar, while only 14 involved decreases. Only one cigarette, Kent 70 mm. decreased in both tar and nicotine.

Yet the official judgment of the Public Health Service is that "The preponderance of scientific evidence strongly suggests that the lower the 'tar' and nicotine content of cigarette smoke, the less harmful are the effects."

Again, we can only conclude that the cigarette industry is not interested in competing to market less hazardous cigarettes, an unhappy reflection of its sense of social responsibility.

That same sense of responsibility is reflected in the full page advertisements run February 28 by the Tobacco Institute in newspapers across the country. The ad consisted of a "news release" dated February 3 which quoted a tobacco industry scientist as saying "there is no demonstrated casual relationship between smoking and any disease."

The news media gave the statement its deserved importance by ignoring it, so the Tobacco Institute was forced to buy advertising space to get their message published.

All other industries are subject to regulation of their advertising, but the tobacco industry is claiming the right to be immune from such regulation by responsible agencies of government. The industry's advocates in the House have proposed legislation deceptively labeled H.R. 6543 "To extend public health protection re: cigarette smoking," which would, if enacted, place a strait jacket on efforts by the FTC and the FCC to regulate cigarette advertising.

Mr. President, fortunately for the American public I see no signs whatsoever that the Senate Commerce Committee is prepared to relieve the tobacco industry of the regulation so vital to the health of our young people and regulation which the industry, by its actions, so richly deserves.

S. 1446—INTRODUCTION OF A BILL TO ESTABLISH A DEPARTMENT OF NATURAL RESOURCES

Mr. MOSS. Mr. President, I am today introducing again for myself, Mr. CASE, Mr. DODD, Mr. HART, Mr. METCALF, and Mr. YARBOROUGH a bill to establish a Department of Natural Resources and to transfer to it certain agencies and functions. It is my hope that others of my colleagues may want to join me as cosponsors.

Since I first introduced a similar bill in the 89th Congress, the march of events has greatly intensified the case which can be made for it. We have continued the ruthless exploitation of our natural resources. The magnitude of our ecological blunders are becoming more evident every day, and the Nation as a whole understands what is happening. The people have now come to realize how widely our national resources are deteriorating—how massive is the debasement of the air we breathe and the water we drink. People are aware of the looming water shortages in some areas, and they recognize that our farmlands are being eaten up with urban sprawl and that we are running out of outdoor recreation space and that our soil is being depleted.

These problems are coming home to roost in their own communities—in their own homes and gardens. For example, southern California is being taught all too painfully right now how denuding the hillsides and the land close to big cities for spreading suburbs and industrial development without proper protective measures can mean massive mud slides and disastrous floods when the rains become heavy. The potential for similar disaster exists in many other parts of the country—we have no long-use planning for land or no oversight machinery if we had such plans.

If a case could be made 4 years ago for a Department of Natural Resources, it can be made doubly now. We must not only establish overall policies for the development and management of our natural resources, but we must organize the Federal structure which deals with natural resources to see that today's great tasks in this field are performed efficiently and effectively. Today we must concern ourselves with man's total environment.

Hearings were held in the 90th Congress on my bill to establish a Department of Natural Resources. The Subcommittee on Executive Reorganization of the Senate Committee on Government Operations with the distinguished Senator from Connecticut (Mr. RIBICOFF), its chairman, held hearings in Washington.

The 3 days were devoted entirely to testimony from Senators and officials of the Government agencies involved. We learned something which did not greatly surprise us—that most of the agencies involved would rather fight than switch.

The hearings also indicated the extent to which competing interests for the use of our limited resources would be ready to block overall development and protection plans.

I understand and sympathize with the agencies and the people involved. Most people prefer the status quo. But I do feel that, although resource programs may have to be altered and changed and that special interests may be affected, we must do what is in the best interests of all of the American people. The decision to dam a river or cut down a 2,000-year-old tree is irrevocable. We will not be given a chance to make that decision again.

The choices we make in the coming years will affect the beauty and the utility of our land for uncounted generations hereafter. The planning that we must do in the field of water resources will determine the economic future of the Nation. The planning in our land resources is so interrelated with water planning as to be inseparable. We cannot wait. Time is running out in this once virgin land.

Mr. President, I direct attention to a news article published in the Washington Post of March 5 which indicated that President Nixon is to appoint a group to study the reorganization of the executive establishment of the Federal Government and that one of the departments that the President indicated should be studied is the Department of the Interior, along with several other departments.

I ask unanimous consent that the article to which I have referred be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. MOSS. Mr. President, the bill I am introducing today would, in effect, abolish the Department of the Interior, by transferring its agencies either to the new Department of Natural Resources or to other agencies.

In thus dissolving the Department of the Interior, we will perhaps be fulfilling the manifest destiny of an agency conceived as a "Home Department" for a young nation—a repository for numerous Federal activities, many only tenuously related. The Department of the Interior was brought into being after the Post Office Department, being created by Congress in 1849. The new Department took under its wing immediately several stepchildren of other Federal agencies. Almost all of these have matured and undergone major changes—some within the Department but most of them outside it.

From the Treasury came the General Land Office which, in 1946, was consolidated with the Grazing Service to become the Bureau of Land Management. From the War Department came the Office of Indian Affairs. The Pension Office, the Census Office, and the Patent Office, all going concerns when Interior was born, found a home for many years within it.

Tremendous growth of the Nation has been marked by the development of many of these agencies into full Cabinet status. For example:

The Agriculture Bureau has become the Department of Agriculture.

The Bureau of Labor was transformed into the Department of Labor.

The Department of Commerce was formed from several previously Interior functions.

The Pension Office has become the Veterans' Administration.

Even the Interstate Commerce Commission was part of the Department of the Interior for a short time.

From a catchall for agencies handling internal problems, Interior has evolved into an organization chiefly concerned with management, protection, and ad-

ministration of natural resources—timber, forage, water, minerals, wildlife, and with the marketing of power and promotion of outdoor recreation opportunities. But there are resource functions and responsibilities of great magnitude outside the Department of the Interior—the Forest Service and the Soil Conservation Service in Agriculture for example, and the multipurpose water resource activities of the Corps of Engineers. Therefore, the dissolution of the Department of the Interior will enable Congress to bring together the major resource agencies from all departments into one Department of Natural Resources. At the same time, the few remaining responsibilities of Interior can find happy homes presided over by other members of the Cabinet.

WATER

When I first introduced a Department of Natural Resources bill 4 years ago, I was frankly motivated by the lack of coordination and long-range planning in the management and development of our water resources. I was concerned by the fact that each water resource agency in the Federal Government was surrounded by competing agencies, with each agency striving to utilize our water resources in a way which would benefit its particular clientele and that as a result we were dissipating and wasting and polluting these precious resources at an alarming rate. We still are. We had no basic overall water policy, and we are still moving at a snail's pace to formulate one.

In drafting the bill, I pulled together all of our water resource development agencies in one Federal department; and then, because it is obvious that all natural resource preservation and development overlaps and must be coordinated as a whole, I also brought into the department all other agencies in the Government primarily concerned with resource care and development, and with our total environment.

In the last Congress, we established the National Water Commission, and perhaps there are those who feel that the work this council will do will negate the need for a Department of Natural Resources. The purpose of the Commission is simply to provide a comprehensive review of national water resource problems and programs, and to submit to the President its recommendation for legislation needed for the proper development of our water resources. I supported the establishment of this Commission, too, but I did so with the conviction that if the policies it drafts are to be fully implemented, this can best be done if the agencies involved are in one Federal department subject to the action of one Secretary who can take an overall, broad view.

Water problems still illustrate most effectively the need for a Department of Natural Resources. The first Hoover Commission reported on this need as follows:

> Incomparably the greatest opportunity for economy lies in the imposition of precautions to eliminate wasteful water development and to assure the soundness of projects finally adopted. In the past, projects have been carried through which should never have been undertaken at all. Others have been wastefully constructed and without regard to important potential uses.

Probably their most important conclusion was that developing the entire river basin is difficult, if not impossible, as long as independent bureaus with traditional loyalties and jealous clientele carve up the development and management tasks.

This Nation faces a twofold task in developing overall river basin planning. First, the Nation must find, and find quickly, greatly increased supplies of clean water. Second, we must manage with far more wisdom than we have used thus far the water supplies we now have.

Total management of water resources involves a variety of functions. Among others are watershed protection and management, flood control, river and harbor improvements, irrigation, fish and wildlife, recreation, desalination, and pollution. This whole package must be tied together. We must plan for entire river basins from their sources to their mouths.

However, even should authorities successfully be established for every river basin, the basins are interrelated. Precipitation, pollution, and water use in one basin can vitally affect others. Coordination in their development and management is essential.

Interbasin transfer cannot even be considered without both river basin planning and overall planning of water programs of many basins and States. Ideally, we should have a national long-range plan for management of water resources in the United States. The national plan would then be the starting point for the river basin plans.

In trying to effectuate this planning, we now have three Cabinet-level departments—Defense, Agriculture, and Interior. In addition, the Federal Power Commission, which grants licenses for private power company projects, must be considered in all planning.

Below the departmental level, a Pandora's box opens. In Interior alone we have this array of agencies: the Bureau of Reclamation, three power-marketing agencies, Bureau of Indian Affairs, the Bureau of Land Management, the Bureau of Fish and Wildlife, the Bureau of Mines, Geological Survey, the National Park Service, the Office of Saline Water, the Office of Water Resources Research, and the Bureau of Outdoor Recreation.

On the basis of expenditures, the most extensive Federal activity in the water resources field is conducted by the Department of Defense through the Corps of Engineers. They first were given the job of maintaining navigable waterways—which has some connection with national defense—at least a better connection than the Navy has in operating petroleum reserves. But the Corps of Engineers has advanced far past maintaining the navigability of our streams. It has gradually been expanded to include dam construction for flood control, water supply, and recreation.

The Engineers operate in every State. Though commanded by a few Army officers, the workforce is composed of civilians. Since it has such a tenuous connection with the main duties of the Army, it is virtually autonomous.

Until 1936, the bureaucratic tangle, while confused, at least was limited. Up to that time, authority to harness rivers for storage and electric power was a function of the Bureau of Reclamation. But the jurisdiction for the Bureau was and is limited to the Western States. Following the great floods of 1936, President Roosevelt asked the Corps of Engineers to build flood-control projects. At the same time, TVA was beginning the development of the Tennessee River Basin. Shortly after, Agriculture was given authority to construct small upstream and tributary check dams, and another agency entered the water picture.

In 1944, legislation logically provided that water projects should be multipurpose whenever possible. This brought the Army into irrigation, power generation, and recreation. But since the corps has no marketing facilities, the Interior Department had to market the water and power from these dams. We still face the difficult task of deciding which parts of the costs are for flood control—payable out of tax moneys—and which parts are to be paid from the sale of power.

Congress recognized the dangers in this situation when it passed the Water Resources Planning Act. This act creates a Water Resources Council to coordinate our water resources planning. But this instrument will be an awkward one at best. The Secretary of the Army, whose time presumably is occupied by Vietnam, and the Secretary of Health, Education, and Welfare, who should be concerned about our tremendous problems of health and education, are now asked to plan our natural resource development.

It is clear that the basic work is being done by the staff, but the decisions must be made by the Council. The Council cannot devote sufficient time to this. One Secretary could do it and accept the responsibility of those decisions.

I support the Water Resources Planning Act, but it is a stopgap measure, and the gap between our needs and our planning for those needs is getting wider.

The confusion extends into other areas. The Department of Defense now serves more recreation seekers than the Department of the Interior. So does the Forest Service. But the Bureau of Outdoor Recreation is in the Interior Department.

LAND

Although the problems are not as severe, the agencies dealing with land should also be coordinated. At present, we have the Bureau of Land Management in Interior administering part of our public lands, while most of the remainder is administered by the Forest Service in Agriculture. To be effective, a Department of Natural Resources must include the Forest Service. Originally, the Forest Service was supposed to administer land while the Bureau of Land Management was supposed to liquidate the Government's holdings. Now both manage land for multiple use, and their functions constantly overlap each other; as well as the jurisdictions of the National Park Service, the Bureau of Indian Affairs, and other Federal agencies.

This past session it took legislation to clear up one of the conflicts. The Flaming Gorge Recreation Area, which straddles the Utah-Wyoming border, also straddled land administered by both the National Park Service and the U.S. Forest Service. An invisible border ended and separated their jurisdictions. The camper, the hiker, the boater never knew with which jurisdiction he was dealing. We completed action shortly before adjournment on a bill introduced by Senator McGEE and myself designating the Forest Service as the administrator of the entire recreation area. The confusion is being relieved.

OCEAN

I would foresee in the proposed Department of Natural Resources an Assistant Secretary for Oceanography. This important official could coordinate and emphasize our efforts on this new frontier of the resource field.

Senators MUSKIE, MAGNUSON, and others have called our attention to the inadequate national effort concerning our marine program. Senator MUSKIE pointed out the need for the improvement of our merchant marine fleet, the exploration of the Continental Shelf and the enhancement of our fisheries products. In addition we need a review of our interests in the law of the sea and a study of possible import restrictions on those nations practicing poor conservation techniques in our adjacent waters.

Our natural resources program cannot continue in the future without recognizing the rich resources of the oceans and determining the extent to which we can utilize these resources to supplement those on the land.

The need for a national oceanography program has been well demonstrated. The only question that remains is which Department can operate it most efficiently. I think most of it fits into Natural Resources.

Because the seas have so many uses, more than one Cabinet-level Department must have responsibilities relating to it. A logical division of such responsibilities would be into three parts: First, defense, the task of the Navy; second, transportation, the task of the Department of Transportation; and third, resources. Into the Department of Natural Resources should go all responsibilities not directly relating to defense or ocean transportation.

The problems of pollution in the very important estuaries of our rivers concerns both the ocean and the fresh water. The proposals to use the tides for power must draw on our extensive knowledge of hydroelectric power using fresh water. The minerals that might be found under the water and the hydrocarbons we presently obtain from beneath the sea are the same minerals we find on land. Certainly the Government department dealing with our mineral resources should logically coordinate this undersea effort. The agencies dealing with sport fisheries are in the Department of the Interior. It seems logical to me to include them in a Department of Natural Resources.

Of course, many new techniques for working in an aquatic environment must be found, but this would be the reason for coordinating all oceanography activities under an Assistant Secretary in the Department of Natural Resources.

Senator MUSKIE has pointed out the problem of the low ministerial status of our representatives at conferences on international marine affairs. I think the representation by a Secretary of one of our most important Cabinet Departments would correct this situation.

The problems of our Great Lakes share some similarities to our fresh water problems and some similarities to those of the estuaries and oceans. In this new Department, efforts to meet this unique situation could be coordinated at all levels.

An Interagency Committee on Oceanography now coordinates the work of five departments, three independent agencies and 22 bureaus and offices. But no one working in the area is in a high level policy position. What we need is top-level direction on policy and an adequate staff and budget.

Actually, this bill providing for a Department of Natural Resources is quite simple. The bill provides for a Secretary of Natural Resources and a Deputy Secretary. It provides for two Under Secretaries, one for water and one for land.

The jurisdiction of the Under Secretary for Water includes: the functions exercised by the Bureau of Reclamation; the civil works functions of the Corps of Engineers in the Department of the Army; the work of the Soil Conservation Service; the Water Pollution Control Authority; coordination of river basin plans with the Federal Power Commission; the Bonneville Power Administration; the Southwestern Power Administration; and all agencies in the Department of the Interior that have water resource matters as their principal concern.

The Under Secretary for Water will supervise the Assistant Secretary for Oceanography. He will have jurisdiction over the functions of the sea grant programs of the National Science Foundation, and appropriate data and engineering research. It would also be wise to transfer to this Assistant Secretary the portion of the U.S. Fish and Wildlife Service which deals with the fisheries resources of the oceans. An office might also be created to coordinate efforts of our other mineral resource agencies in development of the minerals in and under the ocean.

While I have not provided for further administrative division in the bill, it would appear logical to divide the responsibility of the Under Secretary for Land into four branches, each headed by an Assistant Secretary.

The Forest Service and the Bureau of Land Management could report to an Assistant Secretary for Land Resources. The National Park Service, the Fish and Wildlife Service, and the Bureau of Outdoor Recreation could report to an Assistant Secretary for Recreation and Wildlife. The Bureau of Mines, Geological Survey, the Office of Coal Research, and the several other agencies in the Department of the Interior with responsibility in the fields of minerals and fuels could report to an Assistant Secretary for Minerals and Fuels. The fourth Assistant Secretary would supervise our air pollution abatement program.

The adoption of this proposal is long overdue. The task of protecting and wisely utilizing the land, the water, the forest, the wildlife, is one task. All these resources are interdependent. Today, all require wise management on a national basis.

An additional gain will be in the efficiency of State operation. The States cannot protect their resources without Federal cooperation. Our river basins, our waterfowl, our forests, our lakes do not recognize State boundaries. The State responsibilities in these fields are widespread. We should make it possible for them to carry out their responsibilities.

This legislation is necessary because the structure of our resource agencies is fragmented; and because this fragmentation is preventing the quality of conservation and management that the public interest requires. The Congress has failed to give this question the attention it deserves.

What this bill will do is to enable one executive department to coordinate, at the levels of Under Secretary and Secretary, the activities of all agencies dealing with natural resources. It will enable the President, the Congress, and an executive department to evaluate effectively the Nation's resource requirements and the investment needed to meet them. It will provide the data and the management structure on which long-range planning can be based. It will enable us to consider with sufficient leadtime the raw material requirements of our industries. It will provide coordinated administration of farflung resource programs. It will make it easier for the States, counties, and cities to carry out their expanding responsibilities in the natural resource field.

My greatest pleasure since coming to the Senate has been in working in this conservation area—to improve our parks and recreation areas, to develop our mineral and water resources and to conserve our fish and wildlife. I want to see Congress meet its responsibilities by giving the executive branch the most effective resource management organization possible.

Mr. President, I send to the desk for appropriate reference my bill to establish a Department of Natural Resources. I ask unanimous consent that the bill be printed in the RECORD following my remarks.

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

The bill (S. 1446) to establish a Department of Natural Resources, introduced by Mr. Moss (for himself and other Senators), was received, read twice by its title, referred to the Committee on Government Operations, and ordered to be printed in the RECORD, as follows:

S. 1446

SHORT TITLE—FINDINGS

SECTION 1. (a) This Act may be cited as the "Department of Natural Resources Act."

(b) The Congress hereby finds that—

(1) expanding population and a rising standard of living combine to place unprecedented demands on the natural resources of the United States;

(2) the natural environment is suffering a progressive deterioration which affects the

air we breathe, the water we drink, the soil which nourishes our food, the areas in which we take our recreation, and the natural beauty of our homeland;

(3) such deterioration demonstrates a failure in the larger sense of our conservation efforts, even though many successful conservation programs have been undertaken during the past many years by Federal, State and local governments and by private groups;

(4) safeguarding the environment—air, water and land—is a necessity to maintain conditions under which man and wildlife may continue to exist, to provide the raw materials essential to an expanding standard of living, and to maintain the beauty and usefulness for all purposes of our land;

(5) the responsibility of the Federal Government includes the exercise of leadership in water resource development, land management, ocean resource development, and air pollution abatement, as well as the operation of many programs and cooperation with State and local government and private groups in the carrying out of their resource management responsibilities; and

(6) the Federal agency structure which deals with natural resources grew up during a less demanding period of our history, and must be coordinated and reorganized if today's tasks are to be performed effectively.

DEPARTMENT OF NATURAL RESOURCES

SEC. 2. (a) There is hereby established at the seat of government, as an executive department of the United States Government, the Department of Natural Resources.

(b) The Secretary of Natural Resources may approve a seal of office for the Department, and judicial notice shall be taken of such seal.

PERSONNEL OF THE DEPARTMENT

SEC. 3. (a) There shall be at the head of the Department of Natural Resources a Secretary of Natural Resources (hereinafter referred to in this Act as the "Secretary"), who shall be appointed by the President, by and with the advice and consent of the Senate.

(b) There shall be in the Department of Natural Resources a Deputy Secretary of Natural Resources, who shall be appointed by the President, by and with the advice and consent of the Senate. The Deputy Secretary of Natural Resources (or, during the absence or disability of the Deputy Secretary, or in the event of a vacancy in the office of Deputy Secretary, an Under Secretary or the General Counsel of the Department, determined according to such order as the Secretary shall prescribe) shall act for, and exercise the powers of the Secretary, during the absence or disability of the Secretary or in the event of a vacancy in the office of Secretary. The Deputy Secretary shall perform such functions as the Secretary shall prescribe from time to time.

(c) There shall be in the Department of Natural Resources an Under Secretary of Natural Resources for Water, and an Under Secretary of Natural Resources for Lands, who shall be appointed by the President, by and with the advice and consent of the Senate.

(d) There shall be in the Department of Natural Resources a General Counsel, who shall be appointed by the President, by and with the advice and consent of the Senate. The General Counsel shall perform such functions as the Secretary shall prescribe from time to time.

(e) The Secretary is authorized to appoint and fix the compensation of such officers and employees, and prescribe their functions and duties, as may be necessary to carry out the purposes and functions of this Act.

(f) The Secretary may obtain the services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code.

TRANSFER OF FUNCTIONS TO DEPARTMENT

SEC. 4. (a) Except to the extent otherwise specifically provided by this Act, there are hereby transferred to the Secretary of Natural Resources all functions which were carried out immediately before the effective date of this Act by the Secretary of the Interior, including all functions of the Secretary of the Interior being administered by him through any agency, service, bureau, office, or other entity of the Department of the Interior.

(b) The functions of the Secretary of Health, Education, and Welfare under the Clean Air Act, as amended (42 U.S.C. 1857 et seq.), the Solid Waste Disposal Act (42 U.S.C. 3251), and all other air pollution control functions of such Secretary are transferred to the Secretary of Natural Resources.

(c) There are hereby transferred to the Secretary all functions which were carried out immediately before the effective date of this Act—

(1) (A) by the Forest Service, Department of Agriculture; or

(B) by the Secretary of Agriculture, insofar as the functions relate to functions transferred under this paragraph from such Service;

(2) (A) by the Soil Conservation Service, Department of Agriculture; or

(B) by the Secretary of Agriculture, insofar as the functions relate to functions transferred under this paragraph from such Service;

(3) (A) by the Corps of Engineers, Department of the Army, relating to civil works; or

(B) by the Secretary of the Army, insofar as the functions relate to functions transferred under this paragraph from such Corps of Engineers;

(4) (A) by the National Oceanographic Data Center, Department of the Navy; or

(B) by the Secretary of the Navy, insofar as the functions relate to functions transferred under this paragraph from such center;

(5) by the National Science Foundation under title II of the Marine Resources and Engineering Development Act of 1966 (80 Stat. 998) relating to sea grant programs.

(d) In time of war or such other national emergency as the President determines, he may transfer—

(1) the functions transferred under paragraph (3) of subsection (c) of this section, to the Secretary of the Army, and

(2) such personnel, assets, liabilities, contracts, property and records as he determines are used with respect to such functions to the Department of the Army. At the end of the war or the period of national emergency the President shall transfer such functions back to the Secretary of Natural Resources, together with such personnel, assets, liabilities, contracts, property and records.

TRANSFERS FROM THE DEPARTMENT OF THE INTERIOR

SEC. 5. (a) All functions of the Bureau of Indian Affairs in the Department of the Interior, and all functions of the Secretary of the Interior being administered through the Bureau of Indian Affairs, are transferred to the Secretary of Health, Education, and Welfare.

(b) All functions of the Office of Territories in the Department of the Interior, and all functions of the Secretary of the Interior being administered through the Office of Territories, are transferred to the Secretary of Health, Education, and Welfare.

SAVINGS PROVISIONS; MATTERS RELATING TO TRANSFER OF AGENCIES AND OFFICERS

SEC. 6. (a) All orders, determinations, rules, regulations, permits, contracts, certificates, licenses, and privileges—

(1) which have been issued, made, granted, or allowed to become effective in the exercise of functions which are transferred under this Act, by (A) any Federal instrumentality, any functions of which are transferred by this Act, or (B) any court of competent jurisdiction, and

(2) which are in effect at the time this Act takes effect, shall continue in effect according to their terms until modified, terminated, superseded, set aside, or repealed by the appropriate officer to whom such functions are so transferred, by any court of competent jurisdiction, or by operation of law.

(b) The provisions of this Act shall not affect any proceedings, pending at the time this section takes effect before any Federal instrumentality, functions of which are transferred by this Act; but such proceedings, to the extent that they relate to functions so transferred, shall be continued before such instrumentality. Such procedings, to the extent they do not relate to functions so transferred, shall be continued before the instrumentality before which they were pending at the time of such transfer. In either case orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted; and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or repealed by the appropriate officer to whom such functions are so transferred, by a court of competent jurisdiction, or by operation of law.

(c) (1) Except as provided in paragraph (2)—

(A) the provisions of this Act shall not affect suits commenced prior to the date this section takes effect, and

(B) in all such suits proceedings shall be had, appeals taken, and judgments rendered, in the same manner and effect as if this Act had not been enacted.

No suit, action, or other proceeding commenced by or against any officer in his official capacity as an officer of any Federal instrumentality, functions of which are transferred by this Act shall abate by reason of the enactment of this Act. No cause of action by or against any Federal instrumentality, functions of which are transferred by this Act, or by or against any officer thereof in his official capacity shall abate by reason of the enactment of this Act. Causes of actions, suits, or other proceedings may be asserted by or against the United States or such official of any such instrumentality as may be appropriate and, in any litigation pending when this section takes effect, the court may at any time, on its own motion or that of any party, enter an order which will give effect to the provisions of this subsection.

(2) If before the date on which this Act takes effect, any Federal instrumentality or officer thereof in his official capacity, is a party to a suit, and under this Act—

(A) such instrumentality is transferred, or

(B) any function of such instrumentality or officer is transferred,

then such suit shall be continued by the appropriate instrumentality (except in the case of a suit not involving functions transferred by this Act, in which case the suit shall be continued by the instrumentality or officer which was a party to the suit prior to the effective date of this Act).

(d) With respect to any function transferred by this Act and exercised after the effective date of this Act, reference in any other Federal law to any Federal instrumentality or officer so transferred or functions of which are so transferred shall be deemed to mean the instrumentality or officer in which such function is vested pursuant to this Act.

(e) Orders and actions of any Federal instrumentality or officer thereof, in the exercise of functions transferred under this

Act, shall be subject to judicial review to the same extent and in the same manner as if such orders and actions had been by the instrumentality or officer, exercising such functions, immediately preceding their transfer. Any statutory requirements, relating to notice, hearings, action upon the record, or administrative review that apply to any function transferred by this Act shall apply to the exercise of such function by any other officer of the United States pursuant to this Act.

(f) In the exercise of the functions transferred under this Act, the appropriate officer of the Federal instrumentality to which such functions were so transferred shall have the same authority as that vested in the officer exercising such functions immediately preceding their transfer, and such officer's actions in exercising such functions shall have the same force and effect as when exercised by such officer having such functions prior to their transfer pursuant to this Act.

TRANSFER OF AGENCIES AND OFFICES

SEC. 7. (a) All personnel, assets, liabilities, contracts, property, and records as are determined by the Director of the Bureau of the Budget to be employed, held, or used primarily in connection with any function transferred under the provisions of this Act, are transferred to the appropriate Secretary of the executive department to whom such function is transferred by this Act. Except as provided in subsection (b), personnel engaged in functions transferred under this Act shall be transferred in accordance with applicable laws and regulations relating to transfer of functions.

(b) In any case where all of the functions of any Federal instrumentality are transferred pursuant to this title, such instrumentality shall lapse.

TECHNICAL AMENDMENTS

SEC. 8. (a) Section 19(d)(1) of title 3, United States Code, is hereby amended by inserting before the period at the end thereof a comma and the following: "Secretary of Conservation and the Environment".

(b) Section 19(d)(1) of title 3, United States Code, is amended by deleting "Secretary of the Interior" and inserting in lieu thereof "Secretary of Natural Resources".

(c) Section 101 of title 5, United States Code, is amended by deleting "The Department of the Interior" and inserting in lieu thereof "The Department of Natural Resources".

(d) Subchapter II of chapter 53 of title 5, United States Code (relating to executive schedule pay rates), is amended as follows:

(1) Section 5312 is amended by deleting "(6) Secretary of the Interior" and inserting in lieu thereof "(6) Secretary of Natural Resources".

(2) Section 5313 is amended by adding at the end thereof the following:

"(20) Deputy Secretary of Natural Resources."

(3) Section 5314 is amended by deleting "(8) Under Secretary of the Interior." and inserting in lieu thereof the following:

"(8) Under Secretary of Natural Resources for Water."

"(8A) Under Secretary of Natural Resources for Land."

(4) Section 5315 is amended (1) by deleting "(18) Assistant Secretaries of the Interior (5).", and (2) by deleting "(42) Solicitor of the Department of the Interior." and inserting in lieu thereof "(42) General Counsel, Department of Natural Resources.".

(e) The first sentence of section 4(e) of the Federal Power Act (16 U.S.C. 797 (e)) is amended by (1) striking out "the Chief of Engineers and the Secretary of the Army", and inserting in lieu thereof "the Secretary of Natural Resources", and (2) inserting immediately before the period a colon and the following: "*Provided further*, That no license affecting the comprehensive plan of any river basin commission developed pursuant to the Water Resources Planning Act shall be issued until the plans of the dam or other structures affecting any such comprehensive plan have been approved by the Secretary of Natural Resources".

REPORT

SEC. 9. The Secretary shall, as soon as practicable after the end of each calendar year, make a report to the President for submission to the Congress on the activities of the Department during the preceding calendar year.

DEFINITION

SEC. 10. As used in this Act, the term—

(1) "function" or "functions" includes powers and duties; and

(2) "Federal instrumentality" means any executive department of the United States or any agency, bureau, office, service, or other entity therein.

DELEGATION OF FUNCTIONS

SEC. 11. Any officer of the United States to whom functions are transferred pursuant to this Act may delegate such functions, or part thereof, to such of his officers and employees as he may designate, may authorize such successive redelegations of such functions to his officers and employees as he may deem desirable and may make such rules and regulations as he may determine necessary to carry out such functions.

EFFECTIVE DATE: INITIAL APPOINTMENT OF OFFICERS

SEC. 12. (a) This Act shall take effect ninety days after the date of its enactment.

(b) Notwithstanding subsection (a) of this section, any of the officers provided for in section 3 of this Act may be appointed in the manner provided for in this Act, at any time after the date of enactment of this Act. Such officers shall be compensated from the date they first take office, at the rates provided for in this Act. Such compensation and related expenses of their offices shall be paid from funds available for the functions to be transferred pursuant to this Act.

EXHIBIT 1

[From the Washington (D.C.) Post, Mar. 5, 1969]

NIXON TO APPOINT GROUP ON U.S. REORGANIZATION

President Nixon will soon name a Federal commission on government reorganization to plan major changes in U.S. departments and agencies, White House officials reported yesterday.

The new commission similar in scope to the former Hoover Commission, was promised by Mr. Nixon in a radio address last June 27. One job of the new unit would be to seek ways to modernize existing agencies, Mr. Nixon said then. In addition, it would seek to transfer Federal functions to state and local governments where feasible, he said.

On Jan. 30, Mr. Nixon asked Congress to grant him authority previously given other presidents to reorganize Federal departments subject to Congressional veto. A two-year grant of such authority passed the Senate last Friday, and now is pending in the House Government Operations Committee.

United Press International reported yesterday that Mr. Nixon will send to Congress reorganization plans covering six of the Government's 12 cabinet departments—Health, Education and Welfare, Housing and Urban Development, Labor, Commerce, Agriculture and Interior. The disclosure was attributed to an unnamed White House aide "close to the Chief Executive's thinking."

Presidential Counsellor Arthur M. Burns said yesterday he knows of no such sweeping plans, and said any forecast of major reorganization actions would be "premature."

John Ehrlichman, counsel to the President, said he had no information supporting a forecast of major reorganization in the six departments. Dwight A. Ink, recently appointed assistant director of the Bureau of the Budget with special reorganization responsibility, said he had not yet formulated any recommendations for government reshuffles.

In an announcement naming Ink to his post Feb. 5, Mr. Nixon was said to be "very much concerned with overlapping activities in the Federal Government" and "deeply concerned about the complexity of governmental procedures.

In addition to Ink, whose appointment was said to be "an important step" toward government improvement. Mr. Nixon is advised about government organization by Roy L. Ash, president of Litton Industries, who has been acting as a special presidential consultant.

UNITED NATIONS STANDING COMMITTEE ON THE PEACEFUL USES OF THE SEABED AND THE OCEAN FLOOR BEYOND THE LIMITS OF NATIONAL JURISDICTION—APPOINTMENTS BY THE VICE PRESIDENT

The PRESIDING OFFICER (Mr. ALLEN in the chair). The Chair, on behalf of the Vice President, appoints the Senator from Rhode Island (Mr. PELL) and the Senator from Maryland (Mr. MATHIAS) to attend the meeting of the United Nations Standing Committee on the Peaceful Uses of the Seabed and the Ocean Floor Beyond the Limits of National Jurisdiction, to be held at New York, March 10 to 28, and August 11 to 28, 1969.

ORDER FOR RECESS TO MONDAY, MARCH 10, 1969

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until 12 o'clock noon on Monday next.

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

SENATE JOINT RESOLUTION 72—INTRODUCTION OF JOINT RESOLUTION RELATING TO PRESIDENTIAL ELECTION REFORMS

Mr. HATFIELD. Mr. President, I send to the desk a joint resolution to amend the Constitution of the United States relating to the nomination and election of the President and Vice President of the United States. I ask unanimous consent that the resolution be received and appropriately referred.

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

Mr. HATFIELD. Mr. President, when one candidly and courageously analyzes our present electoral system, he discovers that it is an intolerable imperfection of democracy. Our country was founded on the revolutionary principle that all the people of the land were to be given the power and control over their political system. Thomas Jefferson eloquently expressed this ideal when he stated:

> I know of no safe depository of the ultimate powers of society but the people themselves.

Yet, today, it is clear that the people are still denied the fundamental power of directly choosing their national leader.

Witness a national political convention. I do not mean to emphasize any partisan viewpoint in these comments; yet, I must point out that in the judgment of the American people, the party convention in Chicago in 1968 displayed a calculated attempt to suppress popular feeling by some of those who held power in that political party. The manipulative tactics employed by party bosses to achieve their goals in that convention were supplemented by the intolerant repression of dissent that took place on the streets of Chicago. During that disillusioning week in August it became evident to millions of voters that the political conventions regularly practice infidelity to the democratic trust they promise the people.

Perhaps the most revealing of all the public opinion polls during that election year was the Harris survey in September which indicated that a majority of the American people felt that both political parties had not nominated their best candidate. According to that survey, 57 percent of the American voters felt the convention system denied them the opportunity to choose the desirable candidate. That such a frustration of popular will should occur in the oldest and most advanced democracy of the modern world is a travesty of man's belief in his right and ability to rule himself.

Let us be clear about the situation. It is no exaggeration to say that the current method of nominating and electing our President amounts to nothing less than a betrayal of our Nation's democratic yearnings. I grant that in the past our democratic commitment may best have been expressed through these procedures. When communication was more difficult and information was not easily disseminated. But technological changes and the increased political sensitivity and participation of our citizenry have now made our present system the chief obstacle to the fulfillment of our Nation's democratic ideals. Let us never forget that our primary commitment must always be to the service of democracy—and never to the preservation of methods and institutions which, regardless of their previous value, have become the foes of the very cause they were designed to serve.

It is most regrettable that we, the political leaders, have been the last to acknowledge this drastic situation. The majority of the American people are resoundingly united in their opposition to our manipulative political conventions and archaic electoral college. In this day of divisiveness, it would be difficult to discover an issue which elicits more widespread popular agreement. Yet, the political process—and we who are its trusted guardians—remain impervious to the dominant demand for decisive change. We, the Members of Congress, who have been elected to our positions for our capacity to make careful judgments and to respond to the popular will, have, as a whole, neglected to do either with regard to this crucial issue.

It is alarmingly evident that growing numbers of people from all strata of society are losing their fundamental faith in our political process. Why do so many in our land, including most of our students, feel alienated from our political institutions? It is not because they fail to believe in democracy, but precisely because they do, and see it fail to function.

History counsels us that when evolution becomes impossible revolution becomes inevitable. Our country today is in the midst of a revolutionary upsurge that can never be suppressed by billy-clubs, bayonets, and admonishments to work within the system as long as that system remains hopelessly unresponsive to essential change. The loyal, active participation of all segments of society in our political life will come only when that process truly grants its power and control to the people it is pledged to serve. Is that too much to ask of our democracy?

The resolution I submit makes this fundamental proposal: Let the American people truly decide what candidates are nominated for President and who is elected to that office. Must we hesitate translating our political ideals into reality?

In considering changes in the methods of nominating and electing the President and Vice President of the United States, I urgently request that we first look to the Constitution and to the environment and atmosphere out of which the Constitution evolved. More specifically, our attention should be directed to the creation of the electoral college as a means by which our Presidents are elected. Just as we are divided and perplexed as to the proper method for reforming our presidential election system, the members of the Constitutional Convention of 1787 were also sundered and confused, as they undertook the task of determining the procedure by which the leader of the new republic would be selected. As stated by James Wilson of Pennsylvania:

> This subject (method of presidential selection) has greatly divided the House, and will also divide people out of doors. It is in truth the most difficult of all on which we have had to decide.

This predicament resulted in the introduction of numerous proposals for electing the President. Greatest attention was given to the election by Congress, by the people, and by presidential electors.

Since my resolution provides for the election of the President by "direct popular vote," let us concern ourselves with the Constitutional Convention's approach to that proposition. Almost instantly, opposition arose to this proposal centered around the notion that the people were incapable of determining the character, integrity, and other necessary qualifications of presidential candidates. George Mason of Virginia stated:

> It would be as unnatural to refer the choice of a proper character for Chief Magistrate to the people, as it would, to refer a trial of colours to a blind man. The extent of the country renders it impossible that the people can have the requisite capacity to judge of the respective pretensions of the candidates.

Mr. Mason's argument was apparently well taken in 1787. Nevertheless our technological progress now enables the instant communication of information and has created an environment radically different from the late 18th century. However, even among those great leaders who labored to construct the stately Nation that we have come to be, there was vigorous support for the election of the President by popular vote. Governor Morris, of Pennsylvania, declared:

> If the President is to be the Guardian of the people, then let him be appointed by the people.

Mr. Morris' remarks seem to have been buried in history; notwithstanding I come to you with hope that we can revitalize that proposition.

Since the rejection of the idea that Presidents be elected by popular vote and the inception of the electoral college, we have been fortunate in the caliber of our Presidents, though not as fortunate in the actual operation of the electoral college. Time and experience have clearly indicated that the electoral college has substantial defects which pose a serious threat to the stability of our presidential system. The nature of these deficiencies have been presented and debated before you on numerous occasions; nevertheless, I submit that this issue is no longer a mere topic of discussion on Capitol Hill, but rather the subject of ventilation among Americans regardless of their status. Therefore, I solicit your sincere objectivity as the inadequacies of the present system are enumerated.

It has been demonstrated at least three times that a candidate can win the popular vote and lose the election. In other words, a candidate can win a plurality of the popular vote cast, but if the popular vote does not give him a majority of the electoral votes, then he may lose the election. Such a result is attributed to the disproportions between the electoral and popular vote.

Each State, regardless of its population, is entitled to a minimum of three electoral votes. This and other circumstances cause the number of persons per electoral vote to vary from State to State; for example, it is one to 75,389 in Alaska; one to 260,452 in Arizona; one to 330,599 in Virginia; and one to 392,930 in California. However, this defect produces a predicament contrary to what would appear to logically follow; that is, a voter in a small State, such as Alaska, Nevada, or Vermont, can influence only three electoral votes as opposed to a voter in New York, where his vote can influence 43 electoral votes. Hence, the combined votes of New York and California equal the combined votes of 20 other States.

If a candidate can carry a plurality of each of the 11 largest States plus any other State, he wins the election. Those who believe that the electoral college somehow protects the interests of the smaller States seem, therefore, to be gravely mistaken. Careful analysts of this issue have concluded that neither the interests of the small States nor the large States would be unfairly affected by direct voting. This point is made for instance, by Mr. Tom Wicker of the New York Times and a recent Washington Post editorial. I ask unanimous consent that these articles be inserted in the RECORD at the end of my remarks.

Another disadvantage is derived from the manner in which the electoral votes are assigned where such is necessary to reflect changes in the population of the various States. The allocation of the

electoral votes is determined by the census. Censuses are taken every 10 years and become effective 2 years later. Therefore, the system operates to the disadvantage of voters in rapidly growing States.

A further reason for this disproportion was noted in a recent law review article:

> A state's electoral votes remain fixed regardless of whether one person or one million persons vote in the state. For example, in the 1964 election three times as many people voted in Delaware as in Alaska; yet each state cast three electoral votes. More people voted in New Jersey than in Texas; yet Texas had 25 electoral votes while New Jersey had only seventeen. In Alaska, 67,259 voters influenced the assignment of three electoral votes, at a ratio of one electoral vote for every 22,419 voters. In New York the ratio was one electoral vote for every 166,657 voters. In the 1960 election twice as many people voted in South Dakota as in Mississippi; yet Mississippi cast twice as many electoral votes as South Dakota.

I need only to mention the built-in inefficiency of the system permitting the "winner" of a State to "take all" and the "loser takes nothing," even though he may have 49 percent of the votes of the State cast in his favor. Why should a candidate receive 136 electoral votes in the States where he obtained only 2 million popular votes and no electoral votes for approximately another 6 million popular votes? Without resorting to extremes, one might easily view this process as an indirect means by which a candidate's votes are simply taken away and combined with those of his opponent. As stated by a former Senator of Missouri, Thomas Hart Benton, a leading advocate of electoral reform in the early 19th century:

> To lose their votes, is the fate of all minorities and it is their duty to submit; but this is not a case of votes lost, but of votes taken away, added to those of the majority, and given to a person to whom the minority is opposed.

I submit that the American people should not be compelled to continue tolerating such a disproportionate and inequitable arrangement.

The possibility that a candidate can receive less than a plurality of the popular vote and yet be elected President was alluded to earlier. This is a very real problem which has been demonstrated in the past and quite probably will occur again, unless our present system is reformed.

In 1824, although Andrew Jackson received more electoral and popular votes than did John Quincy Adams, but not the required majority of electoral votes, the election fell into the House of Representatives where Mr. Adams was elected President. Mr. Adams received a mere 31.9 percent of the popular vote while the loser, Mr. Jackson, carried 42.2 percent of the popular. Incidently, six States did not choose their electors by popular vote that year.

The election of 1876 made history when Samuel J. Tilden received a majority of more than 250,000 popular votes over Rutherford B. Hayes, but the returns of four States were contested. In order to resolve the dispute, a 15-man electoral commission was created. By a party vote of 8 to 7 the Commission ruled that Hayes had won the Presidency.

The electoral system disclosed to the American people another variation in 1888 when Grover Cleveland received a popular plurality of about 100,000 votes over Benjamin Harrison, but Cleveland's margin gave him only 168 electoral votes as opposed to Harrison's 233 electoral votes.

Neal R. Peirce states, in his treatise on the electoral college system that—

> Careful analysis shows that the danger of an electoral college misfire (of the popular-vote winner losing) is not just historical but immediate in any close contest.

Can we honestly ask the people to revive the fears of the system of chance and incertitude every 4 years? Elections are likely to continue to be close. Both parties spending much, both with mass TV saturation, both with professional advertising advice. It is the opinion of many that the disproportion between the popular and electoral votes demands the abolition of our present system.

If the electoral college does not function as our forefathers had intended, the House elects the President and the Senate the Vice President. However, there are inequities in this alternative also. When the election comes to the House, each State, regardless of population, has one vote and the votes of a majority of all the States is necessary to win the election.

In an election by the House, the five smallest States, with one Representative each and a combined population of less than 2 million, would have the same voting power as the five largest States, with a total of 154 Representatives and a combined population of 64 million. Alaska, with one Representative and a population of 226,167 would have the same influence as New York, with 41 Representatives and a population of 16,782,304. The 26 smallest States, with 76 Representatives—out of a national total of about 200 million—would be able to elect the President. Fifty-nine of the 76 Representatives would have it within their power to cast the votes of these States. The realities of the system, when disclosed through simple facts, must stimulate your sense of justice and fairness. Furthermore, the House alternative in no way compels the Members to cast their votes for the candidate who carried their district or State. This creates an opportunity for the Representatives to freely wheel and deal and the uncertainty as to who will be elected President continues indefinitely.

I would not like to be accused of using extremes to vindicate my arguments. Nevertheless the uniqueness of the 1876 election, to which I alluded before, is indicative of the deeply inherent defects which would result in another disaster during an era of great crises, both at home and abroad.

In the 1876 election, a controversy arose over the awarding of the electoral votes of Florida, Louisiana, South Carolina, and Oregon because each had sent double sets of elector returns to the President of the Senate. Party politics entered the picture when the Republican-controlled Senate and the Democratic-controlled House could not agree on which returns to accept. A constitutional issue was raised at the outset of the dispute, since the Constitution does not provide for such a predicament. Notwithstanding, in order to evade a confrontation of the issue, a joint committee was established to propose a possible means by which the question might be resolved.

The committee evolved a plan for an electoral commission consisting of seven Republicans, seven Democrats, and one independent, to decide the issue. Ten of the appointees were to be Members of Congress—five affiliated with each party—and five Supreme Court Justices with two from each party and the independent. Political maneuvers independent of those transpiring in Washington resulted in the disqualification of the alleged independent, David Davis, and left only two justices to choose from, both of whom were Republicans. Hayes forces began to lay the groundwork for his acceptance in the South by compromise and promises to the Democrats and eminent businessmen. Acknowledgement by the House Democrats of this Hayes' stratagem fizzled a House attempt to reject the Commission's resolution. We must note that the Commission served a dual purpose in that it resolved the dispute and prevented the Supreme Court from adjudicating on any litigation questioning the constitutionality of the Commission's creation or decision. This brief case-study of the Hayes-Tilden controversy clearly demonstrates the chance and uncertainties of the electoral college. The uncertainty lies in the numerous possible predicaments which would evolve from the present system. I ask whether, if a few votes, in such key States as Illinois and Missouri, had been recorded in the Democratic column rather than the Republican in our 1968 presidential election, would we have had an encore of the 1876 anomaly? We can reasonably conclude that in such a case the minority party candidate would have been in a position to decide the election, in the electoral college itself, by instructing his electors to vote for one of the major candidates, or in Congress, if he had the support of several State delegations.

As quoted earlier, "the office of President was too precious, too elevated, to be left to the whim of the common man, though he could express his preferences." Therefore, the Constitution provides no specific requirement binding electors to vote for the candidates of their parties and there is no legal means by which they could be forced to vote for their respective party candidates. In short, the electors could and have frustrated the will of the people.

A recent Fordam Law Review article suggests that:

> In 1960, Henry D. Irwin of Oklahoma was chosen as one of eleven Republican electors in his state. When Oklahoma's electoral college delegation met on December 19, 1960, Irwin voted for Senator Harry F. Byrd, who was not even a candidate for President. Four years earlier, in the election of 1956, the Democratic Party was the victim of the defection of another elector, W. F. Turner was selected as a Democratic elector in Alabama when Stevenson and Kefauver obtained 56.5 percent of the popular vote in that state. At the meeting of the Alabama electoral college, Turner broke his party oath and voted for one Walter B. Jones, stating: "I

have fulfilled my obligations to the people of Alabama. I am talking about the white people."

These isolated situations might seem somewhat remote; nevertheless, this is a very current problem, in view of Dr. Lloyd Bailey's defection to Governor Wallace in the 1968 election.

Since the Constitution empowers the State legislatures to determine the manner by which the electors are to be selected, they could also frustrate the will of the people. The classic example of the abuse of this power was a move by the Michigan Legislature in 1892. Assuming that the Republican ticket would carry the State and its electoral votes, the Democratic-controlled legislature changed the State's method of awarding electoral votes. A distinct system was formed so that each of the State's 12 congressional districts became a separate electoral district, with two districts at large. The enactment allowed the winner of the most popular votes in each district to receive one electoral vote. The Supreme Court sustained the legislature's exercise of power in McPherson against Blocker, where the court held:

The appointment and mode of appointment of electors belong exclusively to the states under the Constitution of the United States.

This is one example of how a State's electoral votes may be manipulated.

The voters of Alabama were not granted the opportunity to vote for the electors for Truman and Barkley in 1948 because the Democratic Party therein supported electors for another presidential candidate. Again in 1960, the will of the people was frustrated when the voters of Alabama could not cast a vote for single slate of electors pledged to the Democratic candidate; and in 1964 there was a repeat of the 1948 performance for the voters could not vote for any electors pledged to Mr. Johnson.

As we have seen, the list of defects of the electoral system is long. However, it has not been exhausted. Our Founding Fathers, to my knowledge, did not consider nor provide for the apparent uncertainty that would be created by the death of a candidate. In other words, if a candidate were to die—or withdraw—after the November voting and before the electors met in December, there would be uncertainty as to his successor. This eventuality would raise several questions: Would there be another national election? Would the parties nominate other candidates? Would the people accept the new candidates? Would the electors accept the new candidates? Would the new candidate approve of the vice-presidential candidate or would another have to be selected? How long would it take for Congress to decide how the issue might be resolved? Should the States ratify any decision made by Congress? These are but a few of the questions that could conceivably be raised, but the prime question is whether we should allow such incertitude to harass us. The Congress and the various States adopted the 20th and 25th amendments to resolve the problem of succession, and now I submit that we can and should adopt this resolution to resolve the multiplicity of defects inherent in the electoral college system.

Without doubt, the abolition of the electoral college would be a monumental change in our presidential election process. Nevertheless the arguments that I have advanced, and alluded to by others many times in the past, thoroughly justify this most needed reform. It has been advocated by such eminent bodies as the New York Times, the St. Louis Post-Dispatch, the Washington Post, Saturday Review, and a Commission of the American Bar Association on Electoral Reform. The resolution which I am introducing is consistent with the recommendation of the ABA's commission. The commission suggested a constitutional amendment requiring a popular plurality of at least 40 percent to be elected President and Vice President, and in the event no candidate received such a number, a runoff between the top two candidates.

The desire for reform of the system is held by the vast majority of Americans. A Gallup poll indicates that 81 percent of those interviewed are in favor of basing the election of the President on the popular vote throughout the Nation. Saturday Review contends that we should not have to depend upon tricky and antiquated procedures in electing a man to the most powerful office in the world. Their very valid argument might be buttressed by the Supreme Court's recognition, in Gray against Sanders, a 1962 decision, that the philosophy behind the electoral college belongs to a bygone age. A Fordham Law Review article very succinctly expressed the sound reasons why the college must be reformed with all deliberate speed. It stated:

The workings of the electoral college over a period of almost two centuries have demonstrated the compelling need for substantial reform . . . The reason which motivated the Framers to create the electoral college (system) no longer exist . . . The America of today is a highly industrialized and sophisticated society and the world's leader in free enterprise. . . And, most important, the principle of popular election has met the test of time so that today, in the United States, it is a cherished and firmly established principle of representative government . . . Not only have the reasons for the electoral college (system) long since vanished, but the institution has not fulfilled the design of the Framers . . . As it exists today, the nature of the Presidency demands that there be no election barrier between the President and the people . . . Because the President plays so large a role in the affairs of our nation, it is all the more essential that he be elected by a method which assures fair and equal votes for all and not by a method which could operate to frustrate the workings of democracy, undermine the office of President, and render suspect from the outset of his administration . . . (The ground work has been laid throughout our Republic's history for)—one man one vote. . . Surely, the time has arrived when we should recognize this principle in the election of our nation's two highest officials.

The direct election of the President, if adopted, will not alone do the job that is needed. Mr. Chalmers M. Roberts of the Washington Post has said:

It seems likely that the hearings (on the electoral college) will have to consider the entire presidential election process, not just the relatively simple idea of a constitutional amendment to provide for a direct popular vote.

In other words, we must consider presidential nomination reform along with presidential election reform.

The convention system came into being in the early 1800's: "When it began to supersede the more or less haphazard methods of self-nomination common in South, and the mass meeting or nomination by the candidate's friends used in the North."

The national convention, similar to what we have today, appeared in the 1830's and as stated by one historian, Eugene H. Roseboom:

Despite its defects, less evident then than later, it has remained fundamentally unchanged in general structure through over a century of usage.

Former President Dwight D. Eisenhower could hardly have been more graphic when he described the national party convention as: "Unmannerly, undignified, and ridiculous."

And concluded that:

In my opinion—and I think most Americans will agree—our Presidential nominating conventions have become a thoroughly disgraceful spectacle which can scarcely fail to appall our own voters and create a shockingly bad image of our country.

I believe that it is most unfortunate for all Americans that we are compelled to struggle with a system for nominating presidential candidates, that contained noted defects at its inception, and still plague us today. A recent Baltimore Sun article clearly pinpointed the problem. It stated that:

At the end of the confusing collection of presidential primaries now wrapped up for another 4 years, the prevailing and probably universal appraisal is that there must be a better way.

The sense of mummery becomes complete when, as now, the indication is strong that a nonbelligerent will step in at the nominating convention and sweep all the marbles from those who endured the travail of the primary election route . . . The disappointment of the primaries is that they so often fail to do what a half century ago it was confidently expected they would do, take presidential nominations away from the backroom boys and give them to the voters . . . Suggestions for a "better way" are always abundant, but collide with practical obstacles and ethical objections which so far have stopped them short.

While the better way has often been suggested in the past, the mood and tune of the country seems seasonable for whatever changes are deemed necessary. This attitude is accentuated by the strife created over the Vietnam war, racial extremism, crime in our streets, rioting on the college campuses, and the unwillingness of some delegates to both conventions and the American public to accept a "take it or leave it" choice. No patriotic American is happy about our fragmented image both at home and abroad. However, in a democratic society, the consensus of the people must be channeled through their leaders. Can the attitudes of the people be truly realized when they have little or no say as to who will be nominated for the "highest office in the land"? Such a question is being raised not only among the elite, the affluent, the intellectual, and the politician, but also among the middle class and the poor, the blacks and whites, and the young and old as well. These groups together embrace the majority of Amer-

icans. Therefore, it is imperative that we find a better system than one which permits a few loyal delegates or a boss-ridden convention to decide, by naming its party's presidential nominee, perhaps the fate of the world. Senator Estes Kefauver, one who fought vehemently for the adoption of the national direct primary once stated:

> The era of boss rule in American politics is fading. Every time the issue of bossism versus the American people is tested at the polls now, the bosses take another licking. Let's hand them a death blow by taking the Presidential elections out of the smoke-filled rooms and the rigged convention halls, and placing them, via the national primary method, firmly in the hands of the people.

Therefore, I submit that the hour has come when we must not only abolish the electoral college in the interest and discernment of the American people, but we must also place the presidential nominations "firmly in the hands of the people."

If we can stretch our imagination to envisage this very basic proposition, an issue may be raised as to the objectives of the nominating process other than the selection of the party's standard bearer. Any method for nominating Presidents, as enumerated by "Palsky and Wildavsky on Presidential Elections," should first, aid in preserving the two-party system; second, help secure vigorous competition between the parties; third, maintain some degree of cohesion and agreement within the parties; fourth, produce candidates who have a likelihood of winning voter support; fifth, lead to the choice of good men; and sixth, result in the acceptance of candidates as legitimate. Could these objectives be met if we were to have a direct national presidential primary? I am confident that they can be realized for the following reasons.

The primary election has become an established institution in the United States that works well in practice, and should be extended to the most important problem of presidential nominations. Candidates would be compelled to direct their appeal to the party electorate, and not merely the party hierarchy, throughout the country. Competitive two-party politics will assure the interest on the part of the voters necessary to the success of the direct national primary.

The direct national primary would nominate better qualified candidates. The field would be open to candidates without many years of experience in party organization and party activities. The voters would have a wider choice of candidates, including men of national stature in fields of activity not directly related to politics.

As ardent advocates of democracy, it is our task to seek better ways by which all Americans can play a role of significant importance in the democratic process. David, Moss & Goldman expressed in "The National Story" that "the nominating process should be democratized by letting the people participate directly in the choice of nominees." I concur wholeheartedly with their notion. As an informal procedure, the convention looks to certain areas and/or States of the country for its ideal nominee, to the exclusion of other areas. This is certainly an unfair approach. The characteristic of the national primary would be to give every State and its citizens an effective chance for the nomination by either party.

Advocates of the convention system have criticized the national direct primary by alleging that the prenominating campaigns might be exhausting for the candidates and expensive for their backers. I think that ways and means can be found to at least prevent these problems from exceeding their present scope. Most nominees of the convention system have had, in recent years, to begin working almost 4 years in advance of the convention by which they were nominated, which required great durability and heavy expenditures.

The elimination of the present nominating procedures and of the electoral college system will effect some savings which would offset some of the costs. In short, I believe that in the long run, the elimination of the electoral college and the adoption of the direct national primary could be made more economical than our present system of nomination and election of the President. But it is of first importance to adopt the system that is the most democratic. We certainly have the ingenuity and resources to then insure that no candidate faces inequities or unjust hindrances due to economic factors.

Probably the most repeated argument against the present nominating system is that the political convention is inevitably a boss-ridden travesty on popular institutions, intolerable and incurable. On the other hand, it is argued that a direct national primary would weaken the forces of cohesion that make a political party capable of assuming the responsibility for the conduct of the government. The proposal which I am making would eliminate presidential nomination from the convention procedures, but not the nomination of the Vice President or the articulation of the party platforms. Thus, the present convention system would be considerably reduced in scope but would retain sufficient functions important to a party's survival.

In our past political history many distinguished leaders of our Nation have advocated a direct national primary. Theodore Roosevelt for instance, suggested that candidates be nominated by means of a national presidential primary during his campaign of 1912. A year later President Woodrow Wilson realized the necessity for this reform in his message to Congress, when he stated:

> I turn now to a subject which I hope can be handled promptly and without serious controversy of any kind. I mean the method of selecting nominees for the Presidency of the United States. I feel confident that I do not misinterpret the wishes or the expectations of the country when I urge prompt enactment of legislation which will provide for primary elections throughout the country at which the voters of the several parties may choose the nominees for the Presidency without the intervention of nominating conventions.

In this contemporary day of dissent and upheaval, we do not hesitate to recite our democratic ideals and defend our political institutions. But I suggest that our Nation is better advised to implement those ideals and restructure our institutions. A new history is being written in our Nation today. Americans are realizing as never before that our country's priorities, direction, and destiny must be fundamentally responsive to all the people. There is an irreversible ambition for the realization of this Nation's best democratic visions. Let us grant the people the rightful responsibility they desire. Let us begin by allowing the people to truly select their own President.

Mr. President, I ask unanimous consent that an analysis of the resolution, the resolution itself, the Washington Post editorial, and the earlier mentioned article by Mr. Tom Wicker, be printed at this point in the RECORD.

The PRESIDING OFFICER. The joint resolution will be received and appropriately referred; and, without objection, the joint resolution and material will be printed in the RECORD, as requested by the Senator from Oregon.

The joint resolution (S.J. Res. 72) proposing an amendment to the Constitution of the United States relating to the nomination and election of the President and Vice President of the United States introduced by Mr. HATFIELD, 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. 72

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 for all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:

"ARTICLE —

"SECTION 1. The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years and, together with the Vice President, chosen for the same term, be elected as provided in this Constitution.

"SEC. 2. The official candidates of political parties for President shall be nominated at a primary election by direct popular vote. Voters in each State shall have the qualifications hereafter in this article provided, but, in the primary election each voter shall be eligible to vote only in the primary of the party of his registered affiliation.

"SEC. 3. No person shall be a candidate for nomination as a candidate for President except in the primary of the party of his registered affiliation, and his name shall be on that party's ballot in all the States if he shall have filed at the seat of the Government of the United States with the President of the Senate one or more petitions in support of his candidacy and the President of the Senate shall have determined that he is qualified under this article as a candidate for such nomination. A person shall be qualified as a candidate for such nomination only if (1) petitions so filed in support of his candidacy have been signed, on or after the first day in January of the year in which the next primary election for President is to be held, by a number of qualified voters, in any or all of the several States and the District of Columbia, equal in number to at least 1 per centum of the total number of votes cast throughout the United States for all candidates for President (or, in the case of the primary election first held after the ratification of this article, for electors of President and Vice President) in the most recent

previous presidential election, and (2) such petitions are filed with the President of the Senate not later than the first day of March of the year in which the next primary election for President is to be held, unless the Congress shall by law appoint a different day.

"Upon request made to the chief executive of any State or the District of Columbia by any person on whose behalf any such petition bearing signatures of residents of that State or District has been prepared in any year, the chief executive shall determine, and certify to the President of the Senate, the number of signatures appearing on such petition which are valid signatures of qualified voters of that State or District which have been placed upon that petition on or after the first day of January of that year.

"On or before the fifteenth day of March of each year in which a primary election is to be conducted for the nomination of candidates for President, unless the Congress shall by law appoint a different day, the President of the Senate shall certify to the chief executive of each State and the District of Columbia the name of each person who has qualified under this article as a candidate for such nomination and the name of the political party of such person.

"SEC. 4. The time of the primary election for the nomination of candidates for President shall be the same throughout the United States, and, unless the Congress shall by law appoint a different day, such primary election shall be held on the third Tuesday after the third Monday in May in the year preceding the expiration of the regular term of President and Vice President.

"SEC. 5. Within twenty days after the primary election, or at such time as the Congress may prescribe by law, the chief executive of each State and the District of Columbia shall make distinct lists of all persons of each political party for whom votes were cast, and the number of votes for each such person, which lists shall be signed, certified, and transmitted under the seal of such State or District to the Government of the United States directed to the President of the Senate, who, in the presence of the Speaker of the House of Representatives and the majority and minority leaders of both Houses of the Congress, shall forthwith open all certificates, count the votes, and cause to be published in an appropriate publication the aggregate number of votes cast for each person by the voters of the party of his registered affiliation. The person who shall have received the greatest number of votes cast by the voters of the party of his registered affiliation in all States and the District of Columbia shall be the official candidate of such party for President throughout the United States, if such number be a plurality amounting to at least 40 per centum of the total number of such votes cast.

"If no person receives at least 40 per centum of the total number of votes cast for candidates for nomination for President by the voters of a political party, the Congress shall provide by law, uniform throughout the United States, for a runoff election which shall be held, unless the Congress shall by law appoint a different day, on the third Tuesday after the third Monday in July next following the primary election, between the two persons who received the greatest number of votes cast for candidates for the presidential nomination by voters of such political party in the primary election. No person ineligible to vote in the primary election of any political party shall be eligible to vote in a runoff election of such political party.

"The result of any such runoff election shall be ascertained and declared in the manner provided by this section with respect to the primary election the result of which provided the occasion for such runoff election.

"Immediately upon the ascertainment of the name of the candidate of each political party for President, the President of the Senate shall certify the name of such candidate and party to the chief executive of each State and the District of Columbia.

"SEC. 6. Each political party for which the name of a presidential candidate shall have been determined pursuant to this article shall nominate a candidate for Vice President, who, when chosen, shall be the official candidate of such party for Vice President throughout the United States. No person constitutionally ineligible for the office of President shall be eligible for nomination as a candidate for the office of Vice President of the United States.

"The candidate of each political party for President shall certify forthwith to the chief executive of each State and the District of Columbia the name of the person chosen by that party as its official candidate for Vice President.

"SEC. 7. In the event of the death or resignation or disqualification of the official candidate of any political party for President, the person nominated by such political party for Vice President shall resign the vice-presidential nomination and shall be the official candidate of such party for President. In the event of the deaths or resignations or disqualifications of the official candidate of any political party for President and Vice President, or in the event of the death or resignation of the official candidate of any political party for Vice President, a national committee of such party shall designate such candidate or candidates, who shall then be deemed the official candidate or candidates of such party, but in choosing such candidate or candidates the vote shall be taken by States, the delegation from each State having one vote. A quorum for such purposes shall consist of a delegate or delegates from two-thirds of the several States, and a majority of all States shall be necessary to a choice.

"Whenever a substitute candidate of a political party for President or Vice President is designated by or chosen under this section, the chairman of the national committee of that party shall certify forthwith to the chief executive of each State and the District of Columbia the name of such candidate and the office for which he is the candidate of that party.

"SEC. 8. The places and manner of holding any primary election or runoff primary election under this article shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations. For purposes of this article the District of Columbia shall be considered as a State, and elections under this article shall be held in the District of Columbia in such manner as the Congress shall by law prescribe.

"SEC. 9. The electoral college system of electing the President and Vice President of the United States is hereby abolished. Unless the Congress shall by law appoint a different day, there shall be held in each State and in the District of Columbia on the first Tuesday after the first Monday in October in the year preceding the expiration of the term of President and Vice President an election in which the people thereof shall vote for President and for Vice President. In such election, each voter shall cast a single ballot for two persons who shall have been nominated, designated, or chosen as official candidates for said offices as provided by this article.

"The legislature of each State shall prescribe the places and manner of holding such election, but the Congress may at any time by law make or alter such regulations. The Congress shall prescribe the places and manner of holding such elections in the District of Columbia. There shall be included on the ballot in such election in each State and the District of Columbia the names of each pair of persons who shall have been nominated, designated, or chosen pursuant to this article as official candidates for the offices of President and Vice President.

"Within twenty days after the general election, or at such time as the Congress may prescribe by law, the chief executive of each State and the District of Columbia shall prepare, sign, certify, and transmit sealed to the seat of the Government of the United States, directed to the President of the Senate, a list of all persons for whom votes were cast for President and for Vice President, together with the number of votes cast for each.

"SEC. 10. On or before the tenth day of November following the general election, unless the Congress shall by law appoint a different day, the President of the Senate, in the presence of the Speaker of the House of Representatives and the majority and minority leaders of both Houses of the Congress, shall forthwith open all the certificates, count the votes, and cause to be published in an appropriate publication the aggregate number of votes cast for each pair of persons joined as candidates for President and Vice President. The persons joined as candidates for President and Vice President having the greatest number of votes in all States and the District of Columbia shall be declared elected President and Vice President, respectively, if such number be a plurality amounting to at least 40 per centum of the total number of votes certified. If none of the pairs of persons joined as candidates for President and Vice President shall have at least 40 per centum of the total number of votes certified, a runoff election shall be held between the two pairs of persons joined as candidates for President and Vice President, respectively, who received the highest number of votes certified.

"The Congress shall provide by law, uniform throughout the United States, for the conduct of any such runoff election, and, unless the Congress shall by law appoint a different day, it shall be held on the first Tuesday after the first Monday in December next following the general election. The result of any such runoff election shall be ascertained and declared in the manner provided by this article with respect to the election the result of which provided the occasion for the runoff election.

"SEC. 11. If, at the time fixed for the counting of the certified vote totals from the respective States the presidential candidate who would have been entitled to election as President shall have died, the vice-presidential candidate entitled to election as Vice President shall be declared elected President.

"The Congress shall provide by law, uniform throughout the United States, for new elections in the case of the death of both the persons who, except for their death, would have been entitled to become President and Vice President.

"SEC. 12. The Congress may provide by appropriate legislation for cases in which two or more candidates receive an equal number of votes and for methods of determining any dispute or controversy that may arise in the counting and canvassing of the votes cast in elections held in accordance with this article.

"SEC. 13. For the purposes of this article, the voters in each State shall have the qualifications requisite for electors of Members of the Congress from that State, but nothing in this article shall prohibit a State from adopting a less restrictive residence requirement for voting for President and Vice President than for such Members of the Congress, or prohibit the Congress from adopting uniform residence and age requirements for voting in such election. The Congress shall prescribe by law the qualifications of voters in the District of Columbia for the purposes of this article.

"SEC. 14. The Congress shall have power to enforce this article by appropriate legislation.

"SEC. 15. This article shall take effect on

the twenty-first day of January following its ratification, but shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the States within seven years from the date of its submission to the States by the Congress."

The analysis presented by Mr. HATFIELD is as follows:

ANALYSIS OF THE RESOLUTION

The resolution proposes an amendment to the Constitution of the United States relating to the nomination and election of the President and Vice-President of the United States.

On or after January 1, of the year of the next Presidential election, following adoption of the amendment, persons seeking to be placed on the ballot of their affiliated parties for the nomination of President of the United States shall submit a petition to the President of the Senate listing signatures of qualified voters of one (1) per centum of the total number of votes cast throughout the United States for all candidates for President in the most recent previous presidential election.

All certified candidates will be entered on the ballots of their respective parties for the primary election which is to be conducted on the third Tuesday after the third Monday in May. That candidate of each party who received a plurality of at least 40 per centum of the votes cast by the registered voters of the party will be the party's nominee for President. Any party having no candidate who received the requisite plurality will be required to submit the two candidates who received the greatest number of votes cast to a run-off election between them, and the winner of such will be the party's nominee for President. The nominees for Vice-President may be selected by a national convention of the respective parties.

The electoral college system of electing the President and Vice President of the United States is abolished. The President and Vice President, comprising a single ticket, will be elected by direct popular vote of the people on the first Tuedsay after the first Monday in October. In order to be elected, a presidential nominee must receive at least a plurality of 40 per centum of the vote cast and if no candidate received such requisite number, then a run-off will be held between the two presidential candidates receiving the highest number of votes cast and the winner of such run-off election will be President-elect of the United States.

The editorial presented by Mr. HATFIELD is as follows:

[From the Washington (D.C.) Post, Mar. 3, 1969]

CASE FOR THE DIRECT-ELECTION AMENDMENT

A strong case for electoral college reform is being built up in the hearings before the House Judiciary Committee and the Senate Subcommittee on Constitutional Amendments. The testimony taken thus far seems to constitute a mandate for change. While there is still much controversy over the nature of the constitutional amendment to be submitted to the states, the rising popularity of direct, popular election of the President and Vice President is impressive.

In a recent session before the House Judiciary Committee, William T. Gossett, president of the American Bar Association, seemed to us to demolish the chief arguments that have been made against a direct, popular election. The first of these arguments is that the smaller states, having an advantage in the president distribution of electoral votes (one for every Senator and Representative) will never give it up. Alaska, for example, has one presidential elector for each 75,389 persons; California, only one elector for each 392,930 inhabitants. Despite the unfairness of this favoritism for small states, it is said, those states will insist on clinging to their advantage.

But this, as Mr. Gossett has shown, is only one side of the coin. The general ticket system, which throws all the electoral votes of a state to the candidate who wins the popular vote in that state, greatly increases the power of the big states to determine the outcome. Some authorities insist that the individual citizen's chance to vote for 40 electors in California and only three in Alaska gives the big-state voter a greater impact on the outcome, John Banzhaf's analysis of voter power, with the aid of computers, indicates that a voter in the largest states has more than two and a half times as much chance to affect the outcome of a presidential election as a voter in one of the smaller states under the present system.

Beyond this is the fact that most of the presidential candidates come from the big states because of the importance of carrying those states in the electoral count. Under a direct-election system, these unnatural influences would be largely eliminated, and one man's vote would count for as much as any others. No doubt this is why the polls show that a direct-election amendment is popular in the small states as well as in the large ones and that it has the support of many small-state Senators and Representatives.

Mr. Gossett was equally forthright in his contention that direct election of the President would have no unfortunate repercussions on the two-party system. Indeed, he insisted that the electoral college, as it now operates, gives a great incentive to third parties. That was very pointedly demonstrated last fall when George Wallace made a strong appeal for votes on the ground that he and his supporters could assume a king-making role by the manipulation of electoral votes if neither of the major parties received an electoral majority.

In a direct election of the President, of course, there would be no electoral votes and therefore nothing to give a third-party candidate influence or standing beyond the actual votes cast for him at the polls. The president of the Bar Association concluded: "Close analysis proves that direct election will actually *strengthen* the two-party system—not weaken it—by removing special incentives to third parties and equalizing all voters throughout the Nation."

One strengthening factor would be the spread of the two-party system to the entire country. "Safe" Democratic or Republican states could no longer be taken for granted because whole states would no longer swing into one column or the other, but the presidential candidate of each would have only the actual votes directly cast for him by the people.

It is well to remember that the proposed amendment sponsored by the Bar Association and many others provides for a run-off election if no presidential candidate should obtain 40 per cent of the popular vote. This would eliminate the necessity for an election ever to be thrown into the House of Representatives. It would also have the effect of eliminating any third party in the run-off, if such a party should gain sufficient strength to deny the leading candidate 40 per cent of the vote, which is highly unlikely.

Mr. Gossett was a member of the Bar Association's committee which made an exhaustive study of the country's electoral problem. His comments should help to lay to rest many of the loose arguments that are being made against a system that would really let the people elect their own President.

[From the New York Times, Jan. 30, 1969]

IN THE NATION: SOME ARE MORE EQUAL, ET CETERA

(By Tom Wicker)

WASHINGTON, January 29.—After the fears aroused by the 1968 election, the time seemed as ripe as it would ever be for fundamental reform of the way in which we elect Presidents. But the time is never really ripe for fundamental reform, and the election effort is in danger of bogging down, for two predictable reasons.

One is that while most members of Congress and officials are for doing something, not enough are agreed on what it ought to be. The Senate subcommitte on constitutional amendments, for example, now lines up about as follows:

Senators Bayh of Indiana and Tydings of Maryland for direct popular election; Senators Ervin of North Carolina and Dodd of Connecticut for proportional division of a state's electoral votes according to its popular votes; Senator Hruska of Nebraska for assigning an electoral vote to each Congressional district; Senator Fong of Hawaii and Thurmond of South Carolina for either the proportional or the district plan; Senators Eastland of Mississippi and Dirksen of Illinois, fluid.

The other major problem is the ironic misconceptions many politicians hold, almost as articles of faith, about direct popular election—which happens to be the only reform plan that has great public support (79 percent in the latest Harris poll on the subject) and that would eliminate all, not just some, of the dangers of the Electoral College system.

These misconceptions, nevertheless, have produced an opposition to the direct voting plan that rests largely on two directly contradictory propositions, neither of which is true—that direct popular voting would damage the interests of the small states, or else that it would damage the interest of the large states. (Neither small nor large states, of course, have any necessary similarity of interests, not even rural or urban; Texas and Michigan are large states with substantial rural interests; Rhode Island and Connecticut are small but urban states.)

NO SMALL-STATE ADVANTAGE

The small-state argument holds no water at all. It is based on the fact that the automatic assignment of at least two electoral votes to every state gives greater proportional representation in the Electoral College to the voters of sparsely populated states. Alaska, for instance, gets one electoral vote for only 75,389 persons, while California gets one for 392,930 persons. This looks good on paper; but in politics Alaska's "advantage" is worth less than Wally Hickel's standing with the Sierra Club. California still casts forty electoral votes to Alaska's three. And anyone who doesn't understand what that means need only count how many Presidential candidates visited Nome or Fairbanks last year.

POPULAR VOTE BENEFIT

In fact, the twelve largest states in the Electoral College could choose a President with 281 votes, no matter what the other 38 states did. And the power of Alaskans and other small-state residents in a Presidential election would be substantially enhanced, not reduced, by direct popular voting. That is because, under the system in which a state popular-vote winner takes all of that state's electoral votes, the ballots of those who supported the loser are completely negated; in popular voting, they would be counted equally with the votes of every other voter in every other state.

This does not mean, however, that the people of the big states would be damaged by popular voting—although it is true that the ability of those states to dominate the Electoral College (which they have in fact seldom done; witness 1968) would be reduced. These states would remain the major population centers, and Presidential candidates would continue, in Barry Goldwater's phrase, to "hunt ducks where the ducks are." Does anyone imagine that New York and California would not remain the prime hunting grounds of Presidential candidates? Or that candidates and Presidents would

not conduct themselves generally in such a manner as to appeal to urban voters?

While urban-based minority groups might lose some of their power over big blocks of electoral votes, is there any longer a justification for that advantage now that the one-man, one-vote rulings are putting an end to rural-dominated state legislatures? *All* minority-group votes would be counted, moreover, under the direct election plan; those of blacks who voted for Hubert Humphrey in Illinois, for example, were negated when Richard Nixon took all that state's electoral votes in 1968.

Neither the small states nor the large states, in short, would suffer from direct voting. The people of one would only become as important as the people of the other—no more and no less.

EXECUTIVE SESSION

Mr. BYRD of West Virginia. Mr. President, I move that the Senate return to executive session for the further consideration of executive business.

The motion was agreed to; and the Senate resumed the consideration of executive business.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, for the information of Senators, what will be the business before the Senate when it again convenes on Monday next?

The PRESIDING OFFICER. The Treaty on the Nonproliferation of Nuclear Weapons.

Mr. BYRD of West Virginia. I thank the Chair.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

RECESS TO MONDAY

Mr. BYRD of West Virginia. Mr. President, if there is no further business to come before the Senate, I move, in accordance with the previous order, that the Senate, in executive session, stand in recess until 12 o'clock noon on Monday next.

The motion was agreed to; and (at 5 o'clock and 1 minute p.m.) the Senate, in executive session, recessed until Monday, March 10, 1969, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate, March 6, 1969:

COMMUNITY RELATIONS SERVICE

Benjamin F. Holman, of the District of Columbia, to be Director, Community Relations Service, for the term of 4 years, vice Roger W. Wilkins.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Thomas O. Paine, of California, to be Administrator of the National Aeronautics and Space Administration.

DEPARTMENT OF LABOR

Robert D. Moran, of Massachusetts, to be Administrator of the Wage and Hour Division, Department of Labor.

FEDERAL AVIATION ADMINISTRATION

John H. Shaffer, of Maryland, to be Administrator of the Federal Aviation Administration.

FEDERAL RAILROAD ADMINISTRATION

Reginald Norman Whitman, of Minnesota, to be Administrator of the Federal Railroad Administration.

URBAN MASS TRANSPORTATION

Carlos C. Villarreal, of California, to be Urban Mass Transportation Administrator.

CENTRAL INTELLIGENCE AGENCY

Lt. Gen. Robert E. Cushman, Jr., U.S. Marine Corps, to be Deputy Director, Central Intelligence Agency, with his current rank of lieutenant general while so serving.

IN THE ARMY

The following-named officer under the provisions of title 10, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 3066, in grade as follows:

To be lieutenant general

Maj. Gen. Oren Eugene Hurlbut, XXXXXX

IN THE NAVY

The following-named Reserve officers of the U.S. Navy for permanent promotion to the grade of rear admiral:

LINE

Don C. Bowman, Jr.
Robert P. Owens
William H. Longley
Edwin J. Zimmermann, Jr.

MEDICAL CORPS

George H. Reifenstein

SUPPLY CORPS

George F. Baughman
Heinz H. Loeffler

CIVIL ENGINEER CORPS

Arthur H. Padula

DENTAL CORPS

Harry G. Ewart

The following-named officers of the Navy for permanent promotion to the grade of rear admiral:

LINE

Harvey P. Lanaham	John P. Weinel
Lawrence G. Bernard	Sheldon H. Kinney
Lester E. Hubbell	Herman J. Trum III
Eugene G. Fairfax	William R. McKinney
Means Johnston, Jr.	Julian T. Burke, Jr.
Alexander S. Goodfellow, Jr.	George S. Morrison
	Roderick O. Middleton
Horace H. Epes, Jr.	Herbert H. Anderson
Thomas R. Weschler	Damon W. Cooper
Malcolm W. Cagle	Frank B. Stone
Pierre N. Charbonnet, Jr.	Harold E. Shear
	William D. Houser
Gene R. La Rocque	Raymond E. Peet
Percival W. Jackson	Mark W. Woods
Victor A. Dybdal	Paul L. Lacy, Jr.
George R. Muse	James L. Holloway III
Roger W. Paine, Jr.	Daniel K. Weitzenfeld
James A. Dare	Norbert Frankenberger
Harry L. Harty, Jr.	
James L. Abbot, Jr.	Albert H. Clanecy, Jr.
Francis J. Fitzpatrick	Thomas B. Owen
Emmett P. Bonner	

MEDICAL CORPS

Felix P. Ballenger

SUPPLY CORPS

Paul F. Cosgrove, Jr.	Roland Rieve
Grover C. Heffner	Stuart H. Smith
Elliott Bloxom	

CIVIL ENGINEER CORPS

Paul E. Seufer
Spencer R. Smith
James V. Bartlett

DENTAL CORPS

Myron G. Turner

IN THE MARINE CORPS

The following-named officers of the Marine Corps for permanent appointment to the grade of colonel:

Bennett W. Alford	Charles F. Langley
George A. Babe	Charles R. La Rouche
Lonnie P. Baites	Burton L. Lucas, Jr.
Robert E. Barde	Charles H. Ludden
James B. Barrett	Edward H. P. Lynk
LeRoy C. Barton	Kenneth McLennan
Samuel G. Beal	Theodore E. Metzger
Nalton M. Bennett	Bruce F. Myers
Kenneth R. Bland	Neil B. Mills
Clarence W. Boyd, Jr.	John Misiewicz
Ralph E. Brandel	Clarence G. Moody, Jr.
George R. Brier	
Thomas W. Burke	Roger A. Morris
Charles R. Burroughs	Charles R. Munn, Jr.
Jack H. Butler	Cleon E. Nesbitt
Robert W. Calvert	John P. O'Connell
Stanley H. Carpenter	Verne L. Oliver
Fred D. Chapman	Lavern J. Oltmer
David A. Clement	Kenny C. Palmer
Ralph K. Culver	Edward A. Parnell
John A. Daskalakis	Harold L. Parsons
John R. De Barr	Robert J. Perrich
William E. Deeds	Philip G. Pickett
Donald R. Dempster	Robert M. Platt
Frank R. De Normandie	Arthur J. Poillon
	Herbert Preston, Jr.
William F. Dyroff	Charles B. Redman
Don D. Ezell	Ernest R. Reid, Jr.
Clayton C. Fenton, Jr.	James H. Reid, Jr.
	Knowlton P. Rice
Kenneth G. Fiegener	Dayton Robinson, Jr.
Joseph R. Fisher	Glenn W. Rodney
Robert A. Foyle	Maurice Rose
Steve Furimsky, Jr.	Richard A. Savage
John R. Gill	John L. Schwartz
William F. Goggin	Charles M. See
Eugene V. Goldston	Thomas C. Shanahan
Paul B. Haigwood	Lemuel C. Shepherd III
Donald L. Hall	
Robert T. Hanifin, Jr.	Robert L. Shuford
Frank W. Harris III	John B. Sims
Howard H. Harris	James A. Sloan
Neal E. Heffernan	William L. Smith
Clayton V. Hendricks	Michael M. Spark
Thomas J. Holt	Paul G. Stavridis
Richard D. Humphreys	William W. Storm III
Clyde W. Hunter	Lewis C. Street III
Alfred L. V. Ingram	Charles H. Sullivan
Curtis A. James, Jr.	Samuel Taub, Jr.
Manning T. Jannell	Alfred C. Taves
Clark V. Judge	Robert J. Thomas
Gene S. Keller	Edmund Valdes
Gordon H. Keller, Jr.	Jo M. Van Meter
Joseph J. Kelly	William M. Van Zuyen
William E. Kerrigan	Ewald A. Vomorde, Jr.
John W. Kirkland	James A. Weizenegger
Lee A. Kirstein	Howard A. Westphall
Harrol Kiser	Edward A. Wilcox
Joseph Koler, Jr.	Robert R. Wilson
Paul D. Lafond	Frederick S. Wood

The following-named officers of the Marine Corps for permanent appointment to the grade of lieutenant colonel:

Vincent A. Albers, Jr.	Ray H. Bell
Dan C. Alexander	Charles M. Bengele, Jr.
Albert N. Allen	
Terence M. Allen	Joseph P. Beno
James O. Allison	William D. Benton
Warren L. Ammentorp	Donald R. Berg
William D. Anderson	Henry C. Bergmann
Francis Andriliunas	William F. Bethel
Kermit W. Andrus	James H. Bird, Jr.
Leon N. Angelo	Harold L. Blanton, Jr.
Glen S. Aspinwall	
Donald R. Austgen	Nicholas K. Bodnar
Earl W. Bailey	Charles F. Bogg
Garnett R. Bailey	Walter F. Bowron
James D. Bailey	John R. Braddon
Howard G. Balogh	Albert E. Brewster, Jr.
Glen H. Barlow	Horace A. Bruce
Sydney H. Batchelder, Jr.	William E. Bucher
	John G. Buckman
William H. Bates	William E. Buckon
Andrew D. Beach	William L. Buergey

Michael Burin
Richard R. Burritt
Richard A. Cash
Ernest C. Cheatham, Jr.
Jerry P. Chene
Frank A. Clark
Franklin W. Coates
Dwain A. Colby
Francis X. Colleton
Charles W. Collier
James F. Conlon
Gorton C. Cook
Howard L. Cook
Robert W. Cooney
Gregory A. Corliss
Gerald B. Cornwall
Frank P. Costello, Jr.
John W. Cottom
Richard W. Coulter
John V. Cox
Stanley D. Cox
George B. Crist
Richard L. Critz
Richard F. Daley
Jack W. Davis
Marvin E. Day
John M. Dean
Joseph De Prima
Victor R. De Schuytner
James G. Doss, Jr.
Francis E. Doud
Robert Drovedahl
Daniel M. Duffield, Jr.
Ronald P. Dunwell
John H. Dunn
Ronald P. Eckmann
Hans G. Edebohls
Thomas C. Edwards
Earl T. Elstner
Rodolfo R. Enderle
Samuel E. Englehart
John T. Enoch
Thomas B. Epps, Sr.
Harold J. Field, Jr.
Ralph D. First
Lawrence W. Fisher
Edward F. Fitzgerald
John J. Flynn
Karl J. Fontenot, Jr.
David D. Francis
Hubert I. Frey
Donald J. Fulham
Robert A. Fuller
Malcolm C. Gaffen
Kenneth C. Garner
Vincent J. Gentile
Paul K. German, Jr.
Charles R. Gibson
Richard O. Gillick
James E. Gillis
Donald E. Gillum
Sam M. Gipson, Jr.
Robert F. Glancy
George O. Goodson, Jr.
John F. Gould, Jr.
Edward T. Graham, Jr.
Marcus J. Gravel
Alfred M. Gray, Jr.
Dwayne Gray
Thomas F. Gray
Johnny O. Gregerson
Thomas L. Griffin, Jr.
Frederick E. Grube
Gerald F. Guay
Donald E. Gunther
Bernard V. Gustitis
Harry T. Hagaman
Robert G. Haggard
William P. Haight
William J. Hallisey, Jr.
Herbert J. Harkey, Jr.
Gale Harlan
John B. Harris
Robert H. Harter
Francis J. Heath, Jr.
Robert W. Heesch
James F. Helsel
Joseph E. Hennegan
Charles W. Henry, Jr.
James H. Higgins
Rollin E. Hippler
Ervin E. Hodges
Charles W. Hoffner
Robert E. Hofstetter
William F. Hohmann
John S. Hollingshead
John S. Hollis
Preston E. Howell
Ernest A. Huerlimann, Jr.
Sidney A. Huguenin, Jr.
Maurice Hunter
Richard L. Hyland
John W. Irion, Jr.
Edward C. Johnson
Floyd J. Johnson, Jr.
Frederick S. Johnson
Paul M. Johnston
Joseph F. Jones
Vernon E. Jones
Bernard A. Kaasmann
Raymond H. Kansier
Floyd A. Karker, Jr.
Harold J. Keeling
Thomas J. Kelly
Harold L. Kendrick
Hugh T. Kennedy
Ralph F. Kenyon
Richard J. Kern
Charles A. King, Jr.
James P. King
John A. Kinniburgh
James C. Klinedinst
Roy E. Krieger
Richard A. Kuci
Ray G. Kummerow
John S. Kyle
Edward A. Laning
George P. Lawler
George M. Lawrence, Jr.
Joseph R. Lepp
Robert W. Lewis
Clifford A. Lindell
Prentice A. Lindsay
Robert A. Lindsley
Homer L. Litzenberg III
Stanley J. Loferski
John C. Love
Jackson R. Luckett
Ronald J. Lynch
Robert J. Lyons
Joseph A. MacInnis
James E. Maher, Jr.
Everett L. Malmgren
Martin F. Manning, Jr.
Paul A. Manning
Jesoph J. Marron
Thomas E. Mattimoe
Edward K. Maxwell
John R. McCandless
John F. McCarthy, Jr.
Eugene C. McCarthy
Bertram W. McCauley
Frederick J. McEwan
Vincent P. McGlone
Robert W. McInnis
Philip G. McIntyre
Roland D. McKee
Walter J. McManus
David R. McMillan, Jr.
Don A. Mickle
Robert L. Milbrad
Hubert E. Miller
Donald L. Mitchell
Ralph F. Moody
Wendell P. C. Morgenthaler, Jr.
Dean H. Morley
Edward C. Morris
Wilbur J. Morris
Donald R. Navorska
Charles L. Nesbit
Charles C. Newmark
Bruce C. Ogilvie
Arthur S. Ohlgren
James H. Olds
Joseph H. Oliver, Jr.
Donald P. Ostlund
Wilford E. Overgaard
Evan L. Parker, Jr.
Landon W. Parker
Victor E. Patrick
James R. Penny
Horacio E. Perea
Frank E. Petersen, Jr.
Rhys J. Phillips, Jr.
John Phillips
Jimmie R. Phillips
Bayard S. Pickett
Earl F. Pierson, Jr.
Paul P. Pirhalla
James R. Plummer
Gerald H. Polakoff
Rollin R. Powell, Jr.
Robert E. Presson
Joseph V. Price
Ronald M. Proudfoot
Daniel J. Quick
Thomas M. Reedy
James R. A. Rehfus
Martin B. Reilly
Donald L. Rice
Wesley H. Rice
William E. Riley, Jr.
Fred C. Rilling, Jr.
George H. Ripley
John F. Roche III
Carlo Romano
Richard E. Romine
William E. Rudolph
George V. Ruos, Jr.
Dale W. Sanford
Jacque L. Saul
Melvin H. Sautter
Joseph Scoppa, Jr.
John A. Scott
John E. Seissiger
Rufus A. Seymour
Harold G. Shaklee
James L. Shanahan
Arthur B. Shilan
William D. Shippen
Don J. Slee
Conway J. Smith
John K. Smola
Bradley S. Snell
Billy R. Standley
Robert W. Stark
Raymond B. Steele
Melvin J. Steinberg
Roderick M. Stewart
John C. Studt
Rudolf S. Sutter
Robert E. Switzer
Vernon L. Sylvester
Richard D. Taber, Sr.
Spencer F. Thomas
William J. Thomas
David S. Tolle
John J. Tolnay
Kyle W. Townsend
Robert M. Tremmel
Stanley G. Tribe, Jr.
Frank P. Turner
James R. Van Den Eizen
Billy F. Visage
Henry R. Vitali
Douglas A. Wagner
Dallas R. Walker
Phillip C. Walker
George W. Ward
John E. Weber, Jr.
Joseph K. Weiland
William Weise
Joseph J. Went
Walter A. Weston
Albert Whalley
Michael E. White
George A. Wickman
Kenneth W. Williams
George M. Wilson
Charles R. Winfield
Lewis C. Witt
Herbert L. Wright

The following-named officers of the Marine Corps for permanent appointment to the grade of major:

Louis R. Abraham
Frank P. Accomando
Richard J. Adams
Robert T. Adams
Thomas G. Adams
Constantine Albans
Francis R. Allen
Harold J. Alwan
Ira C. Anderson
Dennis N. Anderson
Ronald C. Andreas
William D. Andrews
Harold L. Angle
Robert L. Baggett
Richard C. Bagley, Jr.
George A. Baker III
Rolan E. Banks
Michael J. Barkovich
William H. Barnard
Rafael A. Becerra, Jr.
Peter S. Beck
Raymond A. Becker
Norbert J. Beckman
Wayne V. Bjork
Clay D. Blackwell
Lynde D. Blair
Donald H. Bode
Lawrence G. Bohlen
James L. Bolton
Jerry T. Bowlin
Edward H. Boyd
Richard G. Braun
Robert O. Broad, Jr.
Donald D. Brooks
Richard H. Brown
John J. Burke, Jr.
Mervyn J. Burns
Peter M. Busch
Joseph C. Byram, Jr.
John J. Caldas, Jr.
Dougal A. Cameron III
Charles E. Cannon
Robert F. Captor
John D. Carlton
Robert T. Carney
Donald S. Carr
Frederic S. Carr, Jr.
Edward P. Carroll
John E. Carroll, Jr.
Donald E. Cathcart
David A. Caylor
Charles W. Chain III
Howard Chapin
Charles H. Ciuba
Edward E. Clanton
Dale H. Clark
George Clark
Paul N. Cloutier
Joseph F. Cody, Jr.
Billy D. Collins
Garrett L. Collins
Harry Collins II
Fred J. Cone
Jeremiah P. Connors
Thomas F. Conway
Roy G. Corbett
John M. Coykendall
Forrest W. Crone
Timothy J. Cronin, Jr.
Donald F. Crowe
Frank Cruz, Jr.
James L. Cunningham
Robert F. Daas
John R. Dailey
Edward E. Dauster
Gary A. Davis
William O. Day
John F. Delaney
John Dermody
Harold J. Difiore
Charles A. Dixon
William C. Doerner
Thomas C. Dolson
John B. Donovan, Jr.
Walter J. Donovan, Jr.
Richard T. Douglas
Edmund H. Dowling
David E. Downing
Charles M. Doyle
Bruce W. Driscoll
Carl H. Dubac
John L. Eddy
Allen R Edens
Fred L. Edwards, Jr.
Wallace H. Ekholm, Jr.
Gerald L. Ellis
Bernon R. Erickson
John A. Eskam
William R. Etter
John S Evans
Alex E. Fazekas
James E. Felker
Harris J. Fennell
Warren A. Ferdinand
William G. Ficere, Jr.
Arthur P. Finlon
Robert C. Finn
Pat D. Ford
Robert L. Formanek
Stephen R. Foulger
Marcus T. Fountain, Jr.
John P. Fox
Carroll R. Franklin
Ray M. Franklin
James H. Fraser
Paul E. Fraser, Jr.
Joseph A. Frasier, III
Ronald D. Fredericks
Robert A. Freeman
John D. Friske
Laurence S. Fry
Harry H. Gast, Jr.
Barker P. Germagian
James A. Getchell
Hendrik A. Gideonse
Philip T. Goetz
James T. Gordon
Donnie M. Griffay
Roy M. Gulick, Jr.
Robert C. Hall
George S. Hamilton
Charles T. Hampton
Thomas W. Hancock, Jr.
Don K. Hanna
William W. Harding, Jr.
Milton D. Harnden
Richard O. Harper
Michael H. Harrington
Donald J. Hatch
Charles D. Hatfield
Karl R. Heiser
Donald W. Henderson
John W. Henry, Jr.
Richard T. Henry
William T. Hewes
John M. Hey
Robert A. Hickethier
Jimmie A. Hicks
Victor E. Hobbs
Gregory G. Hoen
Eugene A. Homer, Jr.
John I. Hopkins
Malcolm T. Hornsby, Jr.
Charles H. Houder, Jr.
Thomas C. Houston
Virgil R. Hughes
Harry A. Hunt, Jr.
Harold V. Huston
Ralph S. Huston
Donald E. Jacobsen
Eugene S. Jaczko, Jr.
James D. Jahn
Gerald D. James
Walter M. Jastrzemski
David D. Johns
Bruce W. Johnson
Lester E. Johnson
Robert C. Johnson
Ralph K. Johnson
Richard A. Joralmon
Robert M. Jordon
Carl W. Kachauskas
Orville R. Kartchner
Arthur C. Katen
John F. Keane, Jr.
Jesse N. Keathley
John M. Keenan
William L. Kent
Richard J. Kenworthy
Donald E. Kirby
James P. Kizer
Cloyd H. Klingensmith
Charles E. Knettles
Frank P. Knight
Raymond M. Kostesky
Ronald G. Kropp
Kenneth W. Langford
Neil M. Larimer II
Jerry W. Ledin
Alex Lee
Howard V. Lee
Victor M. Lee
Russell E. Leva
Robert L. Le Van
Dale E. Lewis
Franklin J. Lewis
Charles M. Lively
Perry T. Llewellyn
Robert H. Lockwood
Edward H. Loney
Howard L. Long
William H. Long
Edmund P. Looney, Jr.
Arthur P. Loring, Jr.
Thomas P. Lougheed
James L. Ludlow
Bruce D. Luedke
Darwin D. Lundberg
Morris W. Lutes
Jarvis D. Lynch, Jr.
Thomas K. Lynch
Chester V. Lynn, Jr.
Harry T. Marren
Lawrence A. Marshall
Bruce A. Martin
Delbert M. Martin
Joel A. Martin
John A. Martin
Jerry W. Marvel
Josephus L. Mavretic
John T. Maxwell, Jr.
Donald J. McCarthy
Patrick J. McCarthy
James A. McCarty
James J. McCoart, Jr.
Clarence E. McDaniel
Richard J. McGan
Garnett McGrady
William J. McGrath
William E. McKenna, Jr.
William J. McManus
George V. Memmer
Donald D. Mikkelson
James K. Miller
Neil P. Miller
Ralph D. Miller
Robert F. Milligan
Robert G. Mitchell
Jack P. Monroe, Jr.
Harvey J. Morgan
Robert T. Motherway
Robert D. Mulcahy
Frank C. Mullen, Jr.
Michael J. Mulrooney
David H. Murch
Douglas G. Murphy
James B. Murtland III
Marvin R. Nelson
Carl W. Newton
Lloyd B. Nice
Donald L. Nichols
John L. Nolan
Richard A. Noll
Ronald E. Norman
Richard J. O'Brien
Robert L. O'Brien
Don J. Ogden
Curtis W. Olson
Robert P. O'Neal

Patrick E. O'Toole
Ronald L. Owen
Dorsie D. Page, Jr.
Homer R. Palmateer
Carroll A. Palmore
Ralph K. Park
John B. Parker
William K. Parker
Ronald H. Patterson, Jr.
Clarence R. Perry
Lee A. Peterson
Robert L. Peterson
J. W. Phelps
Reed Phillips, Jr.
James M. Pierce
John L. Pipa
Arthur S. Piper
David M. Pirnie
Albert Pitt
Gary L. Poorman
Earle G. Poronto
Charles R. Porter
Robert R. Porter
Lee A. Preble
William G. Price
Robert N. Rackham
Mischa Rader
Henry R. Raines
David A. Ramsey
John T. Rapp
Ralph L. Reed
John A. Reese, Jr.
Frank C. Regan, Jr.
James K. Reilly
William J. Reilly, Jr.
James L. Rhodes
James F. Rice
James L. Roach
William B. Rourke, Jr.
Eugene B. Russell
Colin J. Ruthven
Edwin Sahaydak
Joe P. Sanders
Louis G. Sasso
James R. Scafe
Donald E. Schaet
James M. Schmidt
Lawrence A. Schneider
Jack T. Schultz
James A. Schumacher
John A. Schuyler
Marvin E. Schwaninger
Charles J. Seals, Jr.
Henry L. Searle
Donald R. Seay
Robert L. Sfreddo
Paul J. Shank, Jr.
Robert F. Sheridan
Richard T. Shigley
James S. Shillinglaw
Harry R. Shortt
Lionel V. Silva
Raymond L. Simonsen
Richard J. Skelton
Barry F. Skinner
Phillip G. Slough
John Smallman
Norman H. Smith
Robert W. Smith
William D. Smith
Keith E. Soesbe
Carl Solomonson, Jr.
Robert P. Spaete
Early W. Spiars
Roger A. Splean
Richard T. Spooner
Richard H. Stableford
Robert M. Stauffer
Orlo K. Steele
Michael E. Stein
Hardy R. Stennis
Charles E. Stevens
Edward E. Stith
Walter L. Strain
Gordon D. Strand
Michael P. Sullivan
M. R. Svec
James E. Swab
Carter P. Swenson
Leonard J. Szafranski, Jr.
Charles W. Taylor
George H. Taylor III
Ralph L. Taylor, Jr.
Richard B. Taylor
John J. Tharp
Jerry R. Thompson
Milton S. Thompson
Jack C. Thompson
Robert B. Throm
Theodore J. Toben, Jr.
Edward F. Townley, Jr.
James B. Townsend
Everett P. Trader, Jr.
Earl G Trapp
Everett L. Tunget
Terry Turner
Richard L. Upchurch
Jan H. Van Gorder
Neil R. Van Leeuwen
John Van Nortwick III
Richard S. Varney
Vincent A. Vernay
Peter J. Vogel
Wilson A. Voigt
Herman E. F. Von Carp, Jr.
Norman H. Vreeland
Michael G. Wadsworth
Paul H. Wagenr
Jack D. Waldo
Lorin C. Wallace, Jr.
John F. Walsh
Robert L. Walsh
Jac D. Watson
Leland O. Waymire
John F. Weeks
Stuart L. Weinerth, Jr.
William M. Whaley
Vincent M. Whelan
Craig A. White
Frank H. Whitton
Richard A. Widdows
Wayne M. Wills
Donald D. Wilson
Dwayne E. Wilson
Jerry W. Wilson
Walter M. Winoski
Joseph B. Wuertz
Charles E. Yates
Richard C. Yezzi
Alvin M. Younger
Lewis J. Zilka

The following-named officers of the Marine Corps for permanent appointment to the grade of captain:

Ronald E. Ablowich
William R. Acree
Carl I. Adams
David H. Adams
Frank H. Adams
John L. Adkinson, Jr.
Alfred J. Allega
William W. Alvord
David L. Anderson
Andrew G. Anderson II
Stephen D. Arcade
John C. Arick
Kenneth H. Arnold
Thomas W. Arnold, Jr.
David A. Arthur
Lowell E. Austin, Jr.
Stephen W. Austin
Wayne A. Babb
Herbert P. Baer
Thomas B. Bagley, Jr.
Kenneth E. Bailey
Doyle D. Baker
Hubert A. Baker
Maurice R. Banning
Emory W. Baragar
Blanton S. Barnett III
Harvey C. Barnum, Jr.
Henry D. Barratt
John J. Barrett
William C. Bartels
Delbert M. Bassett
James P. Beatty
Duard L. Beebe
Frederick W. Beekman III
Donald R. Bell, Jr.
John R. Bell
Charles S. Bentley
Roderick E. Benton
Joel F. Berglund
Lawrence H. Berry
George Berthelson
George V. Best, Jr.
Dennis C. Beyma
Leonard C. Bieberbach
James W. Bierman
Clifford G. Blasi
Patrick J. Blessing
Harold W. Blot
Michael A. Blunden
Stephen H. Boeddinghaus
Henry C. Bollman III
Ben J. Borchelt
Ronald R. Borowicz
Randy J. Collins
Joseph A. Bour
James A. Brabham, Jr.
Robert A. Bracy
Gary R. Braun
Darwin E. Bremer
George D. Brennan II
Patrick J. Brennan
William T. Bridgham, Jr.
Tommy G. Brooks, Jr.
Gene A. Brown
Michael E. Brown
Samuel H. Brown, Jr.
Robert W. Burkman
Terry P. Burns
Thomas C. Byall
August J. Calimano
Richard D. Camp, Jr.
Jack R. Campbell, Jr.
Harold J. Campbell, Jr.
John W. Cargile
Thomas M. Carpenter
Henry S. Carr III
John J. Carroll
Jimmy M. Carson
Marshall N. Carter
Robert D. Caskey
Gene E. Castagnetti
Ronald D. Cater
Joseph M. Cavanagh
Russell A. Chambers
James H. Champion
James M. Chance
Louis E. Cherico
John W. Chesson
David L. Chilcote
David J. Christensen
George R. Christmas
Donald E. Christy
Theodore C. Cieplik, Jr.
John J. Clancy III
Gary D. Clark
Robert F. Clark
Roger J. Claus
Robert F. Clemmons
William H. Climo, Jr.
Michael L. Cluff
Daniel J. Cobb III
Richard L. Cody
William F. Coenen
Lee D. Coker
Ernest E. Collins
Melville W. Collins, Jr.
Randy J. Collins,
William D. Collins, Jr.
Thomas M. Conley
William J. Conley
Charles R. Connor
Charles E. Conway, Jr.
Thomas M. Cooper
Everett E. Cossaboon
Crayspin J. Cowell
Merle L. Crabb
Richard W. Crain
William W. Crews
Richard H. Criche
David S. Crighton, Jr.
Albert B. Crosby
Herbert L. Currie
Charles A. Cushman
Reid E. Dahart
Joseph C. Dangler
Roy L. Davenport
Douglas M. Davidson
Bruce E. Davis
James F. Davis
Patrick E. Dawson
Robert G. Dawson
Earl R. De Hart, Jr.
Chadwick H. Dennis
Raymond E. Dennison
Francis T. Dettrey
William M. Diedrich
Billy H. Dobbs
Wilson R. Dodge
Howard R. Donehower
Vincent D. Donile
David J. Douglas
Francis H. Douglas
William J. Dowd
Thomas V. Draude
Ronald J. Drez
William W. Du Bose, Jr.
Dennis W. Duerden
Edward W. Duffy
Peter A. Duffy
Thomas J. Dumont, Jr.
Kenneth P. Dunlavy
Edward F. Dunne, Jr.
Joseph M. Dwyer
Joseph J. Dzielski
Bob E. Edwards
James E. Edwards, Jr.
Jerry A. Edwards
Roy T. Edwards
Francis X. Egan
James E. Egloff
Norman E. Ehlert
Roy N. Emanuel
Russel A. Emerson
Robert E. Enis
John O. Enockson
James L. Eyre
Rudolph H. Fahrner
Rupert E. Fairfield, Jr.
Robert W. Falkenbach
Thomas A. Farley
Patrick G. Farrell
James P. Ferguson
Harold T. Fergus
Gerald B. File
Alan J. Finger
Michael Fiorillo, Jr.
Walter J. Fleming
Daniel P. Flood
George A. Focht
James J. Foley, Jr.
Michael E. Ford
Elbert A. Foster
James F. Foster
Jackie W. Fraim
Frederick C. Frey
Carl R. Fye
Robert J. Gadwill
William R. Gage
Willard F. Galbraith, Jr.
James A. Gallagher, Jr.
Thomas M. Garbowski
Bruce A. Garnish
James D. Garrett
Gerald G. Garwick
Warren A. Gast
John M. Geisser
Robert J. Genovese
John R. Gentry
Charles W. Giannetti
Robert F. Gibson
William H. Gibson
Michael J. Gilmore
Andrew D. Glad
Alphonso H. Gomez
Humberto Gonzalez
Lawrence A. Goodale
Paul B. Goodwin
William B. Gray
Jerry M. Green
Richard L. Greene
Joseph P. Greeves, Jr.
Tommy D. Gregory
Nelson H. Gremmels
Marshall M. Grice, Jr.
Nicholas H. Grosz, Jr.
Norman R. Guidry
Leon A. Guimond
Gordon H. Gunniss
Richard D. Gunselman
Michael A. Gurrola
Larry W. Hacker
Arnold N. Hafner
Joseph J. Hahn, Jr.
Palmer S. Haines
Hurston Hall
Lynn B. Hall
Samuel T. Hall
George C. Hamilton
William P. Hamilton
Noel L. Hammer
William H. Harborth
Roger R. Hardy
Milton L. Harman
John F. Harrah
Roger P. Harrell
William G. Harris, Jr.
Edward T. Harrison
Frederick F. Harshbarger, Jr.
Jude M. Hartnett
Alan H. Hartney
Edward J. Hassinger
Leonard C. Hayes
Richard D. Hearney
Mark T. Hehnen
Hans R. Heinz
Edward S. Hempel
Frederick H. Hemphill, Jr.
James C. Henderson
Porter K. Henderson
John B. Hendricks
Gene D. Hendrickson
Billy C. Henry
Robert L. Henry, Jr.
William A. Hesser
Francis E. Heuring
Billie E Hicks
Gerard R. Hicks
Solomon P. Hill
Claude D. Hillis
Michael J. Hilsinger
Thomas F. Hinkle
Marlin N. Hinman
Amos B. Hinson III
Martin A. Hoesch
Byron H. Hogue
Kenneth L. Holm
John A Holman
James A. Honeywell
Glenn E. Hooker, Jr.
John Y. S. Howo
Ray E. Huebner
James B. Hunter III
Delbert M. Hutson
Jerrold T. Irons
William D. Isenhour
William W. Jackson
Fred L. James
Jack C. James
Herbert C. Johnson
Ken H. Johnson
John N. Jolley, Jr.
Patrick J. Jones
Philip T. Jones
Robert L. Jones, Jr.
William D. Jones
David M. Jordan
Hugh L. Julian
Kenneth E. Junkins
John K. Kangas
Ernest H. Kasold II
Gerald R. Keast
Elton J. Keeley
John R. Kelbaugh
Gerald J. Keller
Gerard H. Kelly
James A. Kenniger
Harold W. Kern
George L. Kersey
David H. Key
John H. Key
George A. Kiesel
Roger E. Kilb
John B. Kind
Francis J. Kirchner
Frank H. Kos, Jr.
Thomas L. Kosciw
Stephen J. Kott
Anthony J. Kowalewski, Jr.
William M. Krulak
Richard J. Kuchinskas
Larry J. Kuester
Nicholas J. LaDuca, Jr.
Richard H. Langenfeld
Alfred Lardizabal, Jr.
Anthony V. Latorre, Jr.
James Lau
Glenn C. Lawty
Charles H. Leaird
Antone D. Lehr
Edward O. Le Roy
Charles E. Lesher
Perry C. Lindberg
Wayne M. Lingenfelter
Raymond A. List
James E. Livingston
Calvin A. Lloyd II
Richard E. Lochner
James T. Loftus
L. J. Lott
Richard J. Lucas
Michael J. Lucci
John F. Luhmann
Howard L. Luttrell
Haymond R. Luzadder
William J. MacArdle
Kenneth R. Maddox
Robert W. Maddox
Raymond C. Madonna
Larry G. Malone
James P. Mangan
Anthony E. Manning
Johnie W. Maples, Jr.
William E. Marcantel
Vincent C. Marks
Robert C. Marshall
Richard C. Martinsen
Brian M. Mathews
Lyle D. Mathews
Enrique A. Mauri
Gregory A McAdams
John F. McCammon
James L. McClung
Charles B. McCoy
John F. McDowell
John W. McGee
Robert D. McGinn
Michael J. McGowan
Gerald L. McKay
Denis A. McKinnon
Arthur D. McKnight
Earl L. McMurtrie
John J. McNamara
Richard G. McPherson
Michael E. Mee
George Meerdink, Jr.

Robert J. Melanson
Edward H. Menzer
Thomas H. Merrell, Jr.
Thomas H. Metzger
William C. Middlebrooks
John L. Mikkelson
Donald G. Miller
Jerry L. Miller
Jon Miller
Harold K. Mills
Wallace L. Mills
Ray F. Milsap
George J. Miske
Hubert Mitchell
Charles H. Mitchell, Jr.
Christopher R. Mitchell, Jr.
Richard L. Monjeau
Allen R. Moore
William W. Moorhead, Jr.
Richard L. Morey
Arthur L. Morland
Richard T. Morrissey
Russell E. Morrow
Thomas E. Mossey
David W. Muir
Thomas P. Mulkerin
Dennis K. Mulligan
William R. Murphy
John A. Murray
James J. Myers, Jr.
Bert L. Nale
Michael J. Naughton
Herbert Nelke
Arnold R. Nelson
Jimmie C. Nelson
Leonard Nissenson
Mell B. Nolley
William B. Nye
Gerald J. Oberndorfer
Peter J. O'Brien, Jr.
William L. O'Connor
William J. Odle
Paul F. O'Keefe
Thomas P. O'Leary
Charles W. Oliver
Naval A. Ortiz
Larry J. Oswalt
Sammy L. Owens
Fred Palka
Richard K. Palmer
Robert L. Pappas
Joseph R. R. Paquette
Michael J. Paradise, Jr.
Edwin E. Parker
James R. Parker
Carmen N. Pastino
James A. Patterson
Frank G. Pearce
Gary E. Peil
Joaquin D. Pereira
George E. Perry, Jr.
Harold D. Pettengill
John R. Pfalzgraf
Harold J. Phelan
Roger P. Pilcher
James F. Pleva
Herbert F. Posey
David G. Pound
Stanley G. Pratt
Thomas R. Preston
Jesse L. Pugh
Charles J. Pyle
Leon C. Ramsey
John P. Ray
William E. Rea
Robert E. Reagan
H. L. Redding
Thomas D. Redmond
Lawrence E. Reed
Thomas D. Reese, Jr.
John A. Ressmeyer
Richard R. Reuschling
Thomas J. Rieker
Edward F. Riley
Michael B. Riley
John W. Ripley
James D. Robertson
Stephen P. Robertson
Donald J. Robinson II
John M. Rodosta
Thomas E. Roe
William R. Roll
Joseph G. Roman
Joseph M. A. Romero
Dale C. Ross
Larry H. Ross
Charles F. Roth, Jr.
John W. Ruymann
James E. Sabow
Henry J. Sage
William Sahno
Dennis M. Sams
Vinson J. San Angelo
Anthony A. Scafati
Anthony J. Scaran
Jack D. Schaeffer
Paul M. Schafer
Thomas A. Scheib
George R. Schipper
Arthur J. Schmidt, Jr.
Durwood K. Schnell
Dennis A. Schoen
John J. Schreiber
Frederick W. Schroeder
David E. Schultz
Joseph H. Schvimmer
Richard E. Schwartz
Phillip J. Seep
Robert E. Setser
Bernard K. Severin
Steven J. Sewell
Harry J. Shane
Delmas D. Sharp, Jr.
Harry F. Sharp, Jr.
Jon L. Shebel
John J. Sheehan
Kenneth E. Shelton
James A. Shepherd
Louis G. Shikany
Martin Shimek
Donald K. Shockey, Jr.
John C. Short, Jr.
David C. Sikes
Billy E. Simpson
James M. Sims
Roy W. Sims
James G. Sketoe
Harold W. Slacum
Albert C. Slater, Jr.
Raymond F. Smart
Gordon F. Smith
Herman A. Smith III
William R. Smith
Allan E. Snook
Robert J. Snowden
Alan T. Snyder
Alfred E. Sommers, Jr.
Edward W. Sonneborn, Jr.
Charles R. Sorensen
Don F. Sortino
Ronald D. R. Sortino
Peter B. Southmayd
Gerald R. Sowa
James D. Sparks
John W. Spivey
Roger F. Staley
Christopher W. J. Stanat
Floyd F. Stansfield
Robert D. Staples
John F. Stennick
Roy J. Stocking, Jr.
Phillip A. Stone
Jerry L. Stricker
J. K. Stringer, Jr.
Frank D. Strong
Laurence A. Stults
Michael V. Sullivan
John P. T. Sullivan
Alver J. Swett
Victor M. Szalankiewicz
Walter Tarnopilsky
James L. Taylor
Thomas C. Taylor
Thomas G. Taylor
Gary L. Telfer
James R. Thomas
Richard C. Tinsley
William E. Tisdale
Richard C. Titus
James A. Toohey
Philip H. Torrey III
Henry J. Trautwein, Jr.
William H. Trice, Jr.
Bennie J. Trout
Robert L. Turley
Frank K. Turner
Samuel D. Turner, Jr.
Joseph E. Underwood.
Kenneth R. Updegrove
Klaas Van Esselstyn
Charles W. Van Horne
Dennis S. Vanliew
Leslie R. Vay
Raymond L. Venator
Michael H. Vidos
Francis Visconti
John L. Vogt
Robert A. Vostry
Bill D. Waddell
Jaris L. Wagor
David L. Walker
Jack E. Wallace
Philip J. Walsh
Milton T. Warring, Jr.
George M. Wastila, Jr.
Lewis C. Watt
Dellas J. Weber
Dwight D. Weber
John D. Weides
George J. Weinbrenner
David B. Werner
Dan Westbrook
Larry D. Whalen
Theodore L. Whisler
Thomas Williams, Jr.
Robert D. Williams
John K. Williams
James R. Williams
Robert B. Williams
Bobby J. Williamson
Joe W. Wilson
Robert J. Wilson
William L. Wilson
David F. Winecoff
Donald T. Winter
Robert H. Woodard
Dennis R. Woolley
Regan R. Wright
Edwin A. Wroblewski
Michael W. Wydo
Michael D. Wyly
Peter B. Wyrick
Carl H. Yung
Anthony A. Zadravec

The following-named officers of the Marine Corps for permanent appointment to the grade of first lieutenant, subject to qualification therefor as provided by law:

Jerry D. Chase
Phillip E. Gates
Dennis T. McKee
Robert F. Patton
James W. Sanders

The following-named officers of the Marine Corps for temporary appointment to the grade of first lieutenant, subject to qualification therefor as provided by law:

Willard P. Armes
Charles J. Barone
John P. Bland
Dwight E. Burns
Patrick M. Burress
George S. Coker
Louis H. Dailey
Arthur H. Ellis
Brian D. Ford
Richard P. Gabriel
Willis H. Hansen
Robert C. Johnson
Russell E. Laney
Charles R. McGill
Clifford O. Myers III
Lon P. Oakes
Kent R. Oehm
Patrick G. Owen
Joseph F. Parker
William C. Peoples
Donald N. Persky
Charles E. Reeves
James P. Rigoulot
John E. Slater
Richard M. Smith
James B. Swartzenberg
Gary W. Todd
Robert E. Webster
James M. Williams
Roger E. Wilson
Michael V. Ziehm

The following-named officers of the Marine Corps for permanent appointment to the grade of chief warrant officer (W–2), subject to qualification therefor as provided by law:

Walter H. Agee
Bobby G. Akers
Junior M. Albritton
Valentine P. Amico
Wenceslao U. Aquino
Robert L. Atkinson
James D. Bacon
Odis L. Barrett
Bernard R. Barton
Angelo Battista
George B. Bebout
Raymond L. Bernard
Edward J. Biedrzycki
Robert C. Bierman
Robert E. Blum
Kempereth D. Box
Egbert M. Brady
Herbert R. M. Bratcher
John E. Brennan
Francis E. L. Bridges
Charles H. Brittain
Harley A. Butler
William F. Campbell, Jr.
Bert P. Chadd, Jr.
Frederick W. Chadwick
Joseph G. Chisholm
Charles M. Christensen
Robert M. Conley
Claude R. Cordell, Jr.
Leon R. Coxe
Aaron H. Daniels
Edwin S. Davis
Robert K. Davis
James O. Dease
Donald A. Debarge
Jack S. Deremer
Beauvin J. Deshotel
James P. Diantonis
June R. Doberstein
Raymond R. Ebner
Wesley E. Eckley
George W. Elliott
Stephen D. Ellsworth, Jr.
Albert A. Feeley, Jr.
Andrew C. Ferris
William J. Fitzgibbons
Raymond O. Florence
Daniel E. Foiles
Raymond F. Force, Jr.
Ray Fritz
Leonard E. Gaede
Thomas P. Gent
Horton A. Glidewell
William F. Green
William F. Gross
James F. Guenther
Adam Guerra
George R. Hammond
Curt A. Hanke
Joseph B. Harbin
Robert L. Herrington
Francis Hingston
Samuel V. Hooten
Maurice V. Howard
Lee J. Huffman
William M. Humphreys
Wilburn Ivy
Joseph P. Jerabek
John L. Johnson
John H. Kelley
Mark M. Kenney
Elmer R. Kimbro
Rex R. Kirkbride
Neil B. Labelle
Donald E. Lambert
William C. Lantz
Albert L. Larson
Robert J. Larson
Warren G. Litzburg
Jackson T. Love
Arthur T. Manuel, Jr.
Ernest L. Marble
John B. Marks
Leason McCoy
Francis J. McDonald
George N. McIntyre
Joseph A. McIntyre
Patrick J. McTiernan
Samuel S. Michaels, Jr.
Richard W. Miller
Everett E. Millett
Luke B. Mills
Stanley S. Minatogawa
Donald E. Monnot
Lawrence Morgan
William P. Moriarity
Gerald D. Morris
Robert J. Mulligan
Charles L. Mungle
Charles R. Munson
Robert F. Okamoto
Michael O. Oloughlin
Robert H. Page
Virginia R. Painter
John P. Pangrace
Peter N. Panos
Gordon V. Parnell
John E. Robertson
Jesse W. Smith
Joseph M. Sweeney, Jr.
William F. Trenary
Guilford D. Tunnell
Conrad B. Turney
Erwin G. Vansickle
Walter E. Waldie
Charles A. Waller
John R. Waterbury
Fred L. Weaver
Robert R. Wenkheimer
Robert F. Wolf
Charles W. Woods
Leslie Yancey
Charles M. Yarrington
James A. Zahn

DEPARTMENT OF STATE

Nathaniel Samuels, of New York, to be a Deputy Under Secretary of State.

The following-named Foreign Service reserve officers to be consular officers and secretaries in the diplomatic service of the United States of America:

Lloyd C. Burnett, of Florida.
William F. Miller, of Pennsylvania.

The following-named Foreign Service staff officer to be a consular officer of the United States of America:

Robert B. Bannerman, of Virginia.

DEPARTMENT OF THE INTERIOR

Hollis M. Dole, of Oregon, to be an Assistant Secretary of the Interior.

Leslie Lloyd Glasgow, of Louisiana, to be Assistant Secretary for Fish and Wildlife, Department of the Interior.

Charles H. Meacham, of Alaska, to be Commissioner of Fish and Wildlife, Department of the Interior.

OFFICE OF EMERGENCY PREPAREDNESS

Nils A. Boe, of South Dakota, to be an Assistant Director of the Office of Emergency Preparedness.

Executive nominations received by the Senate March 7, 1969:

GOVERNOR OF THE VIRGIN ISLANDS

Peter A. Bove, of Vermont, to be Governor of the Virgin Islands.

EXPORT-IMPORT BANK

Henry Kearns, of California, to be President of the Export-Import Bank of the United States.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 7, 1969:

DEPARTMENT OF COMMERCE

Robert A. Podesta, of Illinois, to be an Assistant Secretary of Commerce.

CALIFORNIA DEBRIS COMMISSION

Col. George D. Fink, Corps of Engineers, U.S. Army, to be a member of the California Debris Commission, under the provisions of section 1 of the act of Congress approved March 1, 1893 (27 Stat. 507; 33 U.S.C. 661).

DEPARTMENT OF LABOR

Geoffrey H. Moore, of New Jersey, to be Commissioner of Labor Statistics, U.S. Department of Labor, for a term of 4 years.

FEDERAL MEDIATION AND CONCILIATION SERVICE

James C. Counts, of California, to be Federal Mediation and Conciliation Director.

IN THE ARMY

Lt. Gen. Harry Jacob Lemley, Jr., XXXXXX Army of the United States (major general, U.S. Army), for appointment as senior U.S. Army member of the Military Staff Committee of the United Nations, under the provisions of title 10, United States Code, section 711.

The following-named officers under the provisions of title 10, United States Code, section 3066, to be assigned to positions of importance and responsibility designated by the President under subsection (a) of section 3066, in grades as follows:

To be general

Lt. Gen. Ferdinand Joseph Chesarek, XXXXXX Army of the United States (major general, U.S. Army).

To be lieutenant general

Maj. Gen. William Eugene DePuy, XXXXXX Army of the United States (brigadier general, U.S. Army).

IN THE NAVY

Rear Adm. Edwin B. Hooper, U.S. Navy, having been designated for commands and other duties determined by the President to be within the contemplation of title 10, United States Code, section 5231, for appointment to the grade of vice admiral while so serving.

EXTENSIONS OF REMARKS

PROPOSED INCREASE IN THE DEBT LIMIT

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Friday, March 7, 1969

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent to have printed in the Extensions of Remarks a statement made by me before the House Committee on Ways and Means on Wednesday, March 5, 1969.

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

STATEMENT BEFORE THE HOUSE WAYS AND MEANS COMMITTEE BY SENATOR HARRY F. BYRD, JR., DEMOCRAT OF VIRGINIA, WEDNESDAY, MARCH 5, 1969

Mr. Chairman, Mrs. Griffiths and Gentlemen of the Committee:

I appear before you today not to advocate the status quo. I recognize that a good case can be made for *some* increase in the nation's debt ceiling.

My concern today is more with policy than with arithmetic.

President Nixon in his message to the Congress said he felt the Congress should enact a debt limit which will serve the needs of our nation for the "foreseeable future."

Secretary of the Treasury Kennedy told the Committee this morning that the Nixon Administration's proposal is designed to take care of our needs "indefinitely . . ."

Now, does the Congress want to grant to the Administration—any administration—a debt ceiling that will take care of the administration "indefinitely". It seems to me that it would be wiser to set the ceiling at a level which will put some pressure on the Administration to hold down spending.

I would hope that the Congress will not agree to change the system for computing the national debt subject to the ceiling.

To accept the President's and Secretary Kennedy's recommendation would mean that during the next four years, the Administration could spend $40 billion more than it takes in without that sum of money appearing in the national debt figures.

To put that $40 billion figure in perspective, during Mr. Truman's nearly 8 years in office, the national debt increased $33 billion; during President Eisenhower's 8 years, the increase was $23 billion; and during the 8 years of the Kennedy-Johnson Administrations, the national debt increased by $70 billion.

President Nixon's proposal is misleading. It appears to reduce the ceiling, yet in reality, it increases it by $17 billion.

So, my plea today is two-fold:

(1) That the money which the government borrows from the trust funds *not* be eliminated from the national debt, and

(2) That an increase substantially smaller than $17 billion be granted.

Why should not the Congress keep a tight ceiling on the government debt; why should we continually give away our power and our responsibility?

What is lost by maintaining a tight ceiling? It is less convenient perhaps to the Administration and less convenient perhaps to the Congress.

But to increase the ceiling so that it will take care of all the Administration's problems for the "foreseeable future" impresses me as being very unwise.

Most certainly, it weakens the power of Congress at a time when Congress needs to reassert itself.

YEAR 1969—A TIME FOR TRUTH IN TOBACCO

HON. ALBERT W. WATSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 1969

Mr. WATSON. Mr. Speaker, our former colleague, the Honorable Horace Kornegay, recently delivered an outstanding address entitled "Year 1969—A Time for Truth in Tobacco."

His remarks are especially timely in view of the incredible announcement by the FCC recently regarding the intent of this agency to ban tobacco advertising.

Horace Kornegay during his tenure in the House was among our most able, dedicated, and respected colleagues. He speaks from the heart and is a voice of authority. Therefore, I would like to commend his great address to the Congress and the Nation as follows:

YEAR 1969—A TIME FOR TRUTH IN TOBACCO

I want to thank Dr. James for his kind invitation to me to take part in the 1969 meeting of the Farm Press, Radio, and Television Institute. I would have been even more grateful, if it had been for the 1970 meeting.

As newsmen, you will appreciate Dr. James' fine sense of timing. No sooner had I been named Vice President and General Counsel of the Tobacco Institute, than his letter of invitation was dictated and in the mails. Promptly on January 2nd, the day I reported for duty, it was on my desk. He was "Johnny on the spot" then, and I am "Horace on the spot" now.

Discussing current issues relating to tobacco with a knowledgeable group of people like you, as he suggested, is like carrying coals to Newcastle, or perhaps carrying flue-cured tobacco to North Carolina would be a better simile.

He also suggested that I devote half of my time to questions and answers. Now that suggestion is more to my liking—provided, I ask the questions and you folks supply the answers.

Seriously, I have some questions I would like to put to you. As a former prosecutor, as a former Congressman, as a trade association official, and as a private citizen, I find certain questions deeply disturbing. They lie just below the surface and are exposed with a minimum of scratching. Yet, outside of the tobacco industry, they are rarely raised.

For example:

There is a great controversy about smoking and health. But how often do you hear both sides?

There is a Fairness Doctrine in radio and television. But how "fair" is it to private enterprise?

There is a free press in this country. But how freely does it cover the other side of the smoking and health story? Indeed, one might wonder if the man-bites-dog conception of news makes it possible for the press to even begin to communicate with both sides. Maybe, the trouble is that the tobacco industry hasn't bitten any dogs lately?

Let me illustrate this point with three statements about smoking and health that received scant attention in the press.

Here's one such statement:

"We have never said there was definite proof of a cause-and-effect relationship between coronary heart disease and cigarette smoking . . . We have never said cause and effect to the initiation of cardiovascular disease . . . I do not think one can make the statement that the scientific evidence supports it."

Here's another on smoking and emphysema:

"We have not been able to establish an absolute cause and effect."

Just one more, relating to lung cancer:

"We know that some nonsmokers get lung cancer and we know many heavy smokers never get lung cancer."

I am not a newsman, and my feeling would not be hurt if any of you told me to mind my own business. You might explain patiently that those statements are just what the tobacco industry would be saying in its own defense. In other words, you might tell me those statements are of the dog-bites-man variety, and, therefore, are not news.

Nevertheless, one thing bothers me. All three statements were made on the same day—March 6, 1968—to the same audience—a Committee of Congress—by the same man—the Surgeon General of the U.S. Public Health Service William H. Stewart. He is, of course, the chief spokesman of the anti-smoking forces.

And, gentlemen, I submit, you don't have