H.R. 8579. A bill for the relief of Arnaldo Garcia, his wife, Sheila Garcia, and their minor children, Roy Garcia and Patrick Garcia; to the Committee on the Judiciary.

H.R. 8580. A bill for the relief of Jagoda Kukolj Somosa; to the Committee on the Judiciary.

By Mr. ROYBAL:

H.R. 8581. A bill for the relief of Salvador A. Cascalang; to the Committee on the Judiciary.

By Mr. ST. ONGE:

H.R. 8582. A bill for the relief of Manuel Martins Florida; to the Committee on the Judiciary.

By Mr. ULLMAN:

H.R. 8583. A bill for the relief of Minnie McClaskey and Roy and Nina Grant; to the Committee on the Judiciary.

By Mr. HOWARD:

H. Res. 305. Resolution to refer the bill, H.R. 4712, entitled "A bill for the relief of Louise Gorna", to the Chief Commissioner of the Court of Claims in accordance with sections 1492 and 2509 of title 28, United States Code; to the Committee on the Judiciary.

PETITIONS, ETC.

Under Clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

73. By the SPEAKER: Petition of the Congress of Micronesia, relative to including the Trust Territory of the Pacific Islands in the Federal Credit Union Act; to the Committee on Banking and Currency.

74. Also, petition of Mrs. Carrie G. S. Chain, Akron, Ohio, relative to redress of grievances; to the Committee on the Judiciary.

SENATE—*Monday, March 10, 1969*

(Legislative day of Friday, March 7, 1969)

The Senate met in executive session at 12 o'clock meridian, on the expiration of the recess, and was called to order by the Vice President.

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

O Thou Infinite Spirit, all the ways of our need lead to Thee and to Thee alone. Thou hast made us for Thyself and our hearts are restless until they rest in Thee. Remove from us every barrier which separates us from Thee and from our fellow man. Draw us together here in a firm spiritual alliance that this forum of free men may see clearly Thy purpose for this Nation. Equip us with clean hands, pure hearts, and clear minds. Enable us to strive for all that is high and holy, peaceable and just, and in all striving to contend without contentiousness, to disagree without being disagreeable, and to serve Thee in the unity of spirit and the bonds of brotherhood. And while we struggle with big problems keep us from forgetting the little needs of the people.

In Thy holy name we pray. Amen.

THE JOURNAL

Mr. KENNEDY. Mr. President, as in legislative session, I ask unanimous consent that the Journal of the proceedings of Friday, March 7, 1969, be approved.

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

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

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.)

TREATY ON THE NONPROLIFERATION OF NUCLEAR WEAPONS

The VICE PRESIDENT. The Chair lays before the Senate the pending business, which the clerk will state.

The LEGISLATIVE CLERK. Executive H, 90th Congress, second session, the Treaty on the Nonproliferation of Nuclear Weapons.

The Senate resumed the consideration of the treaty.

ORDER FOR RECESS

Mr. KENNEDY. Mr. President, as in legislative session, I ask unanimous consent that at the conclusion of business today, the Senate stand in recess, in executive session, until 12 o'clock noon tomorrow.

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

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. KENNEDY. Mr. President, as in legislative session, I ask unanimous consent that the following committee and subcommittees be permitted to meet during the session of the Senate today:

The Committee on the District of Columbia.

The Subcommittee on Intergovernmental Relations of the Committee on Government Operations.

The Subcommittee on Constitutional Amendments of the Committee on the Judiciary.

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

NOMINATIONS

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of nominations on the Executive Calendar, beginning with "New Reports."

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

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

U.S. MINT AT DENVER

The bill clerk read the nomination of Betty Higby, of Colorado, to be Superintendent of the Mint of the United States at Denver.

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

FARM CREDIT ADMINISTRATION

The bill clerk read the nominations of T. Carroll Atkinson, Jr., of South Carolina, and James H. Dean, of Kansas, to be members of the Federal Farm Credit Board, Farm Credit Administration.

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

Mr. KENNEDY. 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.

TRANSACTION OF ROUTINE MORNING BUSINESS AS IN LEGISLATIVE SESSION

Mr. KENNEDY. Mr. President, as in legislative session, I ask unanimous consent that a period of not to exceed 1 hour be set aside at this time for routine business, as in legislative session, with statements therein to be limited to 3 minutes. Immediately following the conclusion of this period, the Senate will proceed to the consideration of Executive H, 90th Congress, second session, the Treaty on Nonproliferation of Nuclear Weapons.

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

THE CALENDAR

Mr. KENNEDY. Mr. President, I ask unanimous consent that, as in legislative session, the Senate proceed to the consideration of measures on the legislative calendar.

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

MINERAL AND WATER RESOURCES OF UTAH

The resolution (S. Res. 98) authorizing the printing of the report entitled "Mineral and Water Resources of Utah" as a Senate document was considered and agreed to, as follows:

S. RES. 98

Resolved, That the report entitled "Mineral and Water Resources of Utah" be printed as a Senate document and that there be printed two thousand six hundred additional copies of such document for the use of the Committee on Interior and Insular Affairs.

Mr. KENNEDY. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–91), explaining the purposes of the resolution.

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

Senate Resolution 98 would provide that the report entitled "Mineral and Water Resources of Utah" be printed as a Senate document, and that there be printed 2,600 additional copies of such document for the use of the Committee on Interior and Insular Affairs.

This report was printed as a committee print of the Committee on Interior and Insular Affairs during the 88th Congress. It was compiled at the request of Senator Frank E. Moss by the U.S. Geological Survey in cooperation with the Utah Geological and Mineralogical Survey and the Utah Water and Power Board. Senator Moss states that the purpose of the report "is to make all significant data on Utah's important mineral and water resources available to interested citizens, to professional personnel in mining and water development and to government, civic, and industrial leaders."

The printing-cost estimate, supplied by the Public Printer, is as follows:

Printing-cost estimate

To print as a document (1,500 copies)	$3,158.07
2,600 additional copies, at $460.95 per thousand	1,198.47
Total estimated cost, Senate Resolution 98	4,356.54

EXTENSION OF TIME FOR FILING REPORT BY COMMISSION TO STUDY MORTGAGE INTEREST RATES

The joint resolution (S.J. Res. 37) to extend the time for the making of a final report by the Commission To Study Mortgage Interest Rates was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S.J. RES. 37

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4(g) of the Act of May 7, 1968 (Public Law 90–301) is amended by striking out "Said report of the Commission shall be made by April 1, 1969," and inserting in lieu thereof the following: "The Commission may make an interim report not later than April 1, 1969, and shall make a final report of its study and recommendations not later than July 1, 1969,".

Mr. KENNEDY. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–92), explaining the purposes of the joint resolution.

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

A Commission To Study Mortgage Rates was authorized by Public Law 90–301, approved May 7, 1968. The purpose of the Commission was to study all facets of mortgage interest rates and problems in the mortgage money market.

Although the Commission was authorized to be established during the summer of 1968, procedural questions were involved and the Commission was not finally established until late fall, 1968. Pursuant to the public law establishing the Commission, the Commission was to make a report to the President and the Congress by April 1, 1969. Because of the delays in establishing the Commission and staffing it, the Commission now finds that it will not be through with its work nor can it make a report by the April 1 date set forth in Public Law 90–301. The Commission has requested an extension of a 3-month period unil July 1, 1969, to file its report.

The committee agrees that the Commission needs this additional time and unanimously reported the resolution giving the Commission the additional 3 months in which to make its final report.

The committee recommends favorable action by the Senate on Senate Joint Resolution 37.

MESSAGE FROM THE HOUSE—ENROLLED BILL SIGNED

A message from the House of Representatives by Mr. Bartlett, one of its reading clerks, announced that the Speaker had affixed his signature to the enrolled bill (H.R. 497) to amend section 301 of the Manpower Development and Training Act of 1962, as amended, and it was signed by the Vice President.

EXECUTIVE COMMUNICATIONS, ETC.

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

PROPOSED RIVERFRONT EXPRESSWAY ADJACENT TO THE VIEUX CARRE HISTORIC DISTRICT OF NEW ORLEANS

A letter from the Chairman of the Advisory Council on Historic Preservation, transmitting, pursuant to law, recommendations of the Council concerning a proposed riverfront expressway adjacent to the Vieux Carre Historic District of New Orleans (with accompanying papers); to the Committee on Interior and Insular Affairs.

REPORT ON THE FEDERAL METAL AND NONMETALLIC MINE SAFETY ACT

A letter from the Under Secretary of the Interior, transmitting, pursuant to law, a report on the Federal Metal and Nonmetallic Mine Safety Act for the period September 16, 1966, through December 31, 1967 (with an accompanying report); to the Committee on Labor and Public Welfare.

PETITIONS AND MEMORIALS

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

By the VICE PRESIDENT:

A resolution of the House of Representatives of the Commonwealth of Massachusetts; to the Committee on Foreign Relations:

"RESOLUTIONS PROTESTING THE PRESENT POLITICAL DIVISION OF IRELAND

"Whereas, The present political division of Ireland is not in keeping with the principles of self-determination and is not based on the racial, economic or historical background of the people of Ireland; and

"Whereas, The Republic of Ireland should embrace the entire territory unless a clear majority of the people of Ireland in a free plebiscite determine and declare to the contrary; and

"Whereas, This approach to the problem of a united Ireland is entirely in keeping with the free democratic ideals and principles of our own democracy and all free nations of the world; and

"Whereas, Ireland from the very beginning of our own beloved country through tremendous hardships and adversity has always been a staunch and unflinching friend of America; and

"Whereas, The current Northern Ireland movement is aimed at securing equality for all in local government, voting and public housing, at ending property ownership requirements to vote and at terminating discrimination in public housing allocation by local officials; therefore be it

"Resolved, That the Massachusetts House of Representatives hereby urges the United States Government to use its good graces and attempt to assist in bringing about a peaceful solution to the Northern Ireland problem presently plaguing the Irish people and thereby lay the foundation for uniting this great nation under one flag; and be it further

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

"House of Representatives, adopted, January 15, 1969.

"WALLACE C. MILLS,
"Clerk.

"Attest:

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

A joint memorial of the Legislature of the State of Idaho; to the Committee on Interior and Insular Affairs:

"HOUSE JOINT MEMORIAL 2

"A joint memorial to the honorable Senate and House of Representatives of the United States in Congress assembled

"We, your Memorialists, the Senate and House of Representatives of the State of Idaho assembled in the Fortieth Session thereof, do respectfully represent that;

"Whereas, the Congress of the United States will soon have before it proposed legislation affecting future management of the present Sawtooth Primitive Area and adjacent lands;

"Whereas, this is a region of incomparable scenic beauty and a rich historical past;

"Whereas, the area is coming rapidly under increasing pressures of public and private use;

"Whereas, uncontrolled housing developments in the Sawtooth Valley, the Stanley Basin and the environs of the Sawtooths, threaten the destruction of the natural beauty of the area;

"Whereas, it is urgently required in the public interest that a definite, permanent plan for the management of the Sawtooths be adopted as soon as possible.

"Whereas, this matter has been the subject of a great deal of study by federal agencies, particularly a very comprehensive joint study by the United States Forest Service and the National Park Service completed in August, 1965;

"Whereas, this was followed by a two day public hearing before the Subcommittee on Parks and Recreation of the Committee on Interior and Insular Affairs of the United States Senate, on June 13 and 14, 1966;

"Whereas, both the joint study and the vast majority of persons testifying at the public hearing favored the creation of a Sawtooth National Recreation Area;

"Whereas, such action would permit continued management of the Sawtooths by the United States Forest Service, allowing the broadest multiple use of the area—for example permitting grazing and timber management where possible;

"Whereas, a national recreation area would permit continued management of fish and game by the Idaho Fish and Game Department;

"Now, therefore, be it resolved, by the Fortieth Session of the Legislature of the State of Idaho, now in session, the Senate and the House of Representatives concurring, that we most respectfully urge the Congress

of the United States of America to proceed at the earliest possible date to enact the necessary legislation to authorize the establishment of the Sawtooth National Recreation Area and Wilderness.

"Be it further resolved, that the Secretary of State of the State of Idaho be, and he hereby is authorized and directed to forward certified copies of this Memorial to the Honorable President and the Vice President of the United States, the Speaker of the House of Representatives of the Congress, and to the Senators and Representatives representing this state in the Congress of the United States."

A resolution of the Senate of the State of Oklahoma; to the Committee on the Judiciary:

"SENATE RESOLUTION 11

"A resolution memorializing the Congress of the United States to repeal all recently passed legislation which restricts the constitutional right of a citizen to keep and bear arms; and directing distribution

"*Whereas* the Second Amendment to the Constitution of the United States provides that 'the right of the people to keep and bear arms shall not be infringed'; and

"*Whereas* Section 26 Article II of the Constitution of the State of Oklahoma provides that 'The right of a citizen to keep and bear arms in defense of his home person or property or in aid of the civil power when thereunto legally summoned shall never be prohibited'; and

"*Whereas* recently enacted legislation infringes upon these basic constitutional rights; and

"*Whereas* in addition to the infringement of rights these laws also create a disproportionate amount of red tape which severely restricts the sportsman in his pursuance of recreation; and

"*Whereas* this type of legislation can lead to even more restrictive measures by setting a dangerously un-American precedent; and

"*Whereas* all these things combined with the American's traditionally intelligent and thoughtful use of firearms places an unnecessarily restrictive burden upon the law-abiding citizen and fails to adequately restrict the criminal element from procuring firearms with which to perform their evil deeds.

"*Now therefore be it resolved by the* Senate of the first session of the thirty-second Oklahoma legislature:

"Section 1. That Congress be and is hereby respectfully urged to repeal all recently passed 'gun legislation' including those restrictions placed on the buying of ammunition.

"Section 2. That duly authenticated copies of this Resolution after consideration and enrollment be prepared for transmittal to the presiding officers of the United States Congress and to each member of the Oklahoma congressional delegation.

"Adopted by the Senate the 25th day of February 1969.

"LEON FIELD,
"*President of the Senate.*

"Attest:

"BASIL R. WILSON,
"*Secertary of the Senate.*"

EXECUTIVE REPORTS OF A COMMITTEE

As in executive session,

The following favorable reports of nominations were submitted:

By Mr. TYDINGS, from the Committee on the District of Columbia:

Gilbert Hahn, Jr., of the District of Columbia, to be Chairman of the District of Columbia Council;

Sterling Tucker, of the District of Columbia, to be Vice Chairman of the District of Columbia Council; and

Jerry A. Moore, of the District of Columbia, to be a member of the District of Columbia Council; reported with a written report (Ex. Rept. No. 91–2).

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. STEVENS:

S. 1447. A bill to apply certain provisions of section 8341 of title 5, United States Code, which provide for the continuance of restoration of an annuity to a surviving spouse who has remarried or hereafter remarries, and for other purposes; to the Committee on Post Office and Civil Service.

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

By Mr. BYRD of West Virginia:

S. 1448. A bill to amend title II of the Social Security Act so as to reduce to 50 the age at which a woman may begin to receive actuarially reduced widow's insurance benefits thereunder; to the Committee on Finance.

By Mr. BENNETT:

S. 1449. A bill to provide for an appropriation of a sum not to exceed $250,000 with which to make a survey of a proposed Golden Circle National Scenic Parkway complex connecting the national parks, monuments, and recreation areas in the southern part of Utah with the national parks, monuments, and recreation areas situated in northern Arizona, northwestern New Mexico, and southwestern Colorado; to the Committee on Interior and Insular Affairs.

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

By Mr. YARBOROUGH:

S. 1450. A bill to amend title XVIII of the Social Security Act so as to include drugs among the benefits provided under the supplementary medical insurance program established by part B of such title and to eliminate the $50 deductible presently imposed as a condition to the receipt of benefits under such program; to the Committee on Finance.

S. 1451. A bill for the relief of Dr. Jorge Duvauchelle Contreras; to the Committee on the Judiciary.

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

By Mr. HANSEN (for himself, Mr. BENNETT, Mr. BROOKE, Mr. COOPER, Mr. DOMINICK, Mr. HRUSKA, Mr. JAVITS, Mr. MCGOVERN, Mr. MOSS, Mr. PERCY, Mr. PROUTY, Mr. RANDOLPH, Mr. SCOTT, and Mr. TYDINGS):

S. 1452. A bill to provide for the establishment of an Office of Natural Science Research in the National Park Service; to establish a system of fellowships for support of research in the natural sciences; and for other purposes; to the Committee on Interior and Insular Affairs.

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

By Mr. HRUSKA (for himself and Mr. CURTIS):

S. 1453. A bill to authorize the Secretary of the Interior to construct, operate, and maintain the North Loup division, Missouri River Basin project, Nebraska, and for other purposes; and

S. 1454. A bill to authorize the Secretary of the Interior to construct, operate, and maintain the O'Neill unit, Missouri River Basin project, Nebraska, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. ALLOTT (for himself, Mr. BENNETT, Mr. DOMINICK, Mr. MONTOYA, Mr. DIRKSEN, and Mr. SAXBE):

S. 1455. A bill to amend section 8c(2)(A) of the Agricultural Marketing Agreement Act of 1937, as amended, so as to include Colorado, Utah, New Mexico, Illinois, and Ohio among the specified States which are eligible to participate in marketing agreement and order programs with respect to apples; and

S. 1456. A bill to amend sections 2(3) and 8c(6)(I) of the Agricultural Marketing Agreement Act of 1937, as amended, so as to permit marketing orders applicable to apples to provide for paid advertising; to the Committee on Agriculture and Forestry.

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

By Mr. MUSKIE (for himself, Mr. HART, Mr. JAVITS, Mr. MAGNUSON, Mr. MCCARTHY, and Mr. YARBOROUGH):

S. 1457. A bill to foster high standards of architectural excellence in the design and decoration of Federal public buildings and post offices outside the District of Columbia, and to provide a program for the acquisition and preservation of works of art for such buildings, and for other purposes, to be known as the Federal Fine Arts and Architecture Act; to the Committee on Public Works.

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

By Mr. TYDINGS:

S. 1458. A bill to prohibit the business of debt adjusting in the District of Columbia except as an incident to the lawful practice of law or as an activity engaged in by a nonprofit corporation or association; and

S. 1459. A bill to provide for the regulation in the District of Columbia of retail installment sales of consumer goods (other than motor vehicles) and services, and for other purposes; to the Committee on the District of Columbia.

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

By Mr. HART:

S. 1460. A bill for the relief of Saada Aybout (Sandra Oade); to the Committee on the Judiciary.

By Mr. HRUSKA (for himself and Mr. ERVIN):

S. 1461. A bill to amend section 3006A of title 18, United States Code, relating to representation of defendants who are financially unable to obtain an adequate defense in criminal cases in the courts of the United States; to the Committee on the Judiciary.

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

By Mr. MUSKIE (for himself, Mr. BAYH, Mr. BIBLE, Mr. BYRD of West Virginia, Mr. COTTON, Mr. DODD, Mr. ERVIN, Mr. INOUYE, Mr. MONTOYA, Mr. MOSS, Mr. MCGEE, Mr. MCINTYRE, Mr. PELL, Mr. RANDOLPH, Mr. SCOTT, Mr. STEVENS, Mr. TALMADGE, and Mr. YOUNG of Ohio):

S. 1462. A bill to provide for the orderly marketing of articles imported into the United States, to establish a flexible basis for the adjustment by the U.S. economy to expanded trade, and to afford foreign supplying nations a fair share of the growth or change in the U.S. market; to the Committee on Finance.

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

By Mr. GORE:

S. 1463. 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.

S. 1464. A bill for the relief of Dr. Julio Goldenberg; to the Committee on the Judiciary.

By Mr. WILLIAMS of New Jersey:

S. 1465. A bill for the relief of Alexander McCall, Elizabeth McCall, and Gary and Wayne McCall; to the Committee on the Judiciary.

By Mr. SCHWEIKER:

S.J. Res. 73. Joint resolution proposing an amendment to the Constitution of the United States, extending the right to vote to citizens 18 years of age or older; to the Committee on the Judiciary.

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

By Mr. RANDOLPH (for himself, Mr. WILLIAMS of New Jersey, Mr. BIBLE, Mr. FANNIN, Mr. FONG, Mr. KENNEDY, Mr. MILLER, Mr. MONDALE, Mr. MOSS, Mr. MUSKIE, Mr. YARBOROUGH, and Mr. YOUNG of Ohio):

S.J. Res. 74. Joint resolution to provide for the designation of the first full calendar week in May of each year as "National Employ the Older Worker Week"; to the Committee on the Judiciary.

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

S. 1447—INTRODUCTION OF BILL RELATING TO AN ANNUITY TO A SURVIVING SPOUSE WHO HAS REMARRIED

Mr. STEVENS. Mr. President, I am introducing a bill today to correct what I feel is a great injustice to many widows covered under the Federal Employees Retirement Act.

The existing act allows a widow upon reaching the age of 60 to remarry and continue to receive her annuity. However, this provision is limited to those widows whose husbands passed away after the present law was enacted.

My bill will allow a widow, regardless of when her husband passed away, to remarry after the age of 60 and continue to receive her annuity.

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

The bill (S. 1447) to apply certain provisions of section 8341 of title 5, United States Code, which provide for the continuance of restoration of an annuity to a surviving spouse who has remarried or hereafter remarries, and for other purposes, introduced by Mr. STEVENS, was received, read twice by its title, and referred to the Committee on Post Office and Civil Service.

S. 1449—INTRODUCTION OF BILL TO CREATE THE GOLDEN CIRCLE AND SOUTHERN UTAH SCENIC PARKWAY

Mr. BENNETT. Mr. President, I introduce a bill to authorize the appropriation of funds for a survey to determine the best and most feasible route or routes for the establishment of a Golden Circle National Scenic Parkway complex. This complex would link together the many attractive national parks, monuments, and recreation areas of southern Utah, northern Arizona, northwestern New Mexico, and southwestern Colorado.

THE GOLDEN CIRCLE: A TRUE SCENIC AND RECREATIONAL WONDERLAND

Centered around the Four Corners Area of Arizona, New Mexico, Colorado, and Utah are more than 40 outstanding scenic and recreational attractions which form a great "Golden Circle" as the area has been aptly described. These attractions include both National and State parks and monuments and other areas of scenic, archaelogic, geologic, historic, and recreational value. It is an area unduplicated in the world, and has recently received added value in the designation of Canyonlands National Park and in the formation of Lake Powell and the Glen Canyon national recreation area.

SCENIC PARKWAY COMPLEX NEEDED

Most of the points of interest would be only a few hours apart if there were adequate access and connecting roads. Yet, at the present time the people of America are being denied, except on great inconvenience and hardship, the opportunity to see some of the most spectacular and majestic scenery in the world. Some of these points of interest have no roads at all or are accessible only by jeep trail. Those that do have good roads usually are not linked in any patterns to provide contiguous travel from one to another. The construction of a national scenic parkway in the Golden Circle area would cross and open up this area to countless thousands of people who are now denied this great esthetic experience.

Frankly, I am tired of creation of national parks and monuments strictly for "museum" purposes, far off the main roads and accessible only to the most hardy, rich tourists who can afford pack trains or jeep tours. Let us open up our parks to the American people. Why should we continue to hide them from general view?

BACKGROUND RECALLED

In the 87th Congress, I introduced a bill to authorize the construction of a national parkway through southern Utah. The Department of the Interior submitted a negative report on the bill, however, on the grounds that no survey had been made by the Department. Significantly, the Department indicated that it wished to make such a survey as soon as personnel and funds were available. I then introduced a bill to give the Department the necessary funds and personnel. In testifying on this bill in testimony before the Appropriations Committee, Conrad L. Wirth, then Director of the National Park Service, said the Park Service could economically use the full amount of $80,000 which the bill provided, but added he felt such a study should include not only southern Utah but the general Colorado River region in adjoining States where outstanding scenic parkway possibilities exist. I heartily concur in the broader concept, which the bill I am introducing today proposes. My bill authorizes $250,000 for the broader survey.

A survey of the area will show there are several possible routes which hold great promise for location of a national scenic parkway. They are not only scenic but are feasible from an economic and Utah, for example, the Bureau of Public engineering standpoint. In southern Roads has surveyed four possible routes, and other locations have been suggested by other groups. No doubt routes in other States to complete the road complex are equally available.

NEEDED—PARKWAYS IN THE WEST

As my colleagues know, all of our existing national parkways are east of the Mississippi River, principally in the South. It is my strong conviction that this discriminatory policy should cease so that the Golden Circle area can receive a portion of the $16 million appropriated annually by Congress for construction of national parkways. The parkway which I propose would traverse one of the most magnificent areas in the United States. Since the area is almost entirely owned by the Federal Government, the right-of-way will cost very little.

Moreover, Utah was forced by former Secretary Udall to give up hundreds of thousands of acres for new parks and recreation areas. But road development lags far behind the national park developments in the area. In fairness we should and must have roads.

UTAH STUDY

The Utah State Department of Highways has completed an exhaustive study of road needs in the Golden Circle area, and points out that National Park Service developments on Lake Powell, for example, have brought into sharp focus the needs for access roads. The National Park Service anticipates 1 million visitors annually if good access roads are provided. In anticipation of the influx of visitors, the Park Service is spending millions of dollars in the development of some 10 permanent recreation sites in the Glen Canyon National Recreation Area in Utah. Yet, only three, Wahweap, Lee's Ferry, and Bullfrog are accessible today over a hard-surfaced, all-weather road. Castle Butte development can be reached first by jeep, then on foot by the hardy few. Hole-in-the-Rock is 50 miles, over primitive road, from the nearest connecting highway. The Utah State Department of Highways recommends the improvement of Utah State Route 95, the backbone through the area, and the construction and improvement of access roads leading into the recreational sites on Lake Powell. I know the National Park Service and the Bureau of Public Roads, in carrying out the survey proposed in my bill, will wish to consider the valuable information developed by the Utah State Department of Highways and to work with the highway departments and other interested agencies in Arizona, Colorado, and New Mexico, as well.

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

The bill (S. 1449) to provide for an appropriation of a sum not to exceed $250,000 with which to make a survey of a proposed Golden Circle National Scenic Parkway complex connecting the national parks, monuments, and recreation areas in the southern part of Utah with the national parks, monuments, and recreation areas situated in north-

ern Arizona, northwestern New Mexico, and southwestern Colorado, introduced by Mr. BENNETT, was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

S. 1450—INTRODUCTION OF A BILL TO AMEND THE SOCIAL SECURITY LAW TO INCLUDE DRUG BENEFITS AND TO REMOVE THE $50 DEDUCTIBLE

Mr. YARBOROUGH. Mr. President, I introduce, for appropriate reference, a bill to eliminate the $50 deductible feature under part B of medicare and to include prescription drugs among the benefits provided under that same program.

My proposal is prompted partially by the testimony received by the U.S. Special Committee on Aging during recent hearings conducted on the subject of "Usefulness and Availability of Federal Programs and Services to Elderly Mexican-Americans."

As I presided at the committee hearings in Los Angeles, El Paso, San Antonio, and, finally, in Washington, D.C., during December and January, I was impressed by the frequency with which witnesses declared that—while medicare part B is fulfilling an essential and long-needed function in providing coverage for some treatment and services—the $50 deductible feature and the high cost of prescription drugs put a heavy burden upon low-income members of minority groups in particular.

Let us think for a moment about what part B costs a participant before he can collect a penny in benefits.

For one thing, he must now pay $4 a month for his premium: or $48 a year. Then he must pay for the first $50 of covered charges. He is already up to $98 for coverage before receiving any benefits, and even then he must pay 20 percent "coinsurance" for each covered charge during the year over the first $50.

As reported in the last report of the Committee on Aging, "Developments in Aging, 1967," the deductible contributes toward heavy burden upon the very people most in need of help. That report quotes Mr. William Hutton of the National Council of Senior Citizens as saying that the medicare program should be regarded as a public social insurance program, but that the use of deductibles—as well as coinsurance—comes strictly from the practice and thinking in commercial casualty insurance. He explained:

> The basic concept of fire, auto, marine, et cetera, insurance, is the pooling of risks to protect against loss from undesirable and often preventable accidents. The deductible is promoted as a guard against carelessness—or paying the consequences.
>
> But in today's world everyone requires health services. Modern medicine embraces preventive care and health maintenance as essential elements. The casualty insurance concept simply does not fit in a medicare program established as an element of our social insurance.

Another vivid description of the problem came at our hearing in Los Angeles in connection with elderly Mexican-Americans. Dr. Max Offenberg, a resident of the East Los Angeles area for 48 years and a practicing physician in the community for 32 years, said that elimination of the first $50 for the doctor bill and related services would "encourage the eligible Mexicans and Americans of Mexican descent to seek medical care early rather than to attempt to treat themselves. In this way, many serious medical problems would be avoided and a financial savings would be realized."

Here we have a medical practitioner with years of experience saying that elimination of the deductible would encourage preventive medicine, which is so much more effective and humane than costly treatment and hospitalization later on.

Dr. Offenberg also provided excellent arguments for the second feature of the bill I offer today. That provision calls for coverage of prescription drug costs under part B of medicare. Here again, Dr. Offenberg argued for prevention:

> Many of our elderly are unable to purchase outpatient drugs, thereby prolonging their ailments and resulting in needless suffering.

Our hearings on Mexican-Americans were useful because they dramatically showed that among many members of minority groups, many prevelant problems are intensified and highly visible when subjected to scrutiny. On the matter of prescription drugs under medicare part B, we now have weighty documentation on the more widespread need—not only among low-income members of minority groups—for coverage of drugs under medicare. I am referring to the December 31, 1968, report by the Task Force on Prescription Drugs. As that report emphatically said:

> Since the advent of Medicare, prescription drugs have represented the largest single personal health expenditure that the aged must meet almost entirely from their own resources—some 20 per cent of their personal health expenditures. Although the elderly represent less than 10 per cent of the population, they account for nearly 25 per cent of all prescription drug costs, and their annual per capita expenditure for drugs is more than three times that of persons under age 65.

Mr. President, the task force report provides overwhelming evidence, in my opinion, on the need for action on prescription drugs. While I am well aware that the Social Security Administration has promulgated chilling estimates on the costs of removing the deductible from part B, the medical testimony I heard at these hearings where I presided indicated that money would be saved the taxpayers if these drugs would be furnished in time, that is, free. I submit that the Congress should reexamine the deductible—not only to determine whether the SSA may be too pessimistic in their cost projections—but also to investigate our basic philosophy behind part B program of medicare.

We in Congress made many speeches when we passed medicare about the need for bringing all Americans into the "mainstream of medicine." We should ask now whether we are succeeding. I do not think we are. I believe we should.

I ask unanimous consent that this bill be printed in full 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. 1450) to amend title XVIII of the Social Security Act so as to include drugs among the benefits provided under the supplementary medical insurance program established by part B of such title and to eliminate the $50 deductible presently imposed as a condition to the receipt of benefits under such program, introduced by Mr. YARBOROUGH, was received, read twice by its title, referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

S. 1450

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 1861(s) of the Social Security Act is amended—

(1) by striking out "and" at the end of paragraph (8);

(2) by striking out the period at the end of paragraph (9) and inserting in lieu thereof ", and ";

(3) by inserting after paragraph (9) the following new paragraph:

"(10) drugs and biologicals which are prescribed by a physician."; and

(4) by redesignating paragraphs (10), (11), (12), and (13) as paragraphs (11), (12), (13), and (14), respectively.

(b)(1) Section 1835(a) of such Act is amended by adding at the end thereof the following new sentence: "With respect to drugs and biologicals described in section 1861(s)(10), the certification requirements of paragraph (2)(B) shall be satisfied by the physician's prescription."

(2) Section 1861(s)(2) of such Act is amended by striking out "(including drugs and biologicals which cannot, as determined in accordance with regulations, be self-administered)" in subparagraphs (A) and (B) and inserting in lieu thereof "(including drugs and biologicals)".

(3) Section 1861(t) of such Act is amended by striking out "or as are approved" and inserting in lieu thereof "or, in the case of drugs and biologicals furnished by a hospital, as are approved".

(4) Section 1864(a) of such Act is amended by striking out "paragraphs (10) and (11)" and inserting in lieu thereof "paragraphs (11) and (12)".

(c) The amendments made by this section shall apply only with respect to expenses incurred on or after the first day of the month following the month in which this Act is enacted.

SEC. 2. (a) (1) Section 1833(a)(1) of the Social Security Act is amended by striking out "plus any amounts payable by them as a result of subsection (b)".

(2) Section 1833(b) of such Act is repealed.

(3) Section 1833(c) of such Act is amended by striking out "subsections (a) and (b)" and inserting in lieu thereof "subsection (a)".

(4) Subsections (c), (d), (e), and (f) of section 1833 of such Act are redesignated as subsections (b), (c), (d), and (e), respectively.

(b) (1) The first sentence of section 1866(a)(2)(A) of such Act is amended by striking out "section 1833(b),".

(2) The second sentence of section 1866(a)(2)(A) of such Act is amended by striking out "section 1833(c)" and inserting in lieu there of "section 1833(b)".

(c) The amendments made by this section shall be effective with respect to calendar years commencing after December 31, 1967.

S. 1452—INTRODUCTION OF NATIONAL PARK SERVICE NATURAL SCIENCE RESEARCH ACT

Mr. HANSEN. Mr. President, during the past several years, there has been a groundswell of public support for an expanding program for the preservation of our country's natural heritage. New national parks, monuments, recreation areas, memorials, and seashores, as well as wilderness, wild rivers, scenic rivers, and national scenic trails systems, have been recently created by Congress.

In 1963, an advisory committee of the National Academy of Sciences submitted a report to former Secretary of the Interior Udall on research in the National Park Service. The committee's report pointed to a mounting crisis—one within the national park system itself. The committee found that less than 1 percent of the Park Service's total appropriations were being spent for research in the natural sciences. This compared to an average 10 percent spent by similar Federal agencies. Further, the advisory committee made 20 specific recommendations for improving research as a means to aid the National Park Service in fulfilling its mandate "to preserve and conserve the national parks with due consideration for the enjoyment of their owners, the people of the United States, of the esthetic, spiritual, inspirational, educational and scientific values which are inherent in natural wonders and nature's creatures."

Unfortunately, many of the recommendations of the advisory committee have not been implemented despite its pointed urging for "prompt action." The committee advised:

> Unless drastic steps are immediately taken there is a good possibility that within this generation several, if not all, the national parks will be degraded to a state totally different from that for which they were preserved and in which they were to be enjoyed.

On May 4, 1967, I introduced S. 1684 in the 90th Congress. My earlier remarks and supporting material can be found in the CONGRESSIONAL RECORD, volume 113, part 9, pages 11745–11761. S. 1684 put many of the recommendations of the National Academy of Sciences into a legislative framework and would have given the National Park Service the necessary authority and directive to implement many sorely needed reforms.

Unfortunately, no report was made by the previous administration on this measure. Nevertheless, I believe that there is merit to be found in a number of the provisions of this legislation and I resubmit the identical bill to the Senate now in the hopes that some legislative dialog with the new team at the Department of the Interior might be stimulated in this Congress. I will ask that a report expressing the departmental views be filed with the Senate Interior Committee.

The need for improved environmental research is not something that will go away. In fact, we are becoming more aware of these needs every day. The Santa Barbara disaster; evidence of human waste pollution in Mammoth Cave; the continuing threat to the aquatic and bird life of Everglades National Park—all these are putting up the warning signs to us: "Danger: Man at Work."

Concerned citizens, scientists and legislators are alerting this country to the environmental crises facing us. Numerous bills have been offered in Congress to deal with this issue in its broadest aspects. One such bill in particular, S. 1075, recently introduced by the chairman of the Senate Interior Committee to establish a three-member Council of Advisers on Environmental Quality appears to me to have much merit.

The bill I introduce today in no way conflicts with these broader efforts, but rather is confined to a specific agency where a specific need for environmental research very obviously exists. The National Park Service is being given responsibility for managing a significant number of new additions to the national park system. As planning for future management programs progresses, it is essential that environmental considerations be given the emphasis that they urgently require. It is time now that the Park Service moves to put its house in order so that its future management decisions affecting the environment are made on the basis of the best scientific evidence available.

Mr. President, I introduce, for appropriate reference, on behalf of myself and Mr. BENNETT, Mr. BROOKE, Mr. COOPER, Mr. DOMINICK, Mr. HRUSKA, Mr. JAVITS, Mr. MCGOVERN, Mr. MOSS, Mr. PERCY, Mr. PROUTY, Mr. RANDOLPH, Mr. SCOTT, and Mr. TYDINGS, S. 1452, the National Park Service Natural Science Research Act of 1969.

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

The bill (S. 1452) to provide for the establishment of an Office of Natural Science Research in the National Park Service; to establish a system of fellowships for support of research in the natural sciences; and for other purposes, introduced by Mr. HANSEN (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

S. 1455—INTRODUCTION OF APPLE MARKETING BILL

Mr. ALLOTT. Mr. President, on behalf of Senators BENNETT, DOMINICK, MONTOYA, DIRKSEN, SAXBE, and myself, I introduce a bill to amend section 8c(2)(A) of the Agricultural Marketing Agreement Act of 1937, as amended, so as to include Colorado, Utah, New Mexico, Illinois, and Ohio among the specified States which are eligible to participate in marketing agreement and order programs with respect to apples, and ask that it be appropriately referred.

Mr. President, the provisions of this bill are similar to the provisions of S. 3056, which I introduced during the second session of the 90th Congress along with the cosponsorship of Senators DOMINICK, BENNETT, and MONTOYA. Subsequently, the text of the bill was adopted as section 804 of title VIII of the Agricultural Act of 1968. During the time this bill was being debated on the floor of the Senate, the States of Illinois and Ohio were added at the request of Senator DIRKSEN and Senator LAUSCHE to afford those States the opportunity to participate also in marketing agreement and order programs with respect to apples. As Senators are aware, the ensuing conference on the Agricultural Act of 1968 deleted this section, along with others, when it provided for a simple extension of the act until December 31, 1970. It is for this reason that we are again introducing this measure during the 91st Congress.

Mr. President, simply stated, the purpose of this bill is to enable applegrowers in the States affected by the bill to do a more effective job of marketing apples in their respective States by providing legislative authority to enter into voluntary marketing agreement and order programs. Section 8c(2)(A) of the Agricultural Marketing Agreement Act of 1937, as amended, already grants this authority to enter into marketing agreement and order programs. This bill would merely add the States of Colorado, Utah, New Mexico, Illinois, and Ohio to that list of States which are afforded an opportunity to enter into such marketing programs.

The Agricultural Marketing Agreement Act of 1937 originally established the legislative authority for the orderly and efficient marketing processes for the improvement of the market for various agricultural commodities. This legislative authority was provided, not only for the economic benefit of the agricultural industry involved with such commodities, but also for the general benefit of the consuming public. As such, the Agricultural Marketing Agreement Act afforded the opportunity for proper farmer bargaining power through collective farmer marketing and selling agreements otherwise unavailable to individual farmers.

Under the present law, the Secretary of Agriculture has the power to enter into these marketing orders, which are exempt from the antitrust laws of the United States, with the applegrowers of the affected States. As such, the passage of this bill would merely create the opportunity for voluntary interstate agreements, voted upon by the applegrowers directly affected, which would be subject to the approval of the Secretary of Agriculture. In this regard, the public interest is fully protected by the processes established by law. Prior to the approval by the Secretary, the proposed agreements are subject to hearings called by the Department of Agriculture to satisfy the Department of the voluntariness of the proposed agreement and to be certain that there is a sufficient number of growers who want to enter into such an agreement. Thus, it seems to me, that there is an ideal industry-Government relationship created by law to assure the ultimate protection of the public interest.

Mr. President, in my State, applegrowers are presently permitted by Colorado law to enter into marketing agreements and orders on an intrastate basis. What we are seeking to do today, however, is to enable applegrowers in the States enumerated in this bill, along with those in Colorado, to join with applegrowers in the States set forth in sec-

tion 8c(2)(A) of the Agricultural Marketing Agreement Act to create voluntary interstate marketing orders.

Applegrowers in the States affected by this bill should have the opportunity to afford themselves of the promise of the purposes of the Agricultural Marketing Agreement Act of 1937 for the orderly exchange of their commodity in interstate commerce be effectuating programs beneficial not only to their particular industry, but also to the consuming public. In this regard, I would hope that the Senate Agriculture Committee will take early and favorable action on this measure so that it can be enacted during the present session of the 91st Congress.

I ask unanimous consent that the bill I have sent to the desk 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. 1455) to amend section 8c(2)(A) of the Agricultural Marketing Agreement Act of 1937, as amended so as to include Colorado, Utah, New Mexico, Illinois, and Ohio among the specified States which are eligible to participate in marketing agreement and order programs with respect to apples, introduced by Mr. ALLOTT (for himself and other Senators), was received, read twice by its title, referred to the Committee on Agriculture and Forestry, and ordered to be printed in the RECORD, as follows:

S. 1455

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of section 8c(2)(A) of the Agricultural Marketing Agreement Act of 1937, as amended, is amended by striking out "and Connecticut" and inserting in lieu thereof "Connecticut, Colorado, Utah, New Mexico, Illinois, and Ohio."

S. 1456—INTRODUCTION OF APPLE ADVERTISING BILL (COMPANION TO APPLE MARKETING BILL)

Mr. ALLOTT. Mr. President, I also introduce on behalf of Senators BENNETT, DOMINICK, MONTOYA, DIRKSEN, SAXBE, and myself, a bill to amend sections 2(3) and 8c(6)(I) of the Agricultural Marketing Agreement Act of 1937, as amended, so as to permit marketing orders applicable to apples to provide for paid advertising and ask that it, too, be appropriately referred.

Mr. President, the provisions of this bill are identical to the provisions of S. 3057 which I introduced during the second session of the 90th Congress. S. 3057 suffered the same fate as S. 3056 in the 90th Congress. After having been adopted as section 805 of title VIII of the Agriculture Act of 1968, the language was deleted as a result of the ensuing conference between the House and Senate conferees.

Again, this bill is only offered as enabling legislation. It would still require that applegrowers themselves, by voluntary agreement, provide that expenses of paid advertising be a part of a marketing agreement or order. This also would require approval by a majority of the producers themselves which action, of course, is still subject to approval by the Secretary of Agriculture. It is my belief, as well as the belief of those who are cosponsoring this measure today, that the passage of this bill is essential to the apple growing industry to further the development of programs which would provide a more effective job of marketing apples by the apple industry.

I ask unanimous consent that the text of 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. 1456) to amend sections 2(3) and 8c(6)(I) of the Agricultural Marketing Agreement Act of 1937, as amended, so as to permit marketing orders applicable to apples to provide for paid advertising, introduced by Mr. ALLOTT (for himself and other Senators), was received, read twice by its title, referred to the Committee on Agriculture and Forestry, and ordered to be printed in the RECORD, as follows:

S. 1456

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 2(3) of the Agricultural Marketing Agreement Act of 1937, as amended, is amended by inserting ", such marketing research and development projects provided in section 8c(6)(I), and" immediately after "section 8c(6)(H)".

(b) The proviso at the end of section 8c(6)(I) of such Act, as amended, is amended by striking out "or avocados" and inserting in lieu thereof ", avocados, or apples".

S. 1457—INTRODUCTION OF FEDERAL FINE ARTS AND ARCHITECTURE ACT OF 1969

Mr. MUSKIE. Mr. President, on behalf of myself and Senators HART, JAVITS, MAGNUSON, MCCARTHY, and YARBOROUGH, I introduce, for appropriate reference, a bill to foster high standards of architectural excellence in the design and decoration of Federal public buildings and post offices outside the District of Columbia, and to provide for a program for the acquisition and preservation of works of art for such buildings, and for other purposes, to be known as the Federal Fine Arts and Architecture Act of 1969.

I ask unanimous consent that the text of the bill be printed in the RECORD following my remarks.

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

(See exhibit 1.)

Mr. MUSKIE. Mr. President, the bill I am introducing today is identical to S. 1582 of the 90th Congress and to H.R. 2790 already introduced by Congressman REUSS, of Wisconsin.

At a time when we are becoming increasingly aware of the impact of architectural design on the urban environment, it is most appropriate that the Federal Government should take steps to insure that all Federal buildings reflect the finest examples of American fine arts and architecture.

Too often Federal buildings outside the District of Columbia are unimaginative, mediocre structures which have been built to last, but not to add esthetic beauty to their surroundings. Too often they bear little relation to their sites or to architectural styles around them. Frequently the works of art in these buildings have been added as afterthoughts and not as integral parts of the total design.

Unfortunately, many Federal buildings throughout the United States stand as monuments to bad taste for generations to come, when they should be examples of what is best in contemporary American art and architecture.

The proposed Federal Fine Arts and Architecture Act of 1969 seeks to upgrade the quality and design of Federal buildings and post offices outside the District of Columbia and to provide for the acquisition of suitable works of art for these buildings by establishing a public advisory panel on architectural services in the General Services Administration. At least 12 distinguished architects from private life, including landscape architects and city planners; at least six representatives from allied fields, including painters, mural artists, sculptors, specialists in the decorative arts and crafts, and interior designers; and Federal representatives would be included on the panel. The Commissioner of the Public Buildings Service of GSA would act as Chairman.

This provision would give statutory recognition to the GSA Executive order, revised on August 17, 1965, which established a public advisory panel on architectural services and whose membership is substantially the same as that proposed in this bill.

In appointing public members to the panel, the Administrator of GSA shall choose from nominations submitted to him by the Chairman of the National Endowment for the Arts.

Mr. President, the proposed Architectural Advisory Board would have four main functions.

It would make recommendations to the GSA Administrator and the Postmaster General on criteria for public buildings and post offices outside the District of Columbia and on the choice of artists for works of art to be used in these buildings.

It would be authorized to review GSA design standards, guides and procedures.

It would advise the Administrator and the Postmaster General on the selection of architects and artists, and it would review and advise them with respect to the acceptability of architectural designs or works of art for individual projects.

Finally, this bill would authorize the GSA Administrator and the Postmaster General to spend an amount equal to 1 percent of the total amount appropriated for the preceding fiscal year for the design and construction of public buildings outside the District of Columbia in order to acquire and maintain suitable works of art for these buildings.

Mr. President, by improving the quality of art and architecture of Federal buildings all over the United States, I believe this bill would enhance the environment of many of our towns and cities to

reflect the dignity, vitality, and strength of the Nation.

I am hopeful that we may have early enactment of this bill.

The bill (S. 1457) to foster high standards of architectural excellence in the design and decoration of Federal public buildings and post offices outside the District of Columbia, and to provide a program for the acquisition and preservation of works of art for such buildings, and for other purposes, to be known as the Federal Fine Arts and Architecture Act, introduced by Mr. MUSKIE (for himself and other Senators), was received, read twice by its title, referred to the Committee on Public Works, and ordered to be printed in the RECORD.

EXHIBIT 1

S. 1457

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it is hereby declared to be the purpose of this Act to provide—

(1) for the maintenance of high standards of architectural design and art for public buildings and post offices outside the District of Columbia; and

(2) a program for the acquisition and preservation of suitable works of art for public buildings and post offices outside the District of Columbia.

SEC. 2. For the purposes of this Act—

(a) The term "Administrator" means the Administrator of General Services.

(b) The term "public building" shall have the same meaning as is provided in section 13(1) of the Public Buildings Act of 1959.

SEC. 3. (1) The Public Advisory Panel on Architectural Services is hereby established in the General Services Administration. The Administrator shall appoint to the Panel at least twelve distinguished architects from among persons in private life professionally engaged in architecture, landscape architecture, or city planning, and at least six distinguished representatives of the fields of art allied to architecture, including painting (two members, of whom one shall be experienced in mural decoration), sculpture (two members, of whom one shall be experienced in sculpture related to the architectural environment), the decorative arts and crafts (one member), and interior design (one member), and such appropriate representatives of the Federal Government as the Administrator may desire to serve ex officio. The Commissioner, Public Buildings Service, General Services Administration, shall be chairman of the Panel.

(2) The Administrator shall appoint the public members of the Panel from nominations submitted to him from time to time by the Chairman of the National Endowment for the Arts, who shall recommend at least three persons for each position in a professional field for which a public member is to be appointed. The Chairman of the Endowment, in preparing lists of nominees, shall call upon the National Council on the Arts and the Endowment's advisory panels covering the fields of architecture, painting, sculpture, the decorative arts and crafts, and interior design, for advice and assistance, and shall give due consideration to any nominations submitted to the Endowment by established national organizations in the respective professional fields of art and architecture.

(3) Each public member of the Panel shall serve for a term expiring in one of the first three years succeeding the year in which he is appointed, as designated by the Administrator at the time of appointment, subject to the limitation that not more than one painter and one sculptor may have a term scheduled to expire in the same calendar year. No public member of the Panel shall be eligible for reappointment for a term beginning less than two years after the expiration of his third consecutive term.

(4) Each public member of the Panel shall receive compensation at the rate of $50 per diem for each day on which he is engaged in the performance of his duties as such, and shall be reimbursed for travel, subsistence, and other necessary expenses incurred by him in the performance of such duties.

(5) In order to insure that Federal public buildings, outside of the District of Columbia, and buildings leased to the United States for use by the Post Office Department, outside of the District of Columbia, may be enhanced by beauty, dignity, economy, utility, and suitable works of art, the Panel shall have the following functions:

(a) Develop and make recommendations to the Administrator and to the Postmaster General as to criteria for the evaluation and selection of, and contractual relationships with, architects for public buildings, and post office buildings, and with artists for work of art related to the total design concept of such buildings.

(b) Review General Services Administration design standards, criteria, guides, and procedures and recommend to the Administrator and to the Postmaster General any necessary or desirable changes to further the objectives and purposes of this Act.

(c) Advise the Administrator and the Postmaster General in the selection of architects for the design of nationally significant buildings designated by the Administrator or by the Postmaster General, and of distinguished artists recommended by the architect of such building or by the Panel to work with the architect at the early planning stages.

(d) Review and advise the Administrator or the Postmaster General with respect to the acceptability of architectural design or works of art proposed by individual projects designated by the Administrator or by the Postmaster General.

(6) Meetings of the Panel shall be at the call of the Chairman or by request of three or more public members. The Panel shall maintain such records as are necessary and render such reports and submit such recommendations as may be requested by the Administrator or the Postmaster General or otherwise considered by the Panel as necessary to discharge its responsibilities under this Act. With the approval of the Administrator or the Postmaster General specified functions of the Panel may be performed by subpanels designated by the Administrator or by the Chairman of the Panel.

SEC. 4. The Administrator and the Postmaster General are authorized to acquire and maintain works of art for public buildings or for post offices, respectively, outside the District of Columbia. In addition to any amounts otherwise authorized, there is hereby authorized to be appropriated for this purpose in each fiscal fiscal year, to remain available until expended, an amount equal to 1 per centum of the total amount appropriated for the preceding fiscal year for the design and construction of public buildings outside the District of Columbia. The Postmaster General shall endeavor to secure a similar level and quality of works of arts for buildings, outside the District of Columbia, leased to the United States for use by the Post Office Department.

SEC. 5. The Panel shall provide recommendations to the Administrator and to the Postmaster General concerning the artists and works of art under section 4. The Panel may, where appropriate, recommend to the Administrator and to the Postmaster General, respectively, the holding of competitions for the selection of artists and of designs or models of works of art.

S. 1458—INTRODUCTION OF BILL REGULATING DEBT ADJUSTMENT IN THE DISTRICT OF COLUMBIA

Mr. TYDINGS. Mr. President, today I introduce a bill to prohibit the business of debt adjusting in the District of Columbia. The Senate passed the bill during the last session, but this undesirable practice continues. It is noteworthy, too, that the practice of debt adjustment continues in the District of Columbia notwithstanding the fact that it has been decried as undesirable and prohibited in the surrounding States of Maryland and Virginia.

The purpose of this bill is to prohibit the business of "debt adjusting" in the District of Columbia.

The business of debt adjusting, also known by several other names, involves an agreement by a debtor to pay money periodically to the adjuster who agrees in return for a fee paid by the debtor to apportion the money among the creditors of his client. The adjuster does not advance or lend money to the debtor.

A series of articles appearing in the Washington Star in 1967 called attention to the deceptive commercial practices of so-called debt consolidators in the Washington area.

Debt adjusters persuade debtors to refrain from making direct payments to their creditors and instead to make payments to the adjuster—they in turn pay the creditors but only after taking a substantial premium from the debtor's payments. The debtor receives no real benefit from this arrangement. Instead he adds a new creditor—the adjuster—to an overwhelming list of his creditors.

The hearings which have been held demonstrate that it is doubtful that simple regulation of debt adjusting can adequately protect the public. To be effective, regulation would require detailed and constant auditing of accounts of the numerous small debtors doing business with the adjusters. Moreover, it is clear that debt consolidators do not offer any useful service that should be fostered by the official approval implied by regulation.

The practices of the debt-adjusting business have proved to be of sufficient concern in other parts of the country that it has been prohibited in 25 States, including Maryland and Virginia. It should now be prohibited in the District of Columbia as well.

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

The bill (S. 1458) to prohibit the business of debt adjusting in the District of Columbia except as an incident to the lawful practice of law or as an activity engaged in by a nonprofit corporation or association, introduced by Mr. TYDINGS, was received, read twice by its title, and referred to the Committee on the District of Columbia.

S. 1459—INTRODUCTION OF BILL REGULATING RETAIL INSTALLMENT SALES OF CONSUMER GOODS IN THE DISTRICT OF COLUMBIA

Mr. TYDINGS. Mr. President, I introduce today a bill relating to consumer

protection in the District of Columbia. This bill is identical to S. 2589 which passed the Senate during the last session. Since the passage of S. 2589, the District of Columbia Council and the Mayor have enacted a set of regulations consistent with the aims enunciated in the bill. This bill is designed solely to supplement the work of the Council and the Mayor and to enable it to go further with its efforts in this area.

The purposes of S. 2589 are—

First. To regulate retail installment sales of consumer goods in the District of Columbia—other than motor vehicles—and to safeguard consumers from unconscionable, or fraudulent advertising, sales, credit, and collection practices;

Second. To permit and encourage the development of fair and economically sound consumer credit practices;

Third. To further consumer understanding through disclosure of the terms of retail installment transactions and to promote competition among retail sellers;

Fourth. To promote and develop programs for the education of retail credit consumers.

Extensive hearings before the Business and Commerce Subcommittee of the District of Columbia Committee in December 1967, January and February 1968, and February 1969, a Federal Trade Commission economic report on installment credit and retail sales practices of District of Columbia retailers published in March 1968, and a report of the Federal Trade Commission of June 1968 on a District of Columbia consumer protection program conducted by the Commission during the period June 1965 to June 1968 clearly demonstrate the need for effective regulation of retail installment sales transactions in the Nation's Capital.

While the overwhelming majority of retail merchants in the District of Columbia are honest, fair-minded, considerate businessmen, the committee record shows that far too many consumers in the District too often become the unwitting victims of overreaching and unconscionable commercial practices employed by a small ever-present group of unethical and fly-by-night operators in the retail marketplace. Intent only on closing the deal, such hucksters misrepresent their goods, engage in phony and deceptive advertising, misrepresent costs and finance charges, and hustle their customers into unexplained, misunderstood, and onerous, unfair retail installment contracts. Such contracts often lead to default, repossession, money judgments in favor of third-party finance companies, and total and serious losses to the consumer.

Deceptive and dishonest retail practices—particularly in relation to installment purchases—can injure anyone in the marketplace, but their impact falls most heavily on the poor and uneducated, those least able to defend themselves against the unscrupulous merchant—who may be the only seller available to them—and least able to afford such losses.

My bill is designed to assist the District of Columbia government in its efforts to meet these problems in a moderate, responsible, but effective way, and to provide tools by which residents of the District will be able to protect themselves against unscrupulous business practices.

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

The bill (S. 1459) to provide for the regulation in the District of Columbia of retail installment sales of consumer goods (other than motor vehicles) and services, and for other purposes, introduced by Mr. TYDINGS, was received, read twice by its title, and referred to the Committee on the District of Columbia.

S. 1462—INTRODUCTION OF THE ORDERLY MARKETING ACT OF 1969

Mr. MUSKIE. Mr. President, I introduce, for appropriate reference, on behalf of myself and Senators BAYH, BIBLE, BYRD of West Virginia, COTTON, CRANSTON, DODD, ERVIN, INOUYE, MCGEE, MCINTYRE, MONTOYA, MOSS, PELL, RANDOLPH, SCOTT, STEVENS, TALMADGE, and YOUNG of Ohio, the Orderly Marketing Act of 1969. This bill is intended to establish a flexible basis for the adjustment by the U.S. economy to expanded trade.

Many industries in America, involving thousands of workers, are facing a serious dilemma resulting from the sometimes conflicting goals of a generally healthy domestic economy and the impact of increasing foreign trade on specific industries.

What we may gain from increased trade in one industry may be offset by the losses incurred in another industry, resulting in a high rate of unemployment.

Gains from international trade are important, and trade should be encouraged. But the realities of trade in today's world call for changes from 18th- and 19th-century thinking—that is, thinking which extols the virtues of free and open trade and ignores the complex problems of varying standards of living, means of production, wage scales, and restrictive trade policies other than tariffs.

We cannot deal with these changes on a piecemeal basis, and hasty consideration will do us more harm than possible good. This is one reason why, more than ever, I believe that Congress must take a hard look at our trade policies in light of our domestic and foreign priorities.

This examination should not be on the basis of one commodity or one industry at a time, but rather with a perspective that will enable us to examine the needs of our entire economy and determine the way in which foreign trade practices affect its health.

In principle, and often in fact, the threat to the mink industry, the dairy producers, the iron and steel manufacturers, or the shoe industry stems from the same cause—imports of commodities which are produced at wages that would be illegal in the United States.

If we decide to solve the problems of each industry one at a time—as we have been doing—after a crisis develops in each, we may secure some relief for that one industry. But we do no more, really, than graft solutions of the past on a problem that demands a much more thorough and systematic approach.

Instead of waiting for a crisis point to be reached in each industry, we should set up a system which will consider and deal with these problems as they begin to appear.

Instead of ignoring the common problem faced by so many domestic industries, we should deal with it on a common basis. And instead of overlooking the obvious need for an examination of our abilities and priorities in light of the new realities of trade, we should study the situation and make some decisions as soon as possible.

With these considerations in mind, I am introducing the Orderly Marketing Act of 1969. The Orderly Marketing Act is not a rigid protectionist measure. It would not impose a rigid quota system. Instead, it is designed to give those American industries which have been hard hit by a massive flood of foreign imports time to readjust to the changing conditions of world trade.

The orderly marketing concept allows us to bring balance to our trade policy. Very simply, this bill would require the Secretary of Commerce, under certain specific conditions, to determine whether increased quantities of imports are a factor contributing to economic impairment of a given industry. If the Secretary finds that such impairment does exist, then the President would be able to impose import limitations geared to total sales in the domestic market, subject to review after 3 years.

This concept would allow us to overcome unfair competition through international agreements or through unilateral—but flexible—quotas. And it would allow foreign competitors to share in the growth of our market and our economy.

The grand scheme of free trade has obscured the nuts and bolts of our own problems, and many of our domestic industries have been the victims. The existence of many domestic manufacturers, particularly the smaller ones, and their workers is threatened.

Since the Orderly Marketing Act prescribes the basis for a common remedy for a problem common to many domestic industries, it is, in my opinion, a reasonable and equitable approach to a difficult and thorny problem.

Mr. President, I ask that the bill and a summary of its provisions be inserted in the RECORD at this point.

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

The bill (S. 1462) to provide for the orderly marketing of articles imported into the United States, to establish a flexible basis for the adjustment by the U.S. economy to expanded trade, and to afford foreign supplying nations a fair share of the growth or change in the U.S. market, introduced by Mr. MUSKIE (for himself and other Senators), was received, read twice by its title, referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

S. 1462

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 "Orderly Marketing Act of 1969."

SEC. 2. PURPOSES.—The purposes of this Act are to provide for the orderly marketing of articles imported into the United States, to establish a flexible basis for the adjustment by the United States economy to expanded trade, and to afford foreign supplying nations a fair share of the growth or change in the United States market.

SEC. 3. DEFINITIONS.—As used in this Act—

(a) "Domestic industry" shall include all establishments located in the United States in which any article or articles like or directly competitive with the imported article or articles specified in a petition or request under subsection (a) or subsection (b) of section 4 are produced. If an enterprise has several establishments in some of which such articles are not produced, the industry would include only establishments in which the article is produced for purposes of analyzing impairment for purposes of subsection (c) of section 4;

(b) "Like or directly competitive articles" shall mean those articles or closely related groups of articles on which the article or articles specified in a petition or request under subsection (a) or subsection (b) of section 4 have a combined competitive impact;

(c) An imported article is "directly competitive with" a domestic article at an earlier or later stage of processing, and a domestic article is "directly competitive with" an imported article at an earlier or later stage of processing, if the importation of the imported article has an economic effect on producers of the domestic article comparable to the effect of importation of articles in the same stage of processing as the domestic article. For purposes of this paragraph, the unprocessed article is at an earlier stage of processing;

(d) "Secretary" refers to the Secretary of Commerce.

SEC. 4. (a) A petition for orderly marketing may be filed with the Secretary by a trade association, firm, certified or recognized union, or other representative of an industry.

(b) Upon the request of the President, upon resolution of either the Committee on Finance of the Senate or the Committee on Ways and Means of the House of Representatives, or upon the filing of a petition under subsection (a), the Secretary shall promptly make an investigation to determine whether articles or groups of articles specified in the petition or request are being imported into the United States in such increased quantities as to be a factor contributing to a condition of economic impairment of the domestic industry producing such article and like or directly competitive articles.

(c) In making a determination whether there is a condition of economic impairment in the industry, the Secretary shall take into account all economic factors which he considers relevant, including idling of productive facilities, inability to operate at a reasonable profit or declining profitability, and unemployment, underemployment, or a decline in employment relative to production.

(d) In any event, the Secretary shall make an affirmative determination under subsection (c) and shall find that the articles or groups of articles are being imported in such increased quantities as to be a factor contributing to a condition of economic impairment to the industry, if during the five calendar years immediately preceding the year in which the petition or request is filed the ratio of imports of the article or group of articles to the domestic production of such articles or like or directly competitive articles has increased by 50 per centum or more in the aggregate and during the calendar year immediately preceding the year in which the petition or request is filed the ratio of such imports to such domestic production was at least 15 per centum.

(e) If the Secretary finds that such articles or groups of articles are being imported into the United States in such increased quantities as to be a factor contributing to economic impairment of a domestic industry he shall forthwith inform the President of his finding and his determination under subsection (c).

(f) If the Secretary would have made the finding specified in subsection (e) but for the fact that the ratio of such imports to such domestic production was more than 10 per centum but less than 15 per centum in the year in which the petition or request is filed he shall also forthwith inform the President of his finding.

SEC. 5. Upon being informed by the Secretary of a finding pursuant to section 4(e), the President shall by proclamation limit the importation of such articles or groups of articles to which such finding applies for each calendar year succeeding such proclamation to the larger of—

(i) That quantity which equals 15 per centum of domestic production of such articles and like or directly competitive articles for each preceding calendar year, or

(ii) That quantity which equals average annual imports of such articles or groups of articles for the five calendar years immediately preceding the calendar year in which such proclamation is made: *Provided, however,* That, with respect to a limitation imposed under paragraph (ii), such quantity shall be increased or decreased for each succeeding calendar year by the same percentage that such domestic production in the preceding calendar year increased or decreased in comparison with such average annual domestic production in the second and third immediately preceding calendar year: *And provided further,* That, with respect to a limitation imposed under either paragraph (i) or (ii), in the event of such an increase in domestic production there shall be permitted to enter an increase in quantity equal to 1 per centum of such domestic production for such immediately preceding calendar year.

SEC. 6. (a) After being informed by the Secretary of his findings under section 4 (c), the President may, in lieu of exercising the authority contained in section 5, negotiate international agreements with foreign countries limiting the export from such countries and the import into the United States of the articles or groups of articles involved whenever he determines that such action would be more appropriate to prevent or remedy economic impairment than action under section 5.

(b) In order to carry out an agreement concluded under subsection (a), the President is authorized to issue regulations governing the entry or withdrawal from warehouse of the articles or groups of articles covered by such agreement. In addition, in order to carry out a multilateral agreement concluded under subsection (a) among countries accounting for a significant part of world trade in the article covered by such agreement, the President is also authorized to issue regulations governing the entry or withdrawal from warehouse of the like article which is the product of countries not parties to such agreement.

SEC. 7. The Secretary shall allocate the total quantity proclaimed under section 5, and any increase in such quantity pursuant thereto, among supplying countries on the basis of the shares such countries supplied to the United States market during a representative period of the articles or groups of articles to which such proclamation applies, except that due account may be given to special factors which have affected or may affect the trade in such articles. The Secretary shall certify such allocations to the Secretary of the Treasury.

SEC. 8. In addition to proclaiming import limitations as to the articles or group of articles like or directly competitive with those of domestic industry under this Act, the President may provide with respect to the firms of such industry that they may request the Secretary for certifications of eligibility to apply for adjustment assistance and may provide with respect to the workers of such industry that they may request the Secretary of Labor for certifications of eligibility to apply for adjustment assistance under title III of the Trade Expansion Act of 1962, Public Law Numbered 794, Eighty-seventh Congress. Further proceedings and relief and the criteria pertaining thereto shall be the same as under title III of the Trade Expansion Act.

SEC. 9. If the Secretary informs the President of findings under section 4(f) the President may, in his discretion, take any action or any combination of actions specified in section 5, section 6, and section 8 with respect to the articles or groups of articles to which such findings apply.

SEC. 10. (a) Any proclamation made and any adjustment assistance granted pursuant to this Act shall be reviewable by the President after the third calendar year of their effect and prior to the commencement of each calendar year thereafter during which such proclamation or adjustment assistance remains in effect. In his discretion the President may upon such review terminate such proclamation or adjustment assistance if he finds it no longer necessary, appropriate or effective to accomplish the purposes of this Act. No proclamation or adjustment assistance shall remain in effect for a period longer than ten calendar years.

SEC. 11. Nothing contained in this Act shall affect in any way any quantitative import limitation heretofore or hereafter proclaimed or imposed pursuant to any Act of Congress authorizing such proclamation or imposition including but not limited to—

(a) section 22 of the Agricultural Adjustment Act,

(b) section 204 of the Agricultural Act of 1956,

(c) section 232, 351, or 352 of the Trade Expansion Act of 1962,

(d) Section 2(b) of the Act entitled "An Act to extend the authority of the President to enter into trade agreements under section 350 of the Tariff Act of 1930, as amended", approved July 1, 1954 (19 U.S.C., sec. 1352a),

(e) section 7 of the Trade Agreements Extension Act of 1951,

(f) Public Law Numbered 481 of the Eighty-eighth Congress (78 Stat. 593),

(g) The Sugar Act of 1948, as amended.

The analysis, presented by Mr. MUSKIE, is as follows:

ANALYSIS OF THE ORDERLY MARKETING ACT

The so-called Orderly Marketing Act is designed to provide American industry with relief from excessive import conditions in any kind of commerce.

The bill provides for the imposition of flexible import quotas whenever imports are found to be contributing to the economic impairment of a domestic industry. Among the factors examined to determine the existence of such a condition would be idleness of productive facilities, profit trends, and levels of employment.

Imported articles would be conclusively deemed to be contributing to a condition of economic impairment whenever:

(1) The ratio of imports of domestic production has increased by 50 per cent or more during the five previous calendar years, and

(2) Imports for the immediately preceding calendar year equaled or exceeded 15 per cent of domestic production for that year.

Annual import quotas would be established upon an affirmative finding of economic impairment. These quotas would be set at the larger of either (1) 15 per cent of domestic production for the immediately preceding calendar year, or (2) the average of the annual imports for each of the five immediately preceding calendar years. Annual adjustments would be made to reflect increases in domestic production. As an alternative to the setting of quotas, the President would be authorized to negotiate import agreements with the relevant foreign countries.

A section by section analysis of the bill follows:

Section 1 entitles the bill the "Orderly Marketing Act of 1969".

Section 2 states that the purpose of the bill is to provide for an orderly, but flexible, procedure for the marketing of imported articles. Due concern is expressed for foreign interests.

Section 3 defines phrases used elsewhere in the bill. "Domestic Industry" includes all establishments located in the United States which produce articles which are "like or directly competitive with" imported articles specified in petitions for relief. Where only a portion of an enterprise's establishments produce the article(s) in question, only the establishments which comprise that portion will be termed "industry" for impairment analysis. Whether articles are "like or directly competitive" will presumably be determined by analysis of such general economic concepts as interchangeability and cross-elasticity of demand.

Section 4 outlines the procedure for filing petitions for relief under the Orderly Marketing Act. It provides the President, Congress and private parties with the authority to initiate investigations by the Secretary of Commerce. The investigation is to determine whether the imports are a factor contributing to a condition of "economic impairment" in the relevant domestic industry. Among the standards examined to determine the existence of a condition of economic impairment would be the idleness of productive facilities, profit trends, and levels of employment. The imported articles will be conclusively deemed to be a factor contributing to a condition of economic impairment whenever:

(1) The ratio of imports to domestic production has increased by 50 per cent or more in the aggregate during the five calendar years immediately preceding the filing of the petition; and

(2) Imports for the immediately preceding calendar year equaled or exceeded 15 per cent of domestic production for that year.

The Secretary of Commerce must inform the President of his findings if he makes either an affirmative finding of economic impairment or if he would have done so but for the fact that the ratio of imports to domestic production was more than 10 per cent but less than 15 per cent in the year before the petition was filed.

Section 5 provides for the mandatory imposition of orderly marketing limitations in the event of an affirmative finding by the Secretary. It authorizes a Presidential proclamation which would establish annual quotas based upon the larger of either (1) 15 per cent of domestic production for each preceding calendar year, or (2) the average of the annual imports for each of the five immediately preceding calendar years. A quota level adopted under the second alternative would be annually adjusted to reflect changes in the level of domestic production in the preceding year as compared with the average of the second and third preceding years. Also, where domestic production in the preceding calendar year has increased, a quota level adopted under either of the alternatives would be adjusted upward to the extent of 1 per cent of such domestic production.

Section 6 authorizes the President to negotiate international import agreements as an alternative to imposing quotas.

Section 7 creates a mechanism for allocation of U.S. import quotas among the supplying countries. The allocation would be based upon historic practice, subject to consideration of pertinent special factors which have affected or may affect the trade in such articles.

Section 8 authorizes the President to provide additional relief to injured firms and workers through adjustment assistance under the Trade Expansion Act of 1962.

Section 9 authorizes the President in his discretion to take any of the substantive actions specified in the bill upon notification by the Secretary that an industry is otherwise qualified for relief but for the fact that imports are more than 10 percent but less than 15 per cent of the domestic production.

Section 10 provides for a re-evaluation by the President three years after relief had first been granted. The President has discretionary authority to terminate relief at this time; in no case may a proclamation or adjustment assistance remain in effect for a period of longer than ten years.

Section 11 insures that the bill will not disturb quotas established pursuant to other federal laws.

SENATE JOINT RESOLUTION 73—INTRODUCTION OF PROPOSED AMENDMENT TO THE CONSTITUTION TO LOWER VOTING AGE TO 18 IN ALL ELECTIONS

Mr. SCHWEIKER. Mr. President, I rise today to offer a proposed amendment to the Constitution calling for the lowering of the voting age to 18 in all elections, Federal, State, and local. It is identical to the resolution I introduced in the House last year, House Joint Resolution 341.

There are many important reasons why the Congress should no longer wait to provide for 18-year-olds to be able to vote.

One of these is that with the population explosion of recent years, an increasingly large percentage of our population now consists of young adults between 18 and 21, which means that an increasingly large percentage of our population is disenfranchised from the vote.

However, it is not just the number of people which makes it important to reduce the voting age. I feel that our young men and women between 18 and 21 are informed enough and mature enough today to be entitled to cast their votes.

Since the arbitrary age of 21 was set, we have made many significant advances in the areas of education and communication, and now, young men and women over 18 are much more informed about our Nation's issues, and much more ready to assume civic responsibilities than they previously were.

In particular, 18 is the age when our young people are graduating from high school, and when their interest in public affairs is peaking. By giving them the vote at this time, we can take advantage of this peak in interest, and encourage them to participate even more in our electoral system, and not discourage this interest by denying them a vote.

Beyond this, I am sure that all the Members of the Senate have visited high schools or colleges, and had the experience of coming away with great respect and pride in the quality of the students, in the intelligence of their questions, and in the high degree of concern they have for the condition of the world today.

Apart from the ability of these young men and women to cast a vote, there is also the dimension that we should no longer prevent them from having a voice in our political and electoral processes.

In the last elections, we all saw the important role that young men and women played in many campaigns. Young people mature enough to provide this positive participation should also be able to register their own vote.

Unfortunately, we have also seen young people speak out and act in less positive ways. One of the reasons for some of this has been that socially minded men and women have been cut off from the electoral process. Young people have been clamoring to register their opinions, to have their views known, but also to have the opportunity directly to influence the system under which they live. By lowering the voting age to 18, we cannot only gain the important benefit of their views; we can also give them a voice within, not without, our political system.

Finally, if we are going to treat 18-year-olds as adults in many other areas, we should also treat them as adults in our political system.

The most glaring discrepancy in this regard has been commented upon often, but it should always be considered. If young men are mature enough to serve in the armed services, and risk their lives defending our country, then they should have the right to vote, and be able to have a say as to who their leaders are.

There are other examples. We treat 18-year-olds as adults in our court systems. We hold them liable for contracts. We also say that they no longer are required to be in school.

To those who say that 18-year-olds are not ready to vote, I say that the record of most young people shows that this is just not true. To those who say that 18-year-olds will not exercise the right to vote, I say I do not believe this is true, and will also remind the critics that it is a sad fact that far too many citizens over 21 do not take their voting responsibilities seriously.

I believe that it is now time for the Senate to amend the Constitution to make the voting age 18, and I urge the Senate to seriously consider this proposal.

The VICE PRESIDENT. The joint resolution will be received and appropriately referred.

The joint resolution (S.J. Res. 73) proposing an amendment to the Constitution of the United States, extending the right to vote to citizens 18 years of age or older; introduced by Mr. SCHWEIKER, was received, read twice by its title, and referred to the Committee on the Judiciary.

SENATE JOINT RESOLUTION 74—INTRODUCTION OF JOINT RESOLUTION TO DESIGNATE "NATIONAL EMPLOY THE OLDER WORKER WEEK"

Mr. RANDOLPH. Mr. President, I introduce, for appropriate reference, a joint resolution to designate the first full week in May of each year as "National Employ

the Older Worker Week." Joining me in sponsoring this measure are Senator WILLIAMS of New Jersey, chairman of the Senate Special Committee on Aging, and Senators BIBLE, FANNIN, FONG, KENNEDY, MILLER, MONDALE, MOSS, MUSKIE, YARBOROUGH, and YOUNG of Ohio, all of whom are members of our committee.

Mr. President, my sponsorship of this resolution has resulted from my service as chairman of the Subcommittee on Employment and Retirement Incomes, a subcommittee of the Special Committee on Aging. Our subcommittee has conducted extensive studies and hearings on the subject of increasing employment opportunities for older workers. We have found that employers frequently entertain false stereotypes concerning older workers, amounting, in some cases, to prejudices against employing workers as young as the late thirties or early forties. We have recognized the necessity of informational and educational efforts to give employers an appreciation of the qualities of olders workers, such as experience, stability, and dependability. The designation of a week as "National Employ the Older Worker Week" would be a constructive force in helping to eliminate false impressions and prejudices against older workers. It would provide an opportunity to present, through all media of communication, information on older worker capabilities.

In introducing this measure, I commend the American Legion for its leadership in seeking to have a week designated as "National Employ the Older Worker Week." For approximately 10 years, this organization has designated the first week in May as a period of concentrated emphasis on this theme. During this week, the American Legion recognizes employers who have taken the leadership in this area. At its national convention in 1962, the American Legion adopted a resolution calling upon Congress to take the action I propose today—to pass a resolution to designate the first full week in May of each year as "National Employ the Older Worker Week."

Mr. President, I ask unanimous consent that a copy of the resolution adopted by the American Legion's national convention be printed in the RECORD.

The VICE PRESIDENT. There being no objection, it is so ordered.

(See exhibit 1.)

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

The joint resolution (S.J. Res. 74) to provide for the designation of the first full calendar week in May of each year as "National Employ the Older Worker Week," introduced by Mr. RANDOLPH (for himself and other Senators), was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

S.J. RES. 74

Whereas many older workers have difficulty finding and retaining employment despite their experience, stability, dependability, energy, and enthusiasm; and

Whereas failure of qualified older workers to find employment is unfortunate from the standpoint of the Nation in that there is a failure to take full advantage of their potentials for helping the Nation to reach its objectives; and there is an increased possibility that they and their dependents will need public assistance and a decreased possibility that they will pay taxes; and

Whereas the unemployability of qualified older workers not only impoverishes them in the present but can also reduce future retirement income due to inability to acquire social security quarters of coverage and credits under other retirement systems; and

Whereas unemployability of qualified older workers may adversely affect younger members of their families as well as themselves; and

Whereas Congress, in enacting the Age Discrimination in Employment Act of 1967 (Public Law 90–202), recognized the necessity of implementing the national policy of prohibiting age discrimination in employment with an active program of education and information concerning the advantages of employing older workers; and

Whereas the American Legion has, for approximately ten years, designated the first week in May of each year as "National Employ the Older Worker Week", which it celebrates by commending employers who have taken the leadership in employing older workers: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue a proclamation designating the first full calendar week in May of each year as "National Employ the Older Worker Week" and calling upon employer and employee organizations, other organizations officially concerned with employment, and upon all the people of the United States to observe such week with appropriate ceremonies, activities, and programs designed to increase employment opportunities for older workers and to bring about the elimination of discrimination in employment because of age.

EXHIBIT 1

RESOLUTION 617

(Convention Economic Committee) Designate the First Full Week in May as "National Employ the Older Worker Week" is recommended for adoption and is consolidated with Resolutions Numbers 280 (Georgia); and 361 (Utah). Resolution No. 617 (Convention Economic Committee) becoming the master resolution reads as follows:

"Whereas, The American Legion for a number of years has concerned itself with the difficulty encountered by the older worker who in many cases is only forty-five years of age or younger, because 50% of this group are veterans; and

"Whereas, The practice of discrimination in employment because of age for otherwise qualified persons is contrary to the American principles of liberty and equality of opportunity for all citizens; and

"Whereas, The American Legion, since 1959, has promoted annually during the first full week in May a successful program designated as, 'Employ the Older Worker Week,' to focus public attention on the advantages of employing older people, especially veterans; and

"Whereas, Under the program, The American Legion annually presents citations to employers who do not discriminate against older workers; and

"Whereas, In the past, thirty-seven State Governors scheduled official ceremonies marking the observance of 'Employ the Older Worker Week'; and

"Whereas, There is increased interest shown each year by participating Departments of The American Legion and employers; and during the 1962 annual observance, a majority of the Departments of The American Legion presented National Citation Awards to employers of the older worker; now, therefore, be it

"Resolved, by The American Legion in National Convention assembled in Las Vegas, Nevada, October 9–11, 1962, that the National Legislative Commission be, and it is hereby directed to petition the Congress of the United States to adopt a Joint Resolution requesting the President of the United States to issue a proclamation (1) designating the first full week in May of each year as 'National Employ the Older Worker Week' and (2) call upon employer and employee organizations, other organizations concerned with employment and the citizens of the United States in general, to observe such week with appropriate ceremonies, activities and programs designed to bring about the elimination of discrimination in employment because of age."

Mr. WILLIAMS of New Jersey. Mr. President, I have joined the distinguished senior Senator from West Virginia in cosponsoring his resolution to designate the first full week in May of each year as "National Employ the Older Worker Week." He is due great credit for the leadership he has taken on employment opportunities for the elderly. He has served effectively as chairman of the Subcommittee on Employment and Retirement Incomes, both before and during my tenure as chairman of its parent committee, the Senate Special Committee on Aging. I am especially interested in this proposal, not only as chairman of that committee, but also as chairman of the Subcommittee on Labor of the Senate Committee on Labor and Public Welfare.

The Congress made a major contribution toward employment of older workers when it enacted Public Law 90–202, the Age Discrimination in Employment Act of 1967. In enacting that public law, Congress recognized that a prohibition against age discrimination in employment must be supplemented by an active program of information and education concerning, in the words of that act, "the needs and abilities of older workers, and their potentials for continued employment and contribution to the economy." Recognizing the need for such programs, Public Law 90–202 directs the Secretary of Labor to—and again I quote the words of that statute—"carry on a continuing program of education and information under which he may, among other measures publish and otherwise make available to employers, professional societies, the various media of communication, and other interested persons the findings of studies and other materials for the promotion of employment and sponsor and assist State and community informational and educational programs."

It is my belief that a National Employ the Older Worker Week will be an effective tool for use by the Secretary of Labor in discharging his duties, imposed by that act, of conducting programs of information and education on employing older citizens. It should accomplish much good at small cost.

SUPPORT OF JOINT RESOLUTION TO DESIGNATE "NATIONAL EMPLOY THE OLDER WORKER WEEK"

Mr. YARBOROUGH. Mr. President, I am particularly pleased to be a cosponsor of this worthy joint resolution which is being introduced today by Senator

JENNINGS RANDOLPH, of West Virginia, because of my past work in helping to improve the plight of our older workers.

In the last Congress, I was privileged to introduce the age discrimination bill which was passed and signed into law. The bill would protect Americans 40 to 65 years old from firing and from discrimination in hiring because of age. This affects some 40 million Americans, over 2,400,000 of which are in Texas.

As a member of the Senate Special Committee on Aging, I was asked last year by the able chairman, Senator WILLIAMS of New Jersey, to hold hearings on the problems of the aging among the Mexican-Americans. I held these hearings in California and Texas and found one of the most frequent problems to be the inability to obtain adequate work as they grew older.

Mr. President, while much attention has been given to the unemployment of our youth, and deservedly so, we have not given the same needed attention to the problems of the older worker. For these reasons I am proud to have the opportunity to follow the leadership of the able Senator from West Virginia (Mr. RANDOLPH) and cosponsor this measure.

ADDITIONAL COSPONSORS OF BILLS

Mr. KENNEDY. Mr. President, I ask unanimous consent that, at its next printing, the names of the Senator from Rhode Island (Mr. PELL) and the Senator from Utah (Mr. Moss) be added as cosponsors of my bill (S. 1145) to revise current military draft laws.

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

Mr. MATHIAS. Mr. President, on behalf of the Senator from Illinois (Mr. PERCY) I ask unanimous consent that, at its next printing, the names of the Senator from Kansas (Mr. DOLE) and the Senator from Indiana (Mr. HARTKE) be added as cosponsors of the bill (S. 1179) to authorize reduced rate airfares on a standby basis for certain specified groups.

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

Mr. MUSKIE. Mr. President, I ask unanimous consent that, at its next printing, the name of the Senator from Alaska (Mr. STEVENS) be added as a cosponsor of the bill (S. 1) the Uniform Relocation Assistance and Land Acquisition Policies Act of 1969.

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

Mr. MUSKIE. Mr. President, I also ask unanimous consent that, at its next printing, the names of the senior Senator from New Mexico (Mr. ANDERSON), the senior Senator from Wyoming (Mr. MCGEE) and the senior Senator from Maryland (Mr. TYDINGS) be added as cosponsors of the bill (S. 1090) the Regional Development Act of 1969.

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

Mr. MUSKIE. Mr. President, I further ask unanimous consent that, at its next printing, the name of the senior Senator from Pennsylvania (Mr. SCOTT) be added as a cosponsor of the bill (S. 7) the Water Quality Improvement Act.

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

NOTICE OF SMALL BUSINESS SUBCOMMITTEE HEARING

Mr. McINTYRE. Mr. President, I wish to announce that the Small Business Subcommittee of the Committee on Banking and Currency will resume hearings on the handling of foreign trade zone application of the State of Maine by the Department of Commerce.

The hearing will begin at 10 a.m. on Friday, March 14, 1969, in room 5302, New Senate Office Building. Anyone wishing to testify should contact Mr. Reginald W. Barnes, assistant counsel, Senate Committee on Banking and Currency, room 5300, New Senate Office Building, Washington, D.C. 20510, telephone 225–7391, as soon as possible.

NOTICE OF HEARING ON S. 961

Mr. TYDINGS. Mr. President, as chairman of the Judiciary Committee's Subcommittee on Improvements in Judicial Machinery, I announce a hearing on S. 961, a bill to improve the judicial machinery by providing for Federal jurisdiction and a body of uniform Federal law for cases arising out of aviation and space activities. The hearing will be held at 10 a.m. on March 18, 1969, in room 6226, New Senate Office Building.

Any person who wishes to testify or submit a statement for inclusion in the record should communicate as soon as possible with the Subcommittee on Improvements in Judicial Machinery, room 6306, New Senate Office Building.

NOTICE OF HEARINGS ON ELECTION REFORM

Mr. BAYH. Mr. President, the Subcommittee on Constitutional Amendments has necessarily been required to change the electoral college reform hearings on Wednesday, March 12, from room 2228 to room 4221, New Senate Office Building.

NOTICE OF HEARINGS ON ELECTION REFORM

Mr. BAYH. Mr. President, the Senate Subcommittee on Constitutional Amendments has scheduled further hearings on electoral reform. The additional hearings will be held on March 20 and 21, beginning at 10 a.m., in room 2228, New Senate Office Building.

NEW APPROACH TO INTEGRATION

Mr. TOWER. Mr. President, recently, in a copyrighted article, U.S. News & World Report published an interview with the new Secretary of Health, Education, and Welfare, Mr. Robert H. Finch.

I believe the comments made by Mr. Finch in that interview are of such importance that I would like to comment on them briefly, and I shall ask that the entire article be printed in the RECORD, in order that it might have wider distribution. Hopefully, the Secretary's words will be read and heeded by some of the present personnel of the Department of Health, Education, and Welfare who to this date seem singularly unaware of the fact that an election has been held in which an overwhelming majority of the American people voted to repudiate the domestic policies of the previous administration.

The Congress of the United States, which under our Constitution remains, and should remain, the lawmaking arm of our Government, never intended that the schoolchildren of this land be turned into experimental guinea pigs to prove or disprove the pet social theories of Government bureaucrats. The intent of Congress, pure and simple, was that all the children of this Nation, black or white, brown or yellow, have an equal chance at the starting line toward a decent education.

No one quarreled with that concept, but some of us were sorely afraid that bureaucratic officeholders would use the law to ride roughshod over local school boards to the extent of completely destroying the concept of community schools, with the obvious result that education would suffer, rather than improve.

Our fears were well founded in the previous administration, and, from all the reports reaching my office, a great many of HEW's field personnel still have the same attitude they previously held. I say that not only because of reports reaching my office but because the Secretary himself indicated in his interview with U.S. News & World Report that:

I guess the word hasn't gotten down to some of the agents yet, or maybe it's because some of these cases have been in the pipeline for three or four years.

Rather than extend my remarks on this subject, Mr. President, I ask unanimous consent to have the article printed at this point in the RECORD, and let it speak for itself. My hope is that it will be read, and heeded, by all the agents of the Department.

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

NEW APPROACH TO INTEGRATION?

(Interview with the Secretary of Health, Education, and Welfare)

Q. Mr. Secretary, are you determined, under the law, to get the schools of this country fully integrated?

A. Well, I'm confronted by acts of Congress, and by court decisions, and by some variation in language among them. Also, there are desegregation guidelines that were laid down by my predecessors.

We have found a number of these school-desegregation cases—particularly in the South—where the federal compliance agents said in effect: "We're here to bring about integration and we're not concerned about education."

So the problem is—and this is true not just in the South, but nationwide—how to bring about genuine compliance in breaking up clear-cut cases of dual school systems when Congress has said clearly that we shouldn't have—

Q. Segregated schools?

A. Totally segregated schools.

After all, mine is the Office of Education. We want to retain a quality-education system—or help create one.

The problem is most acute in the South because the pressures there are greatest. In most of these communities, they built a school system of some kind, and to threaten to cut off funds—which might mean closing

some schools—results in good teachers leaving and in the creation of private schools.

Q. Do you in the Department of Health, Education, and Welfare use some kind of percentage factor—a mix of blacks and whites—to determine whether a school is "segregated"?

A. If you start throwing in arbitrary percentages—if you say, for example, "You've got to have at least 20 per cent Negro teachers"—well, a good many Negro teachers long ago went West or North because of better pay, plus a lot of other factors.

So if we say, "You've got to hire five Negro teachers" and they go out and hire the first five they can get, then the quality of education can drop way down.

So I see my job as supplying a kind of "brokerage." And I intend to put education first, in trying to maintain the quality of these school systems.

Q. How can you do that and still enforce compliance with desegregation guidelines?

A. That is one of the things I wanted to test when I cut off funds to the first five school districts in the South, and gave them 60 days to see if they could not bring themselves into compliance.

The federal compliance agents are not trained educators. They may have little comprehension of how you build a school system or what the educational requirements may be.

So what we did in the first cases I considered was to send in three-man teams to the districts themselves: We included one person from the compliance section of our Department, one from the Office of Education, and one from the general counsel's office.

We hoped that by adding this kind of technical assistance and a more sophisticated approach, we'd be able to push some other buttons without having to take recourse to what I call "the ultimate weapon"—which is to withhold federal funds.

It is clear that when you withhold funds where there is a dual school system—with some all-white schools and some all-black—then it is the Negro schools that are going to suffer in the allocation of State and local funds.

Q. Could you just close down all the white schools?

A. No. What we have authority to do is to deny federal funds to a school district—not to a specific school. So I can't do it on a school-by-school basis.

We need some different kinds of tests that will go to the real question: For example, if you take the aggregate resources of a school district—what they receive from the State, from the local property tax, from federal programs—on the basis of over-all allocation of resources, how do the individual students come out? Are all of the children getting a fair break—taken as individuals—all across the system? Is the quality of teaching and curriculum about the same?

Q. Is the idea to put more emphasis on education and less on integration?

A. Well, if I say that, I'm getting myself into trouble with Congress. What I must do if I am to enforce the law is to have compliance agents all over the nation—not just in the South. But there must be a national standard that they'll apply everywhere.

Q. What kind of standard?

A. Well, I'm convinced that we just can't work with raw percentages and say, "You've got to have the same percentages of blacks and whites in every school." You go into parts of Chicago and Harlem and Pasadena, Calif., into Washington, D.C., and you find all-black situations. It's totally artificial to insist on busing schoolchildren if it may be detrimental to the level of education.

The greatest problem we've got in the elementary and secondary schools in the country is not to get so hung up on these other struggles as to let the quality of education in the public-school system erode and erode and erode.

Q. Is it a matter of defining "desegregation"?

A. Or "segregation"—either way.

WHAT COURT REALLY SAID

Q. The Supreme Court has never said that you have to integrate, has it?

A. The Court has never really said that segregation itself is unlawful—or at least *de facto* segregation. The Court has said: If you commit deliberate acts of discrimination, then you are in violation of the law.

Q. Have you abandoned the quota or percentage factor in determining whether a school district is segregated?

A. I guess the word hasn't gotten down to some of the agents yet, or maybe it's because some of these cases have been in the pipeline for three or four years.

In some of the cases that I reviewed, the quota system—percentages of blacks vs. whites—was very much in evidence at the time the compliance proceedings were started several years ago. This matter of percentages or quotas is one of the things we're studying now.

Q. What do you mean by "quality education"?

A. It's obviously an effort to get the best possible teachers and have the best possible resources in terms of library and physical plant.

It's a very difficult thing to define. I don't think any two educators could agree on what "quality education" really is.

Q. Does it mean learning to read, write and figure?

A. It means giving students the basic skills you talk about and, beyond that, some idea of how to relate to their peer groups in a real world.

I think we can accelerate the process and maintain quality education in a system that picks up the bright kids and lets them move as fast as they can, so they're not held back. There have been a lot of interesting experiments done with this, where at various levels you merge several grades together and then let some of the brighter children spend more time with the older ones one grade ahead.

Q. But the court said you can't have a track system—that you've got to teach them all the same thing—

A. I don't think the Supreme Court said that.

Q. No, but a U.S. Court of Appeals did—

A. Well, we'll see what happens.

Q. These federal guidelines—are they written by Congress?

A. No. They are administrative guidelines written by my predecessors.

AHEAD: NEW GUIDELINES

Q. Do you have authority to change them?

A. Yes—and that's why we're reviewing the guidelines now. We will still carry out the intent of Congress and whatever the interpretation of the Supreme Court is and will continue to be, so that we're more responsive and realistic in terms of what is happening to education.

We've made substantial progress in the South: We've had almost an 18 per cent jump in terms of real integration over the last five years. But our problems now are going to be in the national enforcement field, and we have to redraw the guidelines so that they are nationally applicable. Maybe we'll be able to come up with a set that is clearer.

Q. What about enforcement?

A. That is the other dimension we have to deal with. My predecessor, Wilbur Cohen, wanted to move this whole enforcement-and-compliance field over to the Department of Justice. That would have been an easy way out, in terms of getting a lot of headaches out of my shop. But we are going to work with the Department of Justice in this whole business a lot earlier, because I think that's generally helpful.

But we cannot turn it all over to the Justice Department now because we have built up a certain momentum in education, in terms of getting school districts to recognize that a national act has been established, a national goal has been set. If you were to chop off everything now in my Department, just let Justice handle compliance and work it out from there, I think a lot of this momentum that has been built up would be lost.

Q. Have you decided that the *de facto* segregation anywhere in the country is unconstitutional?

A. No. We're talking about the blatant cases. We have to get down to the facts in each case. But if there is evidence that a school board has deliberately set out to create an all-black school or an all-white school—deliberately favoring one institution over another—then that board is not in compliance.

Q. Is your attack against segregation—or is it against discrimination?

A. The attack is on discrimination. I think that is the right word to use.

Q. If *de facto* segregation exists because the neighborhood is composed that way, and no school board moved in and deliberately segregated the schools—that is not what you're concerned about is it?

A. No—not in the connection we've been talking about. And when I said "segregation," I really was trying to say "discrimination." This means that there was a deliberate intent on the part of the school board to give one group an artificial advantage over another—whether it's in how they drew the lines between the districts, or how they moved students from one place to another, or whatever.

Q. If it is determined that there is no intentional discrimination involved in an all-black school in an all-black neighborhood, is it your position that the school board should then be required to take affirmative action to break this up?

A. No. You have a number of situations, particularly in the North, where you find that. You have it here in the District of Columbia. And it seems to me that no one should expect—just in order to achieve some kind of "salt-and-pepper" effect—that we should haul kids into a situation where, again, you may end up lessening their opportunities for learning, just in order to say, "Now there are a certain number of whites in what would otherwise be an all-black situation." The Negroes don't want that, either.

Q. You're not going to insist on busing to achieve racial balance—

A. No. The law forbids it.

Q. How much discrimination have you found in terms of shortchanging Negro schools?

A. That is why I think application of our guidelines may be off and why I suggested emphasizing this other test: how school boards use their resources per student or per institution, in terms of both curricula and hardware. I don't think we really have used that test sufficiently. Compliance agents have tended to look at rather arbitrary kinds, or superficial kinds, of evidence—like how many Negroes are on the faculty, or whether one school has a cheerleader for the basketball team and the other one doesn't.

Q. Are you saying that separate but really equal schools are acceptable?

A. Here again, you're getting down to semantics.

I suppose it's possible. I have been told that, under existing law, if you have a situation where all the parents decided and all the children decided one way, and you had no evidence of any intimidation of any kind—even under the Green case, if they all voluntarily chose one institution, given the options and transportation and all the other factors that have been built in—then it is possible. It's almost 99 per cent unlikely, but it's possible.

Q. What is the Green case?

A. That says, really, that freedom-of-choice plans—which had been acceptable, apparently—if those plans still perpetuate segregation or involve deliberate discrimination, then freedom of choice is not acceptable.

Q. Is that the Supreme Court?

A. That is the Supreme Court.

Q. Is there any proof that mixing of pupils just to achieve a racial balance results in improved education?

A. You have to look at both sides:

There is proof that an otherwise bright Negro child, given the "faster track" of being exposed to what was formerly a predominantly white situation, does respond—does move more rapidly.

And then you can argue the other side—that it tends to hold back the otherwise bright white child who could move at a faster pace.

I suppose what Congress has said is: "We're going to go back to the basic constitutional provision, and no one is going to be denied the best opportunity he can have because of race or color."

Q. Is Congress opposed to taking forcible action to bring about integration?

A. I'm not sure. I think when they enacted Title VI of the Civil Rights Act of 1964—and this is what I operate under—they were prepared to go that way. They put in the noncompliance provision and said that moneys should be withheld. That was what the argument was all about in Congress.

LIMITS SET BY CONGRESS

Q. Was there a limiting provision?

A. Well, Congress said this would not extend to requiring busing or other procedures to achieve a racial balance. I agree with that.

Q. Was there a later law?

A. It was written in 1964. Then it was rewritten in different form in 1968. In 1968, Congress added the language that brings the whole country into it.

Q. President Nixon said during the campaign that the law clearly states that " 'desegregation' shall not mean the assignment of students to public schools in order to overcome racial imbalance"—

A. I agree with that.

Q. You administer the law. Are you at liberty to interpret for yourself the mandate of Congress?

A. No. I clearly can't ignore what the judiciary does. We have to assume that, until Congress reverses what the judiciary says Congress intended, then that's the law of the land.

Q. Can you revise regulations to satisfy the judiciary?

A. That's what we're trying to do. It isn't easy—they're a fast-moving target. You know that next week they may throw a different decision at you.

Q. What kind of reactions do you get to these compliance orders?

A. I've had all kinds of reports of what some people will do in some rural districts in the South—such as taking house trailers and moving just across the line so that their children can get what they think is a better education in a system that's already technically in compliance with HEW guidelines.

So you invite these gross kinds of reactions and dislocations when you come in and try to impose your will with a meat ax. What we're trying to do is to move in such a way that we can avoid these dislocations where people move out, or move in extraordinary ways. After all, the most important thing to any of us is that our children have the best education we can possibly get for them.

Q. Are many private schools springing up in the South?

A. I don't have figures on that, but private schools are springing up. In many cases, because these are not rich areas, the private schools are pretty sad substitutes for what had been larger plants with bigger libraries.

I see a really critical question in terms of public elementary and secondary education.

Q. Might it be destroyed in some areas?

A. It's very possible.

Q. What has been the reaction to the appointment of Dr. James Allen, of New York, as the new U.S. Commissioner of Education?

A. I think there's been an overemphasis on what the Office of Education actually does—how much it has to say. The moneys that the Office of Education administers are really not discretionary. The Commissioner doesn't have all that much power. He's a symbol, but he doesn't really make most of those decisions. They have been laid out pretty much by statute. They're not discretionary.

The reason I picked Dr. Allen—and the response has been generally good—is that I feel our real problems now are in the field of elementary and secondary education.

Higher education has had a lot more visibility, and we know what the problems are there. The private and public higher-educational institutions are beginning to cope with the student militants—or at least beginning to understand what they have to cope with.

Our real weaknesses are in the elementary and secondary systems, which are not responsive: They do not pick up the bright kids, do not move them along, and don't really prepare them for higher education to the extent that I think they could and should.

It so happens that Dr. Allen comes out of a system that operates under the unique laws of New York State—elementary through higher education. And a lot of our higher-education people felt that the Office of Education is traditionally their slot. They've been a little unhappy.

But, by and large, the appointment has been well received.

Q. Do you consider the things Dr. Allen put into effect in New York as State commissioner of education to be in line with what President Nixon promised in his campaign?

A. Well, we had—all three of us——about an hour's discussion before the appointment was announced. Dr. Allen was the first to recognize that some of the problems in New York are different from those he would face as a national figure.

There was no disagreement in the discussion about what is important, what the criteria should be, and that the emphasis should be on elementary and secondary education. It was a general conversation, and we didn't get down to much in the way of specifics. But I think that Dr. Allen is an enormously competent administrator, and that's what I need.

Q. Will he have any powers—as he did in New York—to order affirmative action to achieve racial balance in public schools and to decree that any school with more than 50 per cent Negroes is segregated?

A. Not in my opinion, no. He wouldn't have that power.

Q. Doesn't the civil-rights section of HEW have this same standard—that any school more than 50 per cent Negro is segregated?

A. I don't believe in a 50 per cent figure, or 20 per cent or any other arbitrary figure. We have to look at each school district, with its own profile and its own "chemistry." We can't just take arbitrary percentages and still come out with quality education—however each of us may define "quality education."

Q. How would you define segregation, unless you use percentages?

A. I come back to this other test that I suggest as a possibility; how you are allocating your resources per student in terms of curricula and facilities and hardware.

But you do need some objective yardstick—

A. That's right.

DEFINING DISCRIMINATION

Q. Isn't it discrimination that you have to define?

A. When you find a pattern of overt acts that deliberately produce segregation, then that's discrimination.

Q. Do you find that in the North?

A. Yes. I think there are many cases of it.

Q. Where you find a district or community that, by the existing housing situation, is all white or all black, then is it permissible for them to continue with an all-white or an all-black school within that district or community?

A. Right—and one of the problems in these massive school districts is that we do have all-black schools, or all-white schools, or both. That is the usual classic pattern.

Take Los Angeles, which is an unbelievably large school district and where they're considering creating smaller components. The core area of Watts is all black, then there is an urban secondary circle where there is kind of a mix, and then there are the all-white suburbs. Taken as a whole, it is possible to justify the assignment of pupils on the basis of percentages, and probably to justify it on the basis of allocation of resources.

But if a community starts creating smaller districts and tries to use these same percentage guidelines, there are going to be some real, real problems.

Q. What about the Ocean Hill-Brownsville area in New York City? They've got a community—

A. Yes.

Q. And it's mostly Negro or Puerto Rican, isn't it?

A. Yes.

Q. Are they objecting to white teachers?

A. There is a whole series of things they are fighting about, but that's one of them.

Q. Is it permissible for them, as a local school board, to run their district the way they see it—to hire and fire, and discriminate against whites?

A. That is really what is at issue: What is a governable school district within these widespread "ghetto" areas?

If I were making a judgment as superintendent and I were convinced that the white faculty in that particular instance was capable of doing a better job of schoolteaching, well, then I—for one—would stay with the white faculty. And I don't think that, because the student body is overwhelmingly black, there has to be an arbitrary number of black faculty members.

Q. If they discriminate against whites, would you withhold funds from that district?

A. Well, that raises—I don't want to sit here and make that decision until somebody comes up with a specific factual situation. If a white person were to come in and say: "I would like to get my child into that school, or have a white teacher come in," right now, technically under the law, I would be compelled to launch an investigation.

Q. Could you cut off funds for the entire city of New York?

A. It's conceivable—but it's very, very unlikely.

Q. The whites can complain because they're being discriminated against—

A. I don't anticipate an avalanche of complaints to get into these schools—but you're right.

Q. Mr. Secretary, do these opinions represent a change from the views of your predecessors?

A. I think it would be unfair to compare the two of us, because Wilbur Cohen had other primary interests, as I said. He recommended transferring the whole compliance business over to Justice.

Q. Did Harold Howe, former U.S. Commissioner of Education, come to grips with it?

A. Yes. And Mr. Cohen let Howe make a lot of statements in areas where Howe didn't have real authority—which gave a particular cast to the problem. They took the apparatus that had been assembled from earlier Secretaries of HEW and continued to push, push on this.

I feel that I have a commitment to try to resolve it the best way I can. It's a political question, and essentially I'm a political

animal. We're trying to achieve a result that will halt deliberate efforts to discriminate. At the same time, we intend to do our best to sustain the schools and keep them open.

Q. Is there the same emphasis on forced integration?

A. You can't do it with a sledge hammer, and you can't do it overnight—without just tearing a community to pieces.

Q. Some parents are concerned about the question of physical security for their children in integrated schools, and others object to some of this "instant history" that is being introduced in new textbooks—

A. Let me just say we don't get into the business of picking textbooks, and we don't get into the business of trying to run these schools. We can't—and if we ever try, we'd be in real trouble.

I'm first, last and always a local-school-board man—recognizing that the school board is a derivative, really, of the State under which it operates. Education is a State function, and the local boards wrest as much autonomy as they can from the State boards.

I think one of the things that ought to be done is to go to the State superintendents and work a lot harder with their boards to try to rationalize these education programs State by State—because your problems differ State by State. And I would hope that, whatever guideline changes we make, we can simplify them so there is more flexibility—and that we don't make the job harder for State and district superintendents.

Q. How do you feel about the neighborhood school?

A. Well, the neighborhood or community school is a big part of the whole picture. I think another part is the community-college program that we hope to embark upon.

Q. What do you hope to accomplish?

A. One purpose is to put a much heavier emphasis on vocational and technical training. Now, there are 90 junior or community colleges in California, and they've tended to fall too much into what I call the "liberal-arts syndrome": They tend to ape the State colleges and universities. They grant degrees called "associate of arts." Well, that really isn't helping the youngsters who want to go into technical work.

That doesn't mean that we would not keep a certain amount of liberal arts in the curriculum, because one of the advantages of these community colleges is that they pick up the "late bloomers," who—especially if they were in a big high-school situation—never really had a chance to catch up. The community colleges can prepare them for liberal-arts disciplines, if that's the direction they want to go.

But developing community colleges is a very important factor in really helping the disadvantaged, because we've been terribly weak in our technical schools, generally, and in our vocationally oriented programs. I think the community colleges could perform a great service there.

The big problem is that in the 50 States you have 50 different ways in which they finance these two-year colleges. So what we're trying to do is to evolve legislation that will provide an incentive to get a program going—a little like the Hill-Burton Hospital Act concept.

Q. How many more community colleges would you hope to see in the next four years?

A. The lead time of four years is probably unrealistic. By maybe 1976 I would hope we might have 150 or 200 more. We have community colleges now in only about 60 per cent of the major cities in the country.

WHERE TAX CREDITS FIT IN

Q. Are you in favor of tax credits for parents sending children to college?

A. In principle, yes.

Q. Are you going to advocate it?

A. We're still studying that one. I haven't got a report back from the Bureau of the Budget yet, and I suspect they may greet the proposal with less than 100 per cent enthusiasm.

So for me to say that's what we're going to advocate is not true. I have to work it out with the Budget people.

Q. It's a question of federal revenue——

A. That's right.

THE SITUATION IN WESTERN EUROPE

Mr. TOWER. Mr. President, recently, the Right Honorable Geoffrey Rippon, a Member of the House of Commons, and the Defense Minister of the Tory or Conservative Party shadow government in the House of Commons, made some rather pertinent and sage observations on Western Europe to the Council of Europe's Assembly political debate, in Strasbourg.

I ask unanimous consent that Mr. Rippon's remarks be printed at this point in the RECORD, so that they might be brought to the attention of Members of the Senate.

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

EXTRACT FROM SPEECH OF THE RIGHT HONORABLE GEOFFREY RIPPON, MEMBER OF PARLIAMENT

The tragedy is that in the present situation we are driven to endless discussion about—but very little action on—harmonizing policies, building bridges and co-operating on specific projects.

We in Britain certainly want to make what progress we can in any direction, but we must also make it plain that we regard all these piecemeal proposals as very much a second best arrangement.

I want to get rid of the present inconceivable Europe without Britain. This should be the purpose of this Assembly. The argument for European unity is not a British or a French one—it is a European argument and a European necessity.

We have seen in 1968 the free nations of Europe not merely exercising non influence upon the situation in the Far East, or the Middle East, but scarcely capable of reacting to events in Czechoslovakia or responding to the danger on our very doorstep.

Without a truly united Europe there can be no Atlantic partnership—only dependence. And needless dependence is always dangerous.

I say needless because we possess in Europe the greatest aggregate of economic, political and developed strength in the world.

The nations of Western European Union alone have a total population and a Gross National Product considerably larger than the Soviet Union.

I do not for one moment believe that the United States will abandon its allies or its responsibilities and commitments. I see no danger of a retreat by the new Administration into "Fortress America". But I do see, and do acknowledge that the American people are growing rightly weary of being expected to bear a disproportionate share of the common burden indefinitely.

We moan in Europe about the "technological gap" between ourselves and the United States and about growing American dominance of our key industries.

We passively accept that as disunited nations we cannot match the power and resources of either the Soviet Union or the United States.

But if we are weak and incapable of matching their achievements in science and technology it is not because we lack the resources. It is because we lack the necessary will.

It is our fault that our voice is not heard in Washington and Moscow. Who wants to listen to cocophoney? We should note the real significance of Mr. Nixon's first press conference. From the reports I have seen, Europe was not even mentioned.

We are living in a fool's paradise if we think the Americans will forever acquiesce in a situation in which they have as many men in uniform as all the nations of Western Europe combined, though we have a population half again greater than that of the United States.

It is no less dangerous to imagine that by shirking our responsibilities we can indefinitely enjoy a higher standard of living than the Soviet Union and its allies without creating what Mr. Robert McNamara described as "temptations for Soviet probings and adventures which nothing in Soviet history suggests it is prepared to withstand".

In the situation in which we stand today, it is futile to say simply that we cannot have Europe without France or Europe without Britain.

It is up to all our friends in Europe, including the French, who have the power if they possess the will, to join the present EEC with Britain and to bring in or link the other countries of EFTA.

Here I believe a special responsibility to take a new initiative rests upon our German colleagues representing as they do what is now the strongest economy in the Community, and to whom continued disunity poses the greatest immediate threat.

It would indeed be the most tragic irony in history if European unity were to be frustrated and European freedom lost, first by Britain hesitancy then by the French veto, and finally by German complacency in a newly-found economic self-confidence.

Nor can I guarantee that the British people will remain indefinitely beating upon a door that is shut in their face.

What needs to go forth from this Assembly is a warning that neither the British nor the French, nor the rest of free Europe can carry on as at present.

Either Europe goes forward with Britain or it must now renounce in Mr. Ludwig Erhard's words, any idea of holding a significant position in world affairs.

That is the situation today. As for the future, that may be bleak indeed. If Europe does not go forward it will still not be able to stand as it is today. It will go back—and collapse.

ORDER OF BUSINESS

Mr. SPONG. Mr. President, I ask unanimous consent that I may be permitted to proceed, as in legislative session, for a period not to exceed 10 minutes.

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

THE MIDDLE EAST

Mr. SPONG. Mr. President, the Arab-Israeli artillery duels across the Suez Canal over the weekend are tragic incidents in the series which has plagued the Middle East and which has gained momentum in the past few weeks.

Guerrilla and terrorist attacks, as well as air raids and shellings in civilian areas, arouse the fears and fervor of the majority of persons in the Middle East for they involve not only the military but also innocent and uninvolved persons who are often pursuing routine daily tasks. Such actions induce concern for

personal safety among residents and give the situation new emotional and personal dimensions.

During the Lincoln Day congressional recess, I had the opportunity to make a brief trip to the Middle East. Unfortunately, I cannot report any optimism for a settlement or even a prompt end to hostilities.

With the exception of Jordan, the Arabs and the Israelis each appear to have concluded that time is on their side, that all they have to do is wait and they will prevail.

The Israelis are confident of their military power—and perhaps rightly so. They are a spirited and motivated people, determined to maintain the land for which they waited so long. As a result of the 1967 war, they occupy the Golan Heights, which provides them with defensive positions against Syria; they hold elevated positions on the west bank of the Jordan River which give them a new security against Jordan; they occupy the Gaza Strip; they have taken possession of all of Jerusalem; and they have troops along the Suez Canal, less than 100 miles from Cairo, and at Sharm el Sheikh, near the Straits of Tiran which control the entrance to the Gulf of Aqaba.

In addition, the Israelis appear assured that their survival in the area over a period of time will ultimately lead to acceptance of their presence by the Arabs.

Generally, the Arabs, too, believe that time will permit them to overcome the Israeli state. An exception to this, however, is Jordan's King Hussein. As a result of the June war, Jordan lost 6.3 percent of its territory—which contains 37 percent of its food supply, 40 percent of its national income and 25 percent of its cultivable land. In addition, about 45 percent of the population occupies a refugee status.[1] Thus economic and other pressures pose an imminent threat to Jordan's well-being.

Otherwise, however, the Arabs note that they have occupied the Middle East for centuries; they surround the Israeli state; and they substantially surpass the Israelis in terms of land, population and resources.

Perhaps if the two groups were sitting silently, quietly side-by-side with each waiting for the other to disappear, there would be no problems. But that is not the way things are happening.

On both sides actions designed to arouse passions and hatreds, to involve the civilian—often innocent—members of the population in the conflict, and to gear the entire societies to incidents and an atmosphere of insecurity are gaining ascendacy. As incident is piled on top of incident, the hatreds and conflicts are only compounded. And, if such a situation continues, it is only too likely that some incident—perhaps unwittingly—will evoke a massive retaliation.

[1] If the current territory of Jordan is counted, about 45 percent of the population occupies a refugee status. If the west bank section, which was taken by the Israelis in the 1967 war is considered a part of Jordan, close to two-thirds of the population might be considered refugees.

This is where terrorist attacks and spot air raids have led. And, it does no good to condemn one without the other or to seek an end to one without also seeking a termination of the other.

The tactics being employed in the Middle East are, however, representative of a growing political problem which could pose a new threat to the area: the rise of intemperate factions. Immoderate forces in the Middle East are undoubtedly achieving a new stature.

In the Arab world, it is, of course, the fedayeen, the terrorist group. From my discussions in the Middle East, I found that the Israelis believe the fedayeen pose no direct military threat to them—in my opinion, a correct assessment of the situation.

The fedayeen have, however, captured the imagination and admiration of many Arabs. They have become a political reality which must be listened to and dealt with; they have undoubtedly weakened the position of both Jordan's King Hussein and Egypt's President Gamal Abdel Nasser; and there is speculation that the recent coup may lead them to carry out bolder operations from Syria. While the commandos are, at the present in no position to overthrow the existing Arab governments, they have reached a prominence which permits them to limit the options open to Arab leaders. In other words, their new and growing stature probably assures that the Arab leaders cannot make conciliatory moves toward Israel, without arousing fedayeen opposition which can now be translated into political and popular opposition.

While the Israel situation is not as pressing for Israel leaders, the upcoming elections are likely to restrict any rapprochement with the Arab states, for no political leader would want to be charged in a campaign with compromise on basic Arab-Israeli conflicts. If one assumes Mrs. Golda Meir will not seek the premiership in October, then she may have a few months in which to pursue a relatively flexible course. Ultimately, however, the recent death of Levi Eshkol will probably have to be viewed as a further contributor to the tenuousness of the Labor Party coalition.

In view of these internal problems in the Middle Eastern nations, the rest of the world must mainly hope that any extremism will be practiced in words rather than actions and that the politics of excess will be evident in rhetoric rather than incident.

While the United States and other nations of the world should encourage the Middle Eastern nations to seek a peaceful settlement of their problems, outside nations cannot presume to dictate or regulate the internal politics of the Middle Eastern countries. That is something that the sovereign nations themselves must do.

Because the internal situations in these countries are less stable than in the months subsequent to the June 1967 war; Middle Eastern leaders are also less able to pursue any course which means compromise, even if it also means eventual peace and stability for that area of the world.

For these reasons, I have reluctantly concluded that there is little reason for optimism in regard to the Middle East. But, we must work for peace and we probably have no better vehicle for bringing peace to this area than the United Nations Security Council resolution of November 1967. Certainly a four-power conference on the Middle East could give new impetus to the resolution. Such a conference could also be a beneficial demonstration to all nations of the world and the Middle East of four-power interest in securing an end to hostilities there. But, finally, we must return to the resolution itself. It is, first of all, a document which covers the major problems of the area. Second, it is, in some form, acceptable to almost all nations. This does not mean that all the problems can be solved by the resolution or that there would not be many difficulties in implementing the details of it. But, the resolution is a beginning point—and one from which the nations involved can emphasize what little agreement there might be among them.

I am hopeful that the conversations to be held this week by Israeli Foreign Minister Abba Eban and President Nixon will help rejuvenate the resolution.

Perhaps at this time it would be beneficial to review the major provisions of the 1967 resolution and the other principal peace proposals. Some of the proposals are subject to interpretation; in addition, President Nasser clarified his statements for the press in Egypt.

A review of the various proposals will, however, I believe sustain my conclusion that the 1967 resolution is the most promising means for seeking a moderation of tensions, if not an actual settlement for the Middle East. I ask unanimous consent to insert in the RECORD a comparison of the various proposals for peace in the Middle East.

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

BASES FOR MIDDLE EAST SETTLEMENT

PRESIDENT JOHNSON—JUNE 19, 1967

1. The recognized right of national life.
2. Justice for the refugees.
3. Innocent maritime passage.
4. Limits on the wasteful and destructive arms race and
5. Political independence and territorial integrity for all.

U.N. SECURITY COUNCIL RESOLUTION—NOVEMBER 1967

1. Withdrawal of Israeli armed forces from territories occupied in recent conflict.
2. Termination of all claims or states of belligerency and respect for and acknowledgement of the sovereignty, territorial integrity and political independence of every State in the area and their right to live in peace within secure and recognized boundaries free from threats or acts of force.
3. Fredom of navigation through international waterways in the area.
4. A just settlement of the refugee problem.
5. Guaranteeing the territorial inviolability and political independence of every State in the area, through measures including the establishment of demilitarized zones.

SOVIET PROPOSALS—SEPTEMBER 1968

1. Israel's withdrawal to frontiers held before the war of June, 1967.
2. A revived and reinvigorated United Nations presence in areas evacuated by Israel.
3. A declaration by the Arab nations ending the "state of belligerency" with Israel existing since the 1949 armistice.

4. A four-power guarantee of future peace by the Soviet Union, the United States, Britain and France.

ABBA EBAN'S PROPOSALS—OCTOBER 9, 1968

1. The establishment of peace.
2. Secure and recognized boundaries.
3. Security agreements.
4. Open frontiers.
5. Freedom of navigation.
6. Settlement of refugee problem.
7. Settlement of status of Jerusalem.
8. Acknowledgment and recognition of sovereignty, integrity and right to national life.
9. Regional cooperation.

The peace discussion should include an examination of a common approach to some of the resources and means of communication in the region in an effort to lay foundations of a Middle Eastern community of sovereign states.

[From the Washington Post, Jan. 11, 1969]

SOVIET PLAN—JANUARY 1969

(NOTE.—The Arab nationalist newspaper Al Anwar of Beirut, Lebanon, published yesterday what it said was the verbatim translation of the Soviet plan for settlement of the Middle East crisis.

(As made available here, the text of Al Anwar's version—which carried a December 22 date—is as follows:)

Israel and those neighboring Arab states willing to participate in the implementation of such a plan shall confirm their acceptance of the Security Council resolution of 22 November 1967. They shall also express their readiness to implement all its provisions. This will signify their agreement that a timetable and method for withdrawal of the Israeli forces from the territories occupied in 1967 shall be determined through contacts with [U.N. Representative Gunnar] Jarring.

At the same time a plan agreed on by both parties to implement the other Security Council provisions shall be drawn up. In drawing up this plan, consideration shall be given to the establishment of a just and lasting peace in the Middle East enabling every state in the area to live in security.

The objective of these contacts can be the holding of negotiations on definite steps to implement the Security Council resolutions.

1. The governments of Israel and the Arab states willing to participate in implementation of the plan shall proclaim their joint willingness and readiness to end the state of war between them and to reach a peaceful settlement of the problem through withdrawal of the Israeli forces from the occupied Arab territories. In this respect, Israel shall proclaim its readiness to begin on the fixed date the withdrawal of its forces from the Arab territories which it occupied in the conflict of the summer of 1967.

2. On the date of the Israeli forces' withdrawal which shall take place in states under U.N. supervision, the aforementioned states and Israel shall deposit with the United Nations documents ending the state of war and recognizing the sovereignty of each state in the region as well as each state's territorial integrity, political independence, and right to live in peace and security within secure and recognized boundaries in accordance with the aforementioned Security Council resolution.

Under an agreement to be reached through the mediation of Dr. Jarring, the following points must be agreed on: secure and recognized boundaries accompanied by relevant maps; freedom of navigation in the region's international waterways; a just solution of the refugee problem; the territorial integrity and political independence of each state in the region. This can be achieved by various means, including the establishment of demilitarized zones. It is assumed that this agreement—as defined by the Security Council resolution—will be one unit covering all aspects of a Middle East peaceful settlement; in other words, as one integral question.

3. In the month (to be agreed on) the Israeli forces shall withdraw from the Arab territories to lines (to be agreed on) in the Sinai peninsula, the West Bank of Jordan, and the "Qunaythirah area in Syria." When the Israeli forces have withdrawn to these agreed lines in the Sinai peninsula—for instance, 30–40 kilometers from the Suez Canal"—the U.A.R. government shall send its forces to the canal zone and begin clearing it for resumption of navigation.

4. In the month (to be agreed upon) the Israeli forces shall withdraw to the pre-5 June 1967 lines. Arab administration shall then be restored in the liberated areas and Arab army and police forces shall also return to the area.

During the second stage of the Israeli forces' withdrawal from the U.A.R., the U.A.R. and Israel—or the U.A.R. alone if its government agrees—shall announce acceptance of the stationing of U.N. forces near the pre-5 June lines in the Sinai peninsula, Sham ei-Sheik and the Gaza sector. In other words the situation which existed in May 1967 shall be restored.

The Security Council shall adopt a resolution for the dispatch of U.N. forces under the U.N. Charter to guarantee freedom of navigation to the ships of all countries in the Tiran Straits and the Gulf of Aqaba.

5. Following the Israel forces' withdrawal to the international boundaries to be demarcated by the Security Council or through an agreement signed by all parties, the documents which were previously deposited by the Arab states and Israel shall come into effect. Under U.N. Charter provisions, the Security Council shall adopt a resolution on special guarantees concerning the Arab-Israeli borders. Guarantees by the four permanent member states of the Security Council are not ruled out.

FRENCH PROPOSALS—JANUARY 1969

France announced January 17 that it had proposed to the other Big Four members of the U.N. Security Council that their U.N. Ambassadors hold discussions on how their governments could contribute to a Middle East peace settlement.

NASSER'S PROPOSALS—FEBRUARY 10, 1969 ISSUE OF NEWSWEEK

When asked what the United Arab Republic was willing to offer in return for an Israeli withdrawal from occupied territories, President Nasser replied:

"(1) a declaration of nonbelligerence; (2) the recognition of the right of each country to live in peace; (3) the territorial integrity of all countries in the Middle East, including Israel, in recognized and secure borders; (4) freedom of navigation on international waterways; (5) a just solution to the Palestinian refugee problem."

THE NONPROLIFERATION TREATY

Mr. SCOTT. Mr. President, I am requested by the distinguished Senator from Texas (Mr. TOWER) to advise the Senate that he intends tomorrow, Tuesday, to offer an amendment to the ratifying resolution in the nature of a reservation and that he expects to call it up for a vote.

I thank the Chair.

COMMITTEE MEETING DURING SENATE SESSION

Mr. KENNEDY. Mr. President, as in legislative session, I ask unanimous consent that the Subcommittee on Air and Water Pollution of the Committee on Public Works be authorized to meet during the session of the Senate today.

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

ORDER OF BUSINESS

The VICE PRESIDENT. Is there further morning business?

Mr. PROXMIRE. Mr. President, as in legislative session, I ask unanimous consent to speak for 45 minutes.

The VICE PRESIDENT. Under the previous order, the Senate will return to consideration of the Nonproliferation Treaty at the close of morning business. Is the Senator from Wisconsin asking for unanimous consent to proceed for 45 minutes during the period for the transaction of morning business?

Mr. PROXMIRE. Yes, Mr. President.

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

Mr. PROXMIRE. Mr. President, I ask unanimous consent to suggest the absence of a quorum without yielding my right to the floor.

The VICE PRESIDENT. Without objection, the clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

BLANK CHECK FOR THE MILITARY

Mr. PROXMIRE. Mr. President, I rise today to speak on a most serious matter. In my judgment the President and the Congress and, indeed, the country, have lost control over military spending.

NO ADEQUATE CRITICAL REVIEW

There is now no sufficiently critical review of what we spend or how we spend it. There is no adequate machinery, either in the executive or legislative branch to control the total amount spent or the way in which military funds are disbursed. This is especially the case with respect to contracting for major weapons systems. The results are vast inefficiencies in procurement, waste in supply, and less security for the country than we could get by spending smaller amounts more efficiently.

When former President Eisenhower left office, he warned against the danger of "unwarranted influences, whether sought or unsought, by the military-industrial complex."

DANGER IS HERE

I speak today not to warn against some future danger of this influence. I assert that, whether sought or unsought, there is today unwarranted influence by the military-industrial complex resulting in excessive costs, burgeoning military budgets, and scandalous performances. The danger has long since materialized with a ravaging effect on our Nation's spending priorities.

In the first place, we are paying far too much for the military hardware we buy.

But, in addition, and perhaps even more shocking, we often do not get the weapons and products we pay the excessive prices for.

Major components of our weapons systems, for example, routinely do not meet the contract standards and specifications established for them when they are bought.

All of this puts the country in a most ironic position. On the one hand, we have a supply of missiles and weapons which could literally destroy the world. There is little doubt about that.

On the other hand, we find ourselves unable to defend ourselves even against military incidents where relatively minor amounts of force are involved. The *Pueblo* incident is a case in point.

While it is not my purpose to argue what action we should or should not have taken during that incident, I do say that it was shocking that apparently we were unable to take appropriate action at all, even if we had determined to do so.

Supposedly, forces to protect the *Pueblo* were on alert and ready to defend the ship if necessary. They were allegedly "on call." But in the case of the *Pueblo*, as the testimony at the inquiry clearly showed, the forces supposed to be on call were not on call. For a period of about 24 hours after the initial attack took place, we were unable to bring to bear, even if we had desired to do so, the relatively small force from the vast military might of this country needed to protect that ship.

Thus, while we have sufficient military might to create an atomic holocaust and blow up the world, we are at times incapable of countering even a relatively small military force. There are times when we are like the giant Gulliver who was tied down and made immobile by the Lilliputian dwarfs.

This example from this military side is symptomatic of the general situation we face with respect to procurement and contracting. It epitomizes our dilemma.

SITUATION OUT OF CONTROL

The problem of defense spending is out of control. The system is top heavy. The military-industrial complex now writes its own budgetary ticket.

This situation is, in part, a result of the highly ambivalent attitudes the country has taken toward our defense over the years. Looking at the long view, we seem to have a roller coaster policy. During the 1930's when the threat from Germany, Italy, and Japan was obvious for all to see if only they would look, we starved our military services and placed the security of our country in deadly peril.

Then, after World War II, we overreacted with respect to contracts for weapons systems. Nothing was too good for the military. We have followed a policy of "gold plating." It might even be called "All This and Heaven Too." Americans, in general, have even felt slightly guilty about raising the question of excessive defense spending and whether we were getting our money's worth. The military has had a blank check. It could be said that we have had over two decades of "carte blanche for defense."

SURFEITED WITH EXCESSES

The result is a system not unlike the medieval knight who was so encased in armor that he was unable to move. We are now so surfeited with excesses that we are almost unable to fight.

This uncritical policy should end. It should end because it is wasteful and costs too much money. It should end because it reduces the real security of the United States.

The military should lighten its pack. It should get into fighting trim.

WE PAY TOO MUCH FOR WHAT WE BUY

But whatever mistakes we have made in the past and whatever warnings we may make about the future, at the present time we face a condition and not a theory.

That condition, first of all, is that we pay too much for what we buy.

The evidence that this is true is overwhelming. This is particularly the case on contracts for large weapons systems. Let me cite some of the evidence.

Mr. Robert S. Benson, formerly in the office of the Assistant Secretary of Defense, Comptroller, has just written in in the March issue of the Washington Monthly that—

> Few Americans are aware that about 90 percent of the major weapons systems that the Defense Department procures end up costing at least twice as much as was originally estimated.

The services from time to time admit this as well. In the official Air Force Guidebook for May of 1966, the Air Force stated, in arguing for a new concept of total package procurement, that—

> Thus, the history of defense procurement was replete with cost overruns, less than promised performance which were at least in part the result of intentional buy-in bidding, and this has been the case even in the situation where there has been no substantial increase in the then state of the art.

This was not only true in 1966, but it continues, believe me, to be true today. We have just held a series of hearings on this matter under the auspices of the Subcommittee on Economy in Government of the Joint Economic Committee, of which I am chairman. The C–5 airplane is the major example of a weapon system or plane secured under the concept of "total package procurement." This was a method introduced, it was said, to overcome the terrible inefficiencies.

But our hearings established that the C–5A will probably cost the American taxpayer $2 billion more than the original contract ceiling of $3 billion. The Air Force itself admits that the cost overrun will amount to at least $1.2 billion. And they would admit, I am sure, it would cost $2 billion if they included the cost of spares, which are essential, which would be in the neighborhood of $800 million more.

DELAYED DELIVERY

And, as we have seen in the past few days, delivery is to be delayed now from June until next December. So we face the same old problems of cost overruns and late delivery that the total package concept was supposed to cure.

PROFITS UP

Let me cite more evidence. When Admiral Rickover testified before our committee, he stated that the Pentagon's "weighted guideline" system of profit determination had resulted in an increase of about 25 percent in profits on defense contracts without regard to the contractor's performance.

He stated that the suppliers of propulsion turbines are now insisting on a 20 to 25 percent profit as a percent of cost as compared with 10 percent a few years ago.

He testified that profits on shipbuilding contracts based on cost had doubled in the last 2 years.

COST REIMBURSEMENT CONTRACTS

Assistant Secretary of the Air Force Robert Charles, in his testimony before the Economy in Government Subcommittee in January, quoted with approval a study by C. H. Danhof for the Brookings Institution on "Government Contracting and Technological Change," which said:

> 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.

Secretary Charles further stated that—

> A substantial amount, however, was due to the fact that most contracts for major systems were of a cost reimbursement type which provided little, if any, motivation for economy, and were not awarded on a price competitive basis.

From the evidence we have from a wide variety of sources, there is no question whatsoever that we have routinely paid more than double the original price for the procurement of major weapons systems.

There is no convincing evidence that the use of "total contract packaging" or other devices has changed this at all. In fact, the specific evidence on the C–5A, where that method was used, shows an overrun of some $2 billion. The testimony of Admiral Rickover is equally convincing. This situation continues and, in my judgment, has been intensified during the last 2 years because of the buildup of procurement for the Vietnam war.

FUNDS COULD BE CUT

Mr. Benson, a former official of the Office of the Assistant Secretary of Defense, comptroller, whom I quoted earlier, believes that $9 billion can be cut from the Pentagon budget; and I quote this Defense Department expert: "without reducing our national security or touching those funds earmarked for the war in Vietnam."

He says even under those circumstances spending can be cut $9 billion.

Admiral Rickover testified that by establishing uniform standards of accounting for recording costs and profits—which, of course, would be entirely separate from the Benson concept—we could save "at least 5 percent" of the defense procurement budget. That is $2 billion for that item of waste alone.

The editors of Congressional Quarterly recently interviewed highly placed sources in the Pentagon and in industry about the 1969 defense budget. Those sources agreed that the 1969 budget was loaded with "fat" and said that $10.8 billion could have been cut from the fiscal 1969 budget without in the slightest way impairing our level of national defense.

There are other items as well. We spend a disproportionate amount of our

resources on marginal items such as post exchanges, commissaries, and ships stores. Vast funds are spent for military public relations.

The Congressional Quarterly recently pointed out how topheavy we were in the field. It pointed out that we had 20 officers in Vietnam for every command post.

EXCESS SUPPLIES

I will cite just one further example. On June 30, 1968, the value of the excess and long supply in our military supply pipeline was $12.7 billion. This was 28 percent of the $45.8 billion value of the supply system stocks on hand. This is the excess.

While the proportion of excess and surplus items has dropped considerably since 1961, it is still correct to ask, "What kind of a supply system do we have when 28 percent of the value of the supply system stocks are in excess of requirements? What kind of supply system is it that generates such vast surpluses and excesses?

CONTRACTS FAIL TO MEET STANDARDS

Not only are we paying too much for what we buy, but often we do not get what we pay for.

This, it seems to me, should shock all of those who are concerned about our defense, whether they support enthusiastically the amount we are spending, and feel we should have more in national defense, or whether they are critical of it. We do not get what we pay for.

A most shocking example of this is to be found in a paper by a Budget Bureau specialist, a very distinguished and able man, Mr. Richard Stubbings, entitled "Improving the Acquisition Process for High Risk Electronics Systems."

Mr. Stubbings shows that in the procurement of some two dozen major weapon systems costing tens of billions of dollars during the 1950's and 1960's, the performance standards of the electronic systems of these weapons seldom met the specifications established for them.

How far they fell below their specifications is a real shock.

Of 11 major weapons systems begun during the 1960's, only two of the 11 electronic components of them performed up to standard. One performed at a 75-percent level and two at a 50-percent level. But six—a majority of them—of the 11 performed at a level 25 percent or less than the standards and specifications set for them.

But that is not all.

EXCESSIVE COSTS—LATE DELIVERY—HIGH PROFITS

These systems typically cost 200 to 300 percent more than the Pentagon estimated.

They were and are delivered 2 years later than expected.

The after-tax profits of the aerospace industry, of which these contractors were the major companies, were 12.5 percent higher than for American industry as a whole.

Those firms with the worst records appeared to receive the highest profits. One firm, with failures on five of seven systems, earned 40 percent more than the rest of the aerospace industry, and 50 percent more than industry as a whole.

One other company, none of whose seven weapons systems measured up to the performance specifications, had earnings in excess of the industry average.

Think of that, Mr. President (Mr. HUGHES in the chair). A company not one of whose weapons systems measured up to performance specifications still had earnings in excess of the industry average.

This is a shocking situation. We are talking about the computers, radar, and gyroscopes—the key to performance—in our major weapons systems.

NO BANG FOR A BUCK?

In the past, the system managers and efficiency experts have talked about "More bang for a buck." But the analysis of Mr. Stubbings raises the question, "Are we not approaching the time when there will be 'No bang for a buck'?"

These revelations raise the most serious questions.

We have high profits without performance.

Rewards are in inverse relationship to the time taken and the funds spent.

Failures are rewarded and minimum standards seldom met. Prices soar. Profits rise. Contracts continue.

This is what I mean when I say that military spending is out of control. This is what I mean when I refer to the "unwarranted influence by the military-industrial complex." This is what I mean when I assert that we face a condition of excessive costs, burgeoning military budgets, and scandalous performance.

This is why we could get more security for the country by spending smaller amounts, but spending them more effectively.

SAME DANGERS AHEAD

The conditions I have cited above are not only a condition of the 1950's and 1960's. The same dangers lie ahead. There are numerous additional huge weapons systems for the future. Some of them are already authorized. Some have begun to be funded. We may wake up some morning soon and find that we are committed to billions upon billions of future expenditures where costs will burgeon and performance will be substandard. The fact is that things may soon become a great deal worse.

One of the ablest men we have had on the financial side of the Government in recent years is Charles Schultze, who was Budget Director under President Johnson for a number of years. Mr. Schultze recently wrote an excellent article in the Brookings Agenda papers, which lists some of the programs now contemplated, authorized, or funded. Among them are:

Minuteman II, which is being improved, and Minuteman III, which is in the offing. Estimated cost: $4.6 billion.

Thirty-one Polaris submarines to be converted to carry 496 Poseidon missiles. Estimated cost: $80 million per submarine, or almost $2.5 billion.

Two hundred and fifty-three new FB–111 bombers. Mr. Schultze does not give the cost estimate.

The thin Sentinel system—the ABM system. Estimated cost was $5 billion. I am now told on excellent authority that it is $10 billion and that this figure does not include funds for the Sprint missiles. If the thin system becomes a "thick" system, the total estimated cost is said to be in the neighborhood of $50 billion. And in a very fascinating analysis the other day by one of the real authorities in Congress on defense, the former Secretary of the Air Force, the Senator from Missouri (Mr. SYMINGTON), he estimated that the cost could go as high as $400 billion.

Incidentally, this is a system that even its supporters agree would protect the country for only a limited period of time, perhaps a decade. So that would mean spending $40 billion a year, or half of the total military budget as of now.

Four nuclear-powered carriers. These cost $540 million each, or $2.16 billion.

A new destroyer program. Mr. Schultze does not give the original estimated cost.

Five nuclear-powered escort ships. The cost is estimated at $625 million.

An advanced nuclear attack submarine. Again no cost estimate.

A new Navy fighter—VFX–1—to replace the F–111.

Mr. Schultze, and he should know—as I say, he was Budget Director for a number of years, and an outstanding, and brilliant young man—concludes that:

> One fairly predictable feature of most of these weapons systems is that their ultimate cost will be substantially higher than their currently estimated cost.

Mr. President, that is the understatement of the year. We have seen a doubling in the estimated cost of the Sentinel system alone in a period of 1 year. And we all know that what the military has hoped to do is to convert it into a "thick" system as a defense against a Soviet as well as a Chinese attack.

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

Mr. PROXMIRE. I am happy to yield to the distinguished Senator from Missouri, to whom, incidentally, I made reference just before he came on the floor. I referred to his interesting analysis of the ABM and its possible potential cost.

Mr. SYMINGTON. Mr. President, I have had the privilege of reading the text of the address that the distinguished Senator from Wisconsin is giving today, and am much impressed. I would hope every Member of the Senate reads it also. As we face unprecedented fiscal and monetary problems it would appear most timely, so I congratulate the Senator, and with his permission, would ask him several questions which I have drawn up as a result of reading his address.

Mr. PROXMIRE. I should be delighted.

Mr. SYMINGTON. Inasmuch as the Senator is one of the two or three foremost experts in the Congress on matters that have to do with our financial stability, does he not agree that it is vitally important for us to look ever more closely at these gigantic expenditures of the military?

Mr. PROXMIRE. I agree with the distinguished Senator from Missouri. We now give it only the most superficial kind of a look. I believe we give it no detailed scrutiny, to speak of.

I do not blame those in the Congress who are charged with this responsibility. They are the most able people we have. But the Bureau of the Budget itself gives very little attention to the matter, compared to the relative size of the military budget. There is no question in my mind but that we must do better.

Mr. SYMINGTON. Does not the able Senator agree that, in addition to the ABM which has created so much interest lately, there are other weapons systems, such as the SRAM—short range attack missile—and the Mark II avionics which now heavily exceed their originally estimated costs; that these, too, should receive careful scrutiny by the Congress?

Mr. PROXMIRE. The Senator is absolutely correct. I am delighted that he phrased his question the way he did, because I think there is a tendency for Congress to be very deeply concerned, as we should be, about the ABM, because it is the most spectacular item, and the one that has received public attention; but there is no question that in these other areas, we have exactly the same kind of problems, or much the same kind of problems, such as the problem of very great cost overruns and the problem of inadequate consideration of whether or not these particular weapons deserve a priority that would warrant our spending billions of dollars on them. Certainly the Senator has touched, in the SRAM and the Mark II, on two weapons of which this is particularly true.

Mr. SYMINGTON. My able colleague notes that the situation with respect to the weapons acquisition process is getting worse instead of better. In this connection, does he believe that part of the problem is related to the fact that military procurement officers are not properly trained, particularly in view of the gigantic amounts of money they control, and, in addition, the fact that most of these officers are constantly being shifted from one duty station to another?

Mr. PROXMIRE. I agree wholeheartedly with the distinguished Senator from Missouri. This is a point that has been brought up in our hearings. I am sure that the Senator from Missouri is a much greater expert in this area than I ever could hope to be. As a former Secretary of the Air Force, he is a man who has had as one of his prime responsibilities in Congress oversight of defense matters, and he speaks with great authority.

There is no question in my mind that these men who have this very heavy responsibility do not have the kind of training or background which would be in many cases essential to hold down expenditures.

Mr. SYMINGTON. I thank the distinguished Senator, and again emphasize that he is making an important contribution to the security and well-being of this country.

Mr. PROXMIRE. Mr. President, I thank the distinguished Senator from Missouri very much.

UNCRITICAL APPROACH

What is so discouraging about both the past and the future is the cavalier way in which increases and overruns are shrugged off by the military.

Two billion dollars is a very great amount of money. That is the estimated overrun for only one plane—the C–5A.

Five billion dollars is a tremendous amount of money. But that is the increase in the estimated cost of the thin Sentinel system in less than a year.

It is virtually impossible to get such funds for housing, jobs, or poverty programs. But the examples I have given are merely the increases and overruns for only two of the many defense weapons systems.

An article published not too long ago in the Washington Post indicated the dimensions involved in the matter. It was pointed out that $5 billion, the overrun on the military system, is more than we spend in a year in the entire foreign aid program plus everything we put into housing and urban development. The Pentagon handles it as if it were small change.

What appalls us is the uncritical way in which these increases are accepted by the military. To be consistently wrong on these estimates of cost, as the military has been consistently wrong, should bring the entire system of contracting under the most detailed scrutiny. But there is not the slightest indication that this is being done by the military. In fact, when such questions are raised, we find the services far more defensive than they are eager to improve the system.

But let me give this solemn warning. The time has come when many of those willing to provide this country with the defense it needs are unwilling to vote funds or authorize new weapons systems or accept the military justifications for them except after the most critical review.

The time of the blank check is over.

The military should make its case and compete for funds equally with other programs.

Why is the situation so bad. Why is military spending now out of control? Let me give some of the reasons:

NEED FOR ZERO-BASE BUDGETING

First of all, there is far too little critical review at the Pentagon itself. Apart from the natural bias of the military services and their effort to increase their budgets, there is an inherent flaw in the Defense Department's budgetary process. I refer to what Mr. Benson, a Defense Department official, calls the lack of "zero base" budgeting.

According to Mr. Benson:

> The Defense Department budgeting process virtually concedes last year's amount and focuses on whatever incremental changes have been requested. The result, of course, is higher budgets, with past errors compounded year after year.

What we need, Mr. President, both at the Pentagon and elsewhere is "zero-base" budgeting. The reviews should be made each year from the ground up. We should no longer accept uncritically last year's budget for any item, and then merely examine with some slight critical sense the added increment for the new year.

Let us move to "zero-base" budgeting at all levels.

INADEQUATE BUDGET BUREAU SCRUTINY

Now, second, we must have a much sterner and more critical review of the military budget by the Budget Bureau itself.

On January 17, 1969, a few weeks ago, I asked the then Director of the Budget, Mr. Zwick, the following question:

> I am asking you . . . whether or not the Defense budget is scrutinized as carefully, for example, dollar for dollar as the OEO budget and the HUD budget, and so forth.

Mr. Zwick answered by saying:

> We obviously do not get into as great detail in that Department as we do in some other departments.

When the new Director of the Budget, Mr. Mayo, was before the Joint Economic Committee on February 18, I pursued the same subject with him.

The Defense Budget is about $80 billion. Of the remaining budget, according to the Budget Bureau's own analysis, only some $20 billion are "controllable items," that is, items other than interest on the debt, pension and social security payments, and so forth, which are relatively fixed and not possible to cut except by major changes in legislation. The military budget of $80 billion, plus that part of the "controllable civilian" budget of $20 billion, together compose about $100 billion which can be critically reviewed. But of the 500 or so personnel in the Budget Bureau, only about 50, according to Mr. Mayo, are assigned to scrutinize the Defense budget. This is only 10 percent of the personnel assigned to the Defense budget.

When I asked Mr. Mayo if at least two to three times as much attention is concentrated on the nondefense, as opposed to the defense, dollars, he said that judged by the allocation of personnel he would not quarrel with the point.

I think it is fair to say, therefore, that the Budget Bureau makes no adequate review of the military budget.

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

Mr. PROXMIRE. I yield.

The PRESIDING OFFICER (Mr. PACKWOOD in the chair). The Senator from Wisconsin yields to the Senator from Kansas.

Mr. PEARSON. Mr. President, I share the concern expressed in the address of the distinguished senior Senator from Wisconsin today.

I recall that during World War II, a committee of the Senate—and perhaps of the entire Congress—addressed itself to a constant review of contracts, costs, and perhaps performance. The committee was headed by the former Senator from Missouri and former President of the United States, Harry Truman.

That committee served a great and useful purpose at that time. I later learned that the committee became the Preparedness Subcommittee of the Armed Services Committee. With all of the responsibilities they have today, they are no longer really performing this oversight function.

I ask the Senator if, among the suggestions he is making today, he has considered the possibility of reinstituting

that kind of committee to address itself primarily to contracts and costs.

Mr. PROXMIRE. Mr. President, I think the suggestion of the Senator from Kansas is excellent. There is not any question that President Truman made an excellent contribution to the economy and security of the country because of his chairmanship of that committee. As the Senator said so well, it should be devoted primarily, perhaps exclusively, to the matter of contracts and costs.

The members of that committee have the heaviest authorization burden by far of any of our committees. The committee is very ably headed by the distinguished Senator from Mississippi (Mr. STENNIS). It was formerly very ably headed by the distinguished Senator from Georgia (Mr. RUSSELL).

I think they would agree that they are immersed, and so properly immersed, in strategy and tactics and many other problems in regard to this enormous sum that if we can zero in on this matter, it would be a great contribution.

Mr. PEARSON. Mr. President, I thank the Senator.

Mr. PROXMIRE. Mr. President, I thank the Senator for his very helpful and constructive suggestion.

CONGRESS IS LAST DEFENSE

Since the military departments are self-seeking, push their own requests, and have little or no "zero-base" budgeting, and as the Budget Bureau itself does not scrutinize military spending in anything like the same degree as it examines the budgets of most other departments, this leaves only the Congress and the review we give to military spending as a last defense against excesses and overruns. I think that the remarks of the distinguished Senator from Kansas are most appropriate and helpful.

I think we would all agree that, while we have very competent and knowledgeable members of both the Armed Services and Appropriation Committees, and while they spend a great amount of time and effort on the Defense Department requests, and give as much scrutiny to these matters as it is possible for very busy men and women to give, it is just not possible for Congress to do the detailed job which the Department of Defense and the Budget Bureau should do. At best, Congress is the safety man on the football team and gets only one chance to stop the runner after everyone else has failed. But Congress cannot act as a fearsome foursome, a frontline defense or even as the linebackers or corner-backs. We are rather inadequate safety men. We do not have the personnel. We do not have the knowledge. We do not have the time. Under the most difficult circumstances we do a reasonably good job, but it is obvious that Congress cannot review the military budget with the kind of critical review it should have. We are not and should not be an operating agency.

This is not meant as a criticism of my colleagues. In the nature of things and given the size of the Defense budget, they do a Herculean job.

PROBLEM OF SHEER SIZE

There are other reasons why military spending is out of control apart from the lack of adequate review at the Pentagon, the Budget Bureau, and by Congress. Foremost among these is its sheer size. It is almost impossible for any man or bureau or agency to comprehend, let alone control, $80 billion in funds.

LACK OF COMPETITIVE BIDDING

The next most important reason is the lack of competitive bidding and the system of negotiated contracts. This problem is getting worse rather than better.

We have the Defense Department's own figures that formally advertised competitive military contract awards dropped from a far too small 13.4 percent of total military procurement in fiscal year 1967, to a pathetic 11.5 percent in fiscal year 1968, or the lowest level since adequate records have been kept.

In addition, the cost plus fixed fee contract has once again increased. It has gone up from a level of about 9 percent of awards to about 11 percent, and the Defense Department states that this level may be too low.

Since Secretary McNamara instituted his major reforms in defense contracting, the Department has made very strong claims that it has made dollar savings over what would otherwise have been spent by shifting from noncompetitive to more competitive contracts. Savings of as much as 25 cents on the dollar has been claimed for shifting from noncompetitive to competitive procurement.

But now we see a return to some of the old methods. In any case, the amount of real competition in defense procurement is very low.

Furthermore, given the routine 200 to 300 percent overrun on most major defense systems, the practice of "buying-in" by firms is promoted and has become notorious.

By "buying-in" I mean a situation where there may be a so-called negotiated procurement in which there are two possible producers at the research and development level. The one who buys in is the one who bids below what he knows it will cost to produce and perhaps takes the business away from the more efficient firm. Once the firm gets it, then watch out, because the overruns, as we have documented again and again, occur. As Secretary Charles testified, those overruns averaged in the past 300 to 700 percent, so that they have been three to seven times as much as the original bid.

SECRECY AND AUDITS

There are a variety of other reasons why expenditures are so excessive.

As Admiral Rickover told us, we have no uniform accounting system for defense procurement.

There is an unwillingness of any Department ever to admit a mistake.

There is an excessive amount of secrecy which, at times, prevents serious public scrutiny of matters which would benefit from critical review.

There is no really good system of audits while work is underway. Much of the excellent work of the General Accounting Office, by its very nature, is focused on a post-audit review.

MILITARY-INDUSTRIAL CONNECTIONS

But more than all of this, there is what we have come to know as the military-industrial complex and its many ramifications.

The connections between the military, on the one hand, and the major industries which supply it, on the other, are very close and very cooperative. Some of the major companies have dozens of high ranking retired military personnel on their payrolls.

The major civilian appointive positions at the Department of Defense—the Secretaries, Under Secretaries, and Assistant Secretaries—are routinely filled by those whose private careers have been with defense industries, key investment houses or banks, or with major law firms which represent the huge industrial complex.

Representatives and Senators know only too well the way industry and the military can reach back into States and districts from the howls that go up when any attempt is made to close down even a very inefficient military base in their State or district. We all know the pressures that come upon us to help direct defense projects into our States or districts and the efforts made to keep them there once they have arrived.

The result of all this is a system which is not only inefficient but is now literally out of control. Excessive amounts are spent on overhead and supplies. Huge cost overruns are standard occurrences. Weapon systems routinely do not meet the standards and specifications set for them. Now is the time to call a halt to these excesses. To do so will not harm us. It will make the country stronger and more secure.

Much like the middle-aged boxer who has grown obese from overindulgence, we need to get our Military Establishment and its contracting and financial systems back into fighting trim.

WHAT TO DO

Let me summarize specific items which should be put into effect immediately:

First. A system of zero-base budgeting by the individual services—the Defense Department, and the Budget Bureau—should be instituted.

Second. The Budget Bureau itself must set up the procedures and hire the personnel to make a separate, highly competent, highly skeptical, and penetrating review of the Defense budget in a way in which it has never before been done. There are highly competent analysts already there, but 10 percent of the personnel cannot examine critically 80 percent of the "controllable" budget.

Third. Immediate steps should be taken to reverse the increase in nonnegotiated contracts and increase the amount of truly competitive bidding.

Fourth. The "buy in" bidding system must be stopped. Firms which make a low bid to gain contracts knowing that the military will later approve increases of 100 to 200 percent or more, must not be rewarded. I urge a system of severe penalties and loss of future status to bid for ately an effective and uniform system of accounting for military contractors.

Fifth. We need to institute immediately an effective and uniform system of accounting for military contractors.

Sixth. Serious penalties need to be instituted for contractors whose delivery dates are not met. The fact that the

greatest profits have gone to those electronic weapon system contractors who were routinely 2 years late meeting their deadlines, as Mr. Stubbings pointed out, is scandalous.

Seventh. While major improvement has been made in the supply systems and a great decrease in the number of items stored and bought, under the unified Defense Supply Agency, we must attack the problem of excesses and surpluses. Surpluses of as much as 28 percent of the total amount of supplies is an appalling and unwarranted figure, even though it represents a major improvement over previous periods.

Eighth. We must find some method of monitoring and auditing contracts while they are in process in order to avoid the huge cost overruns. The General Accounting Office, which is an arm of Congress should do this job in the obvious absence of an adequate job now done by the individual military services. I believe that the Air Force, the Navy, and the Army are so involved in defending the weapon system they initiate that they are really incapable of reviewing the work in process, using a critical eye when things are going wrong, and cutting off the contractors when they are inefficient. The individual services are too closely tied to their pet projects to do this properly.

The GAO is an arm of Congress. It saves many dollars for every dollar it spends. Now, much of its effort is concentrated on postaudit reviews. I think they should play a much larger role at the time the contracts are in process.

Mr. President, these are some of the things which might be done.

Finally, Congress must be ready to demand that the military services prove that their demands are as important and have as high a priority as do major civilian needs. Some system must be devised, hopefully by the President and the Budget Bureau, to make an intelligent judgment as to whether the $2 billion overrun on the C–5A airplane should have as high a priority as $2 billion for jobs and housing in the central cities.

At the moment, no such real test for priorities is required.

Congress must demand that it be done. The day of the blank check for military spending must end.

The military budget must be brought under control.

Mr. President, I have one other item I should like to add, because it is appropriate.

In the New York Times for today, Monday, March 10, 1969, Mr. Harvey Segal, who was formerly a distinguished reporter for many years with the Washington Post and is now on the editorial board of the New York Times, writes very ably on the subject of "How High the Cost of Defense?"

I ask unanimous consent that Mr. Segal's article be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. PROXMIRE. Mr. Segal comments on the huge escalation in military spending and the question of why there will not be a much larger saving on defense spending when the Vietnam war is concluded.

The article is especially appropriate to the issues I have just raised in the speech on defense spending.

In his article, Mr. Segal also refers to a little known speech by Mr. Arthur F. Burns, who now plays a very influential role in the Nixon administration, entitled "The Defense Sector: An Evaluation of Its Economic and Social Impact." The speech was given as the Moskowitz Lecture in November 1967 at New York University.

I have read the speech a number of times and find it especially thoughtful. I ask unanimous consent that it, too, be printed in the RECORD, so that it may have the much wider audience it deserves.

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

(See exhibit 2.)

EXHIBIT 1

[From the New York Times, Mar. 10, 1969]

HOW HIGH THE COST OF DEFENSE?

(By Harvey H. Segal, a member of the editorial board of the Times)

The great antiballistic missile debate centers on lives, not dollars. The pivotal question for President Nixon in the decision he is to announce this week is whether the deployment of a Sentinel missile system will not in fact contribute to national insecurity by intensifying the nuclear arms race, already at the overkill stage. But the unpredictable eventual cost of a "thin" or thick A.B.M. system directs fresh attention to the economic burden of maintaining a huge military establishment and the difficulty of ever lightening that burden.

A report issued in the last days of the Johnson Administration estimated that $19 billion could be freed from the annual defense budget within two and a half years after the end of the Vietnam War. Those savings are less than the current cost of the war—$29 billion—because $10 billion would be retained "for other military uses in peacetime."

LAIRD'S POSITION

But Secretary of Defense Melvin R. Laird has dismissed the Johnson Administration estimates as "wholly unrealistic." He believes that $7 billion would be "a much better estimate" of the potential savings. The details of the Nixon Administration's defense arithmetic have not yet been disclosed, so no real appraisal can be made of why $12 billion in potential saving has evaporated so swiftly. However, it has been clear for many years that there will always be substantial elements in the Pentagon and the State Department who can find persuasive reasons why no amount of spending is ever enough.

EXPENDITURES RATCHET

Secretary Laird's savings estimates—and to a lesser extent that of the Johnson Administration—is the latest evidence of the operation of a defense expenditures ratchet, a set of inertial forces that prevent spending from falling back to its initial level once the conflict responsible for its sharp rise is over.

Defense expenditures in the years 1950–52 soared from $14 to $46 billion as a result of the Korean War and dipped below $40 billion only once in the period since then. They jumped from $50 billion to $80 billion with the escalation of the war in Vietnam, and the prospect raised by Mr. Laird is that they will not get below $73 billion once peace is negotiated.

Criticisms of swollen defense budgets are sometimes fended off by arguing that they must be weighed against the nation's growing capacity to produce goods and services. Defense expenditures accounted for a little more than 9 per cent of the gross national product at the end of 1968, and that percentage may begin to decline if economic expansion continues and defense spending does not jump again. But such a ratio provides no true measure of what military outlays cost.

For an adequate assessment of the real defense burden, one must turn to a little-noticed lecture, delivered in 1967 at New York University by Dr. Arthur F. Burns, now President Nixon's closest adviser on domestic affairs.

The proper measures of defense costs are the opportunities forgone. In the decade 1959–68, defense outlays came to more than $551 billion. That is twice the amount spent for new private and public housing in the same decade and nearly twice as much as Federal, state and local governments allocated to education.

In its perverse way, defense does, of course, contribute to the growth of income; and in the absence of a military establishment the whole of the $551 billion might not have been available for better housing and schools. But Dr. Burns reminds us that, while defense activities generate income, they may at the same time reduce the rate of economic growth. Unlike investment in education or in new factories, expenditures for missiles "add nothing to the nation's capacity to produce."

OTHER IMPORTANT COSTS

Other costs to which Dr. Burns points are less obvious but nonetheless important. Civilian businesses suffer because they cannot match the salaries that "subsidized defense firms" can offer scientists and engineers. Another cost is also an indictment; the rise of a "new class of business executives . . . ; men whose understanding of marketing and cost controls is often deficient, but who know how to negotiate effectively with Government officials."

Dr. Burns built an impressive critical analysis around President Eisenhower's admonition of "guard against the acquisition of unwarranted power . . . by the military industrial complex." The country will wait to see whether the 1967 Burns view has palpable influence on the defense policies of the 1969 Nixon Administration.

EXHIBIT 2

[From the Moskowitz Lecture, November 1967, New York University]

THE DEFENSE SECTOR: AN EVALUATION OF ITS ECONOMIC AND SOCIAL IMPACT

(By Arthur F. Burns)

In his famous farewell address, President Eisenhower warned the nation to remain vigilant of what he called "the military-industrial complex." His warning needs to be remembered and pondered by thoughtful citizens. In an age of nuclear weapons, there is no time for assembling the military and industrial forces needed to repel an aggressor. Once a nation is attacked, it can be practically destroyed in a matter of minutes. For this reason as well as because of the unhappy state of our relations with the Communist bloc, "normalcy" for us has come to include since 1950 a formidable military establishment in a state of constant readiness, if need be, for war. But as President Eisenhower observed in his farewell, the "conjunction of an immense military establishment and a large arms industry is new in the American experience. The total influence—economic, political, even spiritual—is felt in every city, every statehouse, every office of the Federal government." My purpose today is to consider with you some of the ways in which the emergence of a massive and permanent defense sector has already changed and is

continuing to change our economic and social life.

I

To begin with, the defense sector has revolutionized governmental finances in our generation. In fiscal year 1948, Federal expenditures came to 36 billion dollars. In fiscal 1964, well before Vietnam became a significant financial burden, spending on national defense alone amounted to 54 billion dollars, or half as much again as the total budget in 1948. This fiscal year, the defense budget will amount to about 80 billion dollars, but that huge sum still does not indicate the full financial cost of defense activities. The Federal government expects to spend another 5 billion dollars on international programs and also 5¼ billion on space research and technology. These activities, of course, are mainly pursued in the interests of our national security. Moreover, the Federal budget allows 10½ billion dollars for interest on the public debt and over 6½ billion dollars for veterans' benefits, the former being preponderantly and the latter entirely a legacy of past wars. Thus, defense-related expenditures will probably come this year to over 100 billion dollars—a sum that represents more than 500 dollars for every man, woman, and child of our population, or over 2,000 dollars for a family of four.

The large and rising cost of defense activities would have caused financial problems even if other costs of government had not changed. However, the line of division between governmental and private responsibility never stands still, and it has shifted far in our generation. Since the end of World War II, the American people have come to expect their government to maintain economic conditions that are generally conducive to full employment. The Federal government has been also under increasing pressure to enlarge social services—that is to say, improve the nation's schools, help support universities, improve hospitals and medical facilities, facilitate home ownership, reduce urban slums, extend and improve highways, promote safer and faster air travel, raise social security and related welfare benefits, train manpower for the needs of industry, seek ways of reducing air and water pollution, and even concern itself with purely local problems of traffic congestion and police protection. These expanding interests of the Federal government are a political response to the increasing urbanization of modern life, the new opportunities opened up by advances in technology, and the growing impatience for better living on the part of many citizens who have been left behind by the march of progress. Thus, at the very stage of history when demographic, technological, and political trends have been releasing powerful forces to raise the costs of government, the defense sector likewise became an increasing burden on the Treasury. The inevitable result has been a vast growth of Federal spending—from 70 billion dollars in fiscal 1955 to 122 billion in 1965, and perhaps 180 billion this fiscal year.

The upsurge of Federal spending on defense and on civilian activities has naturally resulted in much higher taxes. To be sure, we have recently learned to put up with deficits when the economy is booming as well as when the economy is depressed. The role of deficits in governmental finance, however, is commonly exaggerated. From mid-1946 to June of this year, the cumulative revenues of the Federal government covered all but 2 per cent of its expenditures, so that Federal taxes have in fact grown just about as rapidly as expenditures. Our economy has also grown significantly during this period, but not enough to prevent taxes from siphoning off an increasing portion of the national income. In fiscal 1940, Federal revenues came to about 6 per cent of the gross national product, in 1950 to 15.5 per cent, in 1960 to 19 per cent, last year to 20 per cent. Meanwhile, state and local taxes have also moved up—indeed, they have grown even more rapidly during the past ten or twenty years than Federal taxes. According to the national income accounts, the combined revenue of all governmental units amounted in the past fiscal year to about 29 per cent of the gross national product and 32 per cent of the net national product; and even the higher figure may understate the tax burden, since it makes inadequate allowance for the capital used up in the process of producing goods and services.

This year, with the war in Vietnam escalating and social expenditures also rising, the Federal deficit may reach 25 billion dollars unless steps are taken to raise taxes or curb expenditures. To reduce the enormous deficit now in sight, President Johnson has proposed a 10 per cent surcharge on income taxes, but the Congress has thus far failed to adopt the proposal. Many members of Congress feel that the tax burden is already so heavy that it would be wiser to cut governmental expenditures than to raise taxes. Others would be willing to accept higher taxes provided significant reductions in expenditure were simultaneously made. With financial markets disturbed and interest rates rising about last year's abnormally high level, a great debate is now raging both within and outside governmental circles about the relation of the Federal budget to economic activity, interest rates, and inflation. What is critically at issue in this debate is not whether Federal spending should be permitted to rise, but the size of the reduction—if any—in the projected scale of spending on non-defense programs. No matter how this issue is resolved, spending in the aggregate will still go up substantially, and—if history is any guide—taxes will follow; so that we now face the prospect of higher income taxes besides higher social security taxes and assorted increases of state and local taxes.

We also face the prospect of paying more for foodstuffs, clothing, automobiles, and whatever else we buy. The causes of inflation are complex, and it is never strictly true that an increase in spending on defense or on business equipment or on any other category is the sole cause of inflation. In principle, the government can always adjust its monetary and fiscal policies to economic conditions so as to keep the price level reasonably stable. If the government had foreseen how rapidly the cost of the Vietnam War would mount and if it had taken promptly the restraining measures needed to keep the aggregate demand for goods and services from outrunning the nation's capacity to produce, the new round of inflation that we have experienced since 1964 could have been prevented. But if we blame the government for its lack of foresight or courage in this instance, we should also bear in mind that the theoretical ideal of price stability has rarely, if ever, been closely approximated under wartime conditions.

When demand presses hard on a nation's resources, as it generally does at a time of war, it becomes very difficult to adjust tax, credit, and expenditure policies on the scale needed to prevent advances in the price level. The doubling of wholesale prices between 1940 and 1950 was obviously linked to the enormous expansion of military spending during World War II. Since then, the trend of prices has continued upward at a much slower pace, and no single factor stands out so prominently among the causes of inflation. Indeed, prices have risen less in our country since 1950 than in most others, despite our exceptional military burden. It is nevertheless true that the greater part of the recent advance in both wholesale and consumer prices came in three spurts—between 1950 and 1953 when the Korean War was raging, between 1955 and 1957 when a fairly rapid increase of military contracts paralleled a booming trend of business investment in new plant and equipment, and since mid-1965 when our ground forces shifted to an active role in Vietnam. It appears, therefore, that the sudden surges within the defense sector have contributed to the inflationary trend which has been gradually eroding all savings accumulated in the form of bank deposits, life insurance, savings bonds, and other fixed-income assets, besides complicating life for everyone whose money income fails to respond to the rising cost of living.

The defense sector can also be partly blamed for the troublesome deficit in our balance of payments. Since 1950 the receipts from our sale of goods, services, and securities to foreign countries have run substantially below the sums that we need to pay foreign countries. One reason for this persistent deficit is the large expenditure that is required, year in and year out, to maintain our military forces abroad. Foreign assistance programs have also been adding to the deficit, although their foreign exchange cost is now much smaller. Since the revenue derived from our foreign transactions has been insufficient to cover the required payments, our stocks of gold have shrunk from 24½ billion dollars at the beginning of 1950 to about 13 billion at present. Meanwhile, the dollar balances that are held here by foreigners have also grown, so that the United States finds itself in the position of a banker whose short-term liabilities are steadily rising while his reserves keep dwindling. In order to check the deterioration in our international financial position, the Defense Department has lately been favoring domestic over foreign suppliers even at cost differentials of 50 per cent. More disturbing still, the government has found it necessary to impose restrictions on the outflow of capital—an interference with private investment that is contrary to our national traditions. Even so, the deficit in the balance of payments has persisted, and—partly as a result of the war in Vietnam—it is larger this year than last. International confidence in the dollar, which is of such immense importance to America's political leadership as well as to our economy and that of the rest of the world, is still strong, but we can no longer count on it as we did ten or twenty years ago.

II

I have been concerned thus far with the financial aspects of national defense—its impact of governmental expenditures, taxes, the price level, and the balance of payments. Financial transactions and the price system, however, are merely mechanisms for putting a nation's resources to work and for distributing what is produced among people and their government. The resources that we devote to national defense are not available for making consumer goods or for adding to the stock of industrial equipment or for public uses in the sphere of education, health, or urban redevelopment. To the extent that we allocate labor, materials, and capital to national defense, we cannot satisfy our desires for other things. The civilian goods and services that are currently forgone on account of expenditures on national defense are, therefore, the current real cost of the defense establishment.

This cost has become very large, as my observations on governmental finance have already suggested. Its magnitude can perhaps be grasped best by considering the amount of labor devoted to national defense. In fiscal 1965, the armed forces numbered close to 2¾ million. They were supported by over 900 thousand civilian workers attached to the Department of Defense and by another 2.1 million civilians employed in private industry who worked, directly or indirectly, on military supplies. Thus the total employment on defense goods and services amounted to 5¾

million, or to 86 out of every 1,000 employed workers in the country. Two years later—that is, during the fiscal year which ended this June—the number was nearly 7½ million, or 103 out of every 1,000 employed workers. The employment currently attributable to national security expenditures is even larger; for the figures that I have cited, besides not being fully up to date, take no account of the activities of the Atomic Energy Commission, the National Aeronautics and Space Administration, or other defense-related efforts.

A mere count of numbers, moreover, does not convey adequately the drain of the defense establishment on the nation's work force. Men differ in quality, and we need to take account of the fact that those involved in the defense effort are, on the average, superior from an economic viewpoint to workers engaged in civilian production. Military technology and operations have become very sophisticated in our times. The armed forces now have a highly skilled core and are very selective in accepting men for service. Indeed, the proportion of personnel who completed high school is much larger in the armed forces than in the comparable age group of the civilian population, while the proportion of college graduates is not materially lower. Training and skill count even more heavily among the civilians involved in defense activities. Last year, professional workers accounted for nearly 16 per cent and skilled blue-collar workers for 21 per cent of the civilians employed on defense work, in contrast to about 13 per cent for each of these groups in the rest of the working population. One out of every five of the nation's electrical and mechanical engineers in civilian jobs, two out of every five airplane mechanics, two out of five physicists outside of teaching, and three out of five aeronautical engineers were employed on defense goods during the past year. And even these figures understate the skill dimension of defense employment, for they again leave out of account the highly technical activities originating in the Atomic Energy Commission and NASA.

The heavy emphasis on skill and brainpower in defense employment reflects, of course, the explosion of military technology to which modern science has been contributing so much of its finest energy. Since the Korean War defense contractors have been devoting themselves not only to the production of extremely complex weapons but also to developing entirely new weapons systems that no one as yet knew how to produce. Much of the defense sector of our economy has come to consist, therefore, of research and development work. The President's budget for this fiscal year, for example, allots about 16 billion dollars to research and development, of which 9 billion is to be devoted to defense and another 5 billion to space activities. Since 1960 defense and space programs have consistently accounted for over 80 per cent of the rapidly increasing Federal funds devoted to research and development. More important still, they have amounted to about 54 per cent of the expenditure on research and development carried out in the entire nation—that is, by the Federal government, industry, universities and colleges, research centers affiliated with universities, and other nonprofit institutions. During the 1950's the proportion of the nation's research and development effort devoted to defense-related activities was only a little lower.

By diverting to its interest so much manpower, especially scientific and engineering skills, the defense establishment has left its mark on both the structure and the functioning of our economy. The effects are all around us. Some defense-oriented industries—notably, the aerospace complex, electronics, and communications—have become a major factor in the economy, and their development has favored many communities—for example, Los Angeles, San Diego, Seattle, and Baltimore. Some large firms have acquired marvelous technological competence from their defense or space contracts and this rather than any immediate profit has commonly been their chief reason for wanting the contracts in the first place. Not a few of the scientists and engineers who received their training in the more sophisticated enterprises have moved into traditional lines of activity, bringing something of the spirit of research and innovation with them. Many of the men released by the armed forces have been able to put the technical skills acquired during their military service to effective use in civilian jobs. And not a few of the processes or products developed for the military have found application in civilian life—for example, jet transports, advanced computers, radar, miniaturized components, and nuclear power plants.

But if the defense sector has stimulated economic development in some directions, it has retarded growth in others. Civilian-oriented laboratories of business firms have often been unable to match the salaries or the equipment that subsidized defense firms offer to scientists and engineers. Research and development work in behalf of new products and processes for the civilian economy has therefore been handicapped. Small firms have derived little benefit from military or space contracts. The draft has added to the labor turnover of all businesses, large and small. The lack of opportunity in the defense sector for poorly educated and unskilled workers has not helped the rural Negroes who have flocked into the cities in recent years in search for jobs and a better life. Moreover, a new class of business executives has arisen, consisting of men whose understanding of marketing and cost controls is often deficient, but who know how to negotiate effectively with government officials handling military or scientific problems. The fact that knowing the right people or having friends in the right places can sometimes advance the interests of a business better than plain business ability has in all likelihood also influenced the management of some firms outside the defense sector.

In any event, the economic growth of a nation is a blind concept unless we consider what is produced as well as the rate of growth of what happens to be produced. During the decade from 1957 to 1966, our nation spent approximately 520 billion dollars on defense and space programs. This sum is about two-and-a-half times as large as the entire amount spent on elementary and secondary education, both public and private. It is almost three times as large as the amount spent on new housing units outside of farms. It exceeds by over a fourth the expenditure on new plant and equipment by the entire business community—manufacturing firms, mining concerns, transportation enterprises, public utilities, and all other businesses. To be sure, an extra billion dollars' worth of bombs or missiles will increase current production just as much as an extra billion of new equipment for making civilian goods. Bombs or missiles, however, add nothing to the nation's capacity to produce, while new equipment serves to augment production in the future. The real cost of the defense sector consists, therefore, not only of the civilian goods and services that are currently forgone on its account; it includes also an element of growth that could have been achieved through larger investment in human or business capital. But even if we assumed that the conflicting influences of the defense sector on economic growth canceled out, its real cost is still enormous.

Unhappily, we live in dangerous times which make large national security expenditures practically unavoidable. Nevertheless, there are always some options in a nation's foreign and military policy, and we therefore must be alert to the opportunities that our military establishment forces us to forgo. For example, if the resources devoted to military and space activities during the past decade had been put instead to civilian uses, we could surely have eliminated urban slums, besides adding liberally to private investment in new plant and equipment as well as both public and private investment in human capital.

III

The military-industrial complex, of which President Eisenhower spoke so perceptively in his farewell address, has therefore been affecting profoundly the character of our society as well as the thrust and contours of economic activity. Nor have the social effects been confined to the kinds of goods that we produce. Hopefulness about the future, optimism about success of new undertakings, impatience to complete satisfactorily whatever is begun—these psychological qualities have been peculiarly American characteristics, and they account in far greater degree than we may realize for the remarkable achievements of our economic system and the vigor of our political democracy. These qualities are deep-rooted in American experience and they continue to sustain us. Nevertheless, the development and spread of thermonuclear weapons, the frustrations of the cold war, and now the brutal struggle in Vietnam have left us, despite our awesome military power, more anxious about our national security than our fathers or grandfathers ever were.

Adults whose habits were formed in an earlier generation may put the dangers of nuclear catastrophe out of mind by losing themselves in their work or by seeking solace in religion. That is more difficult for our children who increasingly wonder what kind of world they have inherited by our doings. There can be little doubt that the lively competition among the great powers in devising instruments of terror is one of the underlying causes of the restlessness of modern youth.

Moreover, young men of military age are bearing a disproportionately large part of the defense burden. That is unavoidable at a time of war, but our generation has institutionalized compulsory military service even when the nation is at peace. It is undoubtedly true that many young men derive deep satisfaction from serving their country as soldiers, sailors, or aviators. Not only that, many have also found useful careers in the armed forces, or have benefited in their civilian jobs from the skills acquired during military service, or have gained a larger understanding of life by associating with men of widely different backgrounds or by being stationed abroad for a time. Despite these benefits, the draft has by and large proved to be a seriously upsetting factor in the lives of young people. Not knowing when they would be called up for military service or whether they would be accepted, many have found themselves marking time. Those who are accepted have often had to interrupt their schooling or careers, perhaps alter plans with regard to marriage, and in any event be content with substantially lower pay than they could earn as a rule in civilian work. Moreover, the administration of the draft over the years, particularly the handling of student deferments, has raised troublesome moral questions in the minds of young people—and, for that matter, in the minds of older citizens as well.

The emergence of our country as a great military power, having worldwide political responsibilities, has also affected our educational system. Greater emphasis on science, mathematics, and modern languages in secondary schools and colleges, new area institutes and schools of international affairs in the universities, advanced courses in the esoteric languages and customs of the Far

East and Africa—these educational developments not only reflect the widening scientific and geographic interests of modern business; they are also a response to urgent requirements of national security. But it is in the area of research, rather than teaching, where the impact of the defense establishment on our universities has been particularly felt. Colleges, universities, and research centers associated with universities spent in the aggregate 460 million dollars on the performance of research and development in 1953, with something over half of this sum financed by the Federal Government. Last year, the sum so spent was six-and-a-half times as large, and the federally-financed portion rose to 70 per cent. Clearly, Federal funds are mainly responsible for the extraordinary growth of research activities in universities, and the chief—although by no means the sole—reason for this governmental involvement is the intense search for new knowledge on the part of defense-related agencies. During 1963–66, the Department of Defense, the Atomic Energy Commission, and NASA together accounted for five-eighths of the dollar value of Federal grants for research and development to institutions of higher learning, and their proportion in immediately preceding years was even larger.

The huge influx of governmental research funds has served to enrich the intellectual life of numerous colleges and universities, especially in the larger institutions where the grants have been mainly concentrated. By virtue of research grants, professors have better equipment to work with and more technical assistance than they had in former times. They also travel more, keep in closer contact with their counterparts in other universities, and mingle more freely with government officials, business executives, and scientists working for private industry. The gulf that previously separated a university from the larger interests of the community and the nation has therefore narrowed very significantly.

However, governmental research grants have created problems for universities as well as new opportunities for useful service. The greater interest of a faculty in research is not infrequently accompanied by lesser devotion to teaching. No little part of the time set aside for research may in practice be consumed by travel and conferences of slight scientific value. However welcome grants from military and space agencies may be, their concentration on the physical and engineering sciences makes it more difficult for a university to maintain the balance among various branches of learning that is so essential to the intellectual and moral improvement of man. Some military contracts involve classified research, and the secrecy which attends such work introduces an entirely foreign note in institutions that have traditionally taken a strong pride in completely free and uninhibited communication among scholars. Not less serious is the tendency, which appears to be growing among university scholars, to forsake the research to which they are drawn by intellectual curiosity in favor of projects that have been designed by, or contrived to suit the tastes of, government officials or others who take care of the financing. All universities and many of our colleges are struggling with this and other problems that the defense sector has created or accentuated.

The danger of diminished independence is not confined to research activities. If college or university presidents no longer speak out as vigorously on national issues as they did a generation or two ago, one major reason is that the institutions over whose destiny they preside have become heavily dependent on Federal contracts and subsidies. Even professors who are benefiting from Federal research grants or consulting relationships, or who expect to be able to do so in the future, have been learning the occasional value of studied reticence. And if discretion is tempering the spirit of forthright questioning and criticism in our universities, its power is all the stronger in the business world. It is hardly in the interest of businessmen to criticize any of their customers publicly, and by far the largest customer of the business world is clearly the Federal government itself. Some firms sell all and many sell a good part of what they produce to the Federal government, and there are always others that hope to be in a position to do likewise in the future.

To be sure, the great majority of business executives, even those who manage very large enterprises, prefer commercial markets to governmental business; but they have become so sensitive nowadays to the regulatory powers of government that they rarely articulate their thoughts on national issues in public. Trade union leaders are typically more candid and outspoken than business executives; but they too have become dependent in varying degrees on the good will of government officials and therefore often deem tact or reticence the better part of wisdom. Not only that, but it is no longer unusual for the government in power, whether the administration be in Democratic or Republican hands, to suggest to prominent businessmen, trade union leaders, attorneys, journalists, or university professors that they support publicly this or that administration proposal. And men of public distinction at times comply regardless of their beliefs, perhaps because they are flattered by the attention accorded them, or because they vaguely expect some advantage from going along, or simply because they feel that they dare not do otherwise. Thus the gigantic size to which the Federal government has grown, for which the defense sector bears a heavy but by no means exclusive responsibility, has been tending to erode perceptibly, although not yet alarmingly as the open discussion of the war in Vietnam indicates, the spirit of rational and constructive dissent without which a democracy cannot flourish.

The huge size of military budgets and incomplete disclosure concerning their management carry with them also the danger of political abuse. Since money spent in the interest of national security necessarily has economic effects, the government in power may sometimes be tempted to ease domestic problems by adjusting the scale or direction of military spending. For example, raw materials may be stockpiled beyond the minimum military target, or the target itself may be revised upward, in order to grant some relief to a depressed industry. Or at a time of general economic slack, the government may begin to look upon military spending as if it were a public works program. Worse still, considerations of political advantage may play a role in deciding whether contracts are placed in one area rather than another, or with this firm instead of that. Such practices lead to waste, confuse military officers, and might even exacerbate international relations. Nevertheless, they are not entirely unknown to history, including our own. Fortunately, our government officials have generally been reluctant to tamper with something so fundamental to the nation as its defense establishment; and even on the rare occasions when they have strayed from virtue, the sluggishness of a governmental bureaucracy in carrying out any plan has kept down the scale of mischief. But if politics is ever effectively computerized, as some students believe it will be, we shall have less protection against political abuse within the defense sector in the future.

Any enlargement of the economic power of government, whether brought about by military expenditures or through other causes, can eventually result in some infringement of liberty. However, because of the sense of urgency in troubled times, the requirements of national security may lead more directly to restriction of freedom. Necessary though the draft may be, it still constitutes compulsion of the individual by the state. Necessary though security clearances may be, they still constitute an invasion of privacy. Necessary though passport regulations may be, they still restrict the freedom of individuals to travel where they choose. Fortunately, the vitality of our democracy has thus far proved sufficient not only to limit restrictions of freedoms such as these, but to put an end to the nightmare of McCarthyism, to suppress the excessive interest of the Central Intelligence Agency in our colleges and universities, and even to fight the war in Vietnam without imposing price and wage controls. We cannot take it for granted, however, that our formidable defense establishment will not give rise to more serious dangers to our liberties and the democratic process in the future.

IV

Throughout the ages, philosophers and religious teachers have lamented the horrors of war and searched for the keys to peace. Yet their noblest thought has been frustrated by the course of human events. Our country has been more fortunate than most, but we have had our share of the destruction of life and property that is the universal coin of warfare. Every American of age fifty or over has lived through two world wars, the Korean War, and now the smaller but still very costly and protracted struggle in Vietnam. When this war ends, military expenditures will probably decline for a while, as they have in fact after every war in our history. We cannot look forward, however, to demobilization on anything like the scale experienced after World War I or World War II, when the military budget was reduced by over 85 per cent within three years.

The reason for the difference, of course, is that the cold war is still with us, just as it was when the Korean hostilities ended. After the cessation of that conflict, the defense budget was reduced merely by a fourth. If the cost of the Vietnam war remains at approximately the current rate, it is doubtful whether a ceasefire will be followed by a reduction of even the Korean magnitude. A return to the defense budget of fiscal 1964 or 1965 would indeed involve a cut of roughly 35 per cent from this year's expenditure; but in the absence of a dramatic change in our international relations, this is quite unlikely. In the first place, prices are higher at present than they were in 1964 or 1965, and they will probably be higher still when the war phases out. In the second place, it may well be necessary for us to keep many more troops in Vietnam after a ceasefire than was the case in Korea and also to become more heavily involved in the task of reconstruction. In the third place, while stocks of military equipment were built up during the Korean War, they have been seriously depleted—particularly for the Reserve and National Guard units—by Vietnam. They will therefore need to be rebuilt when hostilities comes to an end, and this demand will be reinforced by the deferred procurement of new models to replace equipment now in inventory.

Nevertheless, a sizeable reduction of military spending will take place in the year or two after the ceasefire, and we will have the opportunity to concentrate more of our resources on the arts of peace. In the past, the American economy has demonstrated a remarkable ability to adjust speedily to cutbacks in military spending, and we can be confident of doing so again. After World War I the conversion from war to peace was carried out with only a mild and brief setback in total economic activity. The like happened after World War II, despite the fact that more than two-fifths of our nation's resources were devoted to military uses at the

peak of the war. Between 1945 and 1946, spending on the manufacture of defense goods dropped drastically and the number of men in the armed forces declined from 11½ million to 3½ million. Nevertheless, the unemployment rate remained below 4 per cent. A recession followed the termination of the Korean War, but this was not its sole cause. In any event, unemployment during this recession was less serious at its worst than during the recession which came just before it or just after it. With the experience that our country has gained during the past two decades in coping with economic fluctuations, with both the Executive and the Congress obviously eager to prevent unemployment, and with plans for dealing with post-Vietnam problems already beginning to take shape, there should not be much difficulty in adjusting Federal tax, expenditure, and credit policies so as to maintain aggregate monetary demand at the level needed to assure reasonably full employment when hostilities cease. Some sizeable adjustments will still need to be made by numerous communities and industries; but even they should prove manageable since the military cutbacks are likely to be largely concentrated on items produced by business firms that are closely oriented to our diversified and resilient civilian markets.

The highly specialized aerospace, electronics, and communications industries will probably not bear much of the burden of post-Vietnam cutbacks. On the contrary, once the curve of military spending turns upward again, as it well may two or three years after the ceasefire, these are the very industries that are likely to benefit most from the dynamism of modern technology. To maintain a sufficient strategic superiority to deter any aggressor, we have been devoting vast sums to research and development, as I have already noted. The fantastic new weapons and weapons systems devised by our scientists and engineers soon render obsolete some of the existing devices, which themselves were new and revolutionary only a short time ago. But while the new devices are being built, those that were only recently new cannot yet be abandoned and may even need to be augmented. Costs, therefore, tend to multiply all around. Meanwhile, the Soviet Union has been striving through a remarkably enterprising and inventive military-industrial complex of its own to establish military parity, if not actual supremacy. For example, we have recently learned of the deployment of an anti-ballistic missile system around Moscow and Leningrad, of a novel ship-to-ship missile of Russian origin fired in the Mediterranean, and of the apparent development of an orbital bomb capability by the Soviet Union. Communist China has also been developing, and with greater speed than was generally anticipated, the ability to make and deliver sophisticated weapons. In turn, our military establishment, besides innovating vigorously on its own, keeps devising countermeasures to what the Russians or Chinese have or may have in hand. Both its reaction and its fresh challenge to potential aggressors can be expected to become stronger once Vietnam no longer requires top priority.

As we look beyond the cessation of hostilities in Vietnam, we therefore need to recognize that the scale of defense expenditures has, in effect, become a self-reinforcing process. Its momentum derives not only from the energy of military planners, contractors, scientists, and engineers. To some degree it is abetted also by the practical interests and anxieties of ordinary citizens. Any announcement that a particular defense installation will be shut down, or that a particular defense contract will be phased out, naturally causes some concern among men and women who, however much they abhor war and its trappings, have become dependent for their livelihood on the activity whose continuance is threatened. With a large part of our economy devoted to defense activities, the military-industrial complex has thus acquired a constituency including factory workers, clerks, secretaries, even grocers and barbers. Local chambers of commerce, politicians, and trade union leaders, while mindful of the interests of their communities, may find it difficult to plead for the extension of activities that no longer serve a military purpose. Many, nevertheless, manage to overcome such scruples. Indeed, candidates for the Congress have been known to claim that they are uniquely qualified to ward off military closings or even to bring new contracts to their districts, and their oratory has not gone unrewarded by the electorate. The vested interest that many communities have in defense activities is thus likely to continue to run up costs on top of the rising budgets generated by the momentum of competing military technologies. Not only that, it will continue to suggest to many foreign citizens, as it sometimes does even to our own, that our national prosperity is based on huge military spending, when in fact we would be much more prosperous without it.

If the picture I have drawn is at all realistic, the military-industrial complex will remain a formidable factor in our economic and social life in the calculable future. It will continue to command a large, possibly even an increasing, part of our resources. It will continue to strain Federal finances. It will continue to test the vigor of our economy and the vitality of our democratic institutions. For all these reasons it will also generate political tensions in our society, as the widening and bitter debate over Vietnam plainly indicates.

Two schools of political thought are now locked in a contest for the mind and soul of America. One school looks outward, the other looks inward. One school draws much of its strength from the revolution of military technology, the other from the revolution of rising expectations. One school sees communism as a centrally directed conspiracy against the Free World, the other sees it breaking up into independent national movements. One school sees our survival as a free people threatened by communism, the other sees the main threat to free institutions in the deterioration of our cities and the sickness of our society. One school seeks overwhelming military power to deter fresh communist adventures, and is willing to risk war in order to prevent the geographic expansion of communism. The other school seeks wider social justice and better economic conditions for Negroes and others who have not participated fully in the advance of prosperity, and holds that the force of moral example can contribute more to our national security than additional bombs or missiles.

Both schools have focused their attention on the Federal budget and neither has been satisfied by the treatment accorded its claims. From 1955 to 1965, Federal spending on nondefense activities increased faster than on defense. Since then, defense expenditures have gone up more rapidly, though not much more rapidly. Looking to the future, professional economists frequently point out that our growing economy will make it possible to have more butter and also more guns, if they are needed, even as we have been managing to do while the war in Vietnam is being waged. Their reassurance, however, does not satisfy those who feel that our national security requires not just more guns, but many more guns. Nor does it satisfy those who feel that we need much more butter and that our statistics of the gross national product are misleading us by their failure to allow for the pollution of our water, the poisons in our air, the noise of our streets, the roaches and rats in our slums, the rioting in our cities, or the destruction of life on our highways. Debate along these lines has reached a high point of intensity as the war in Vietnam has dragged out. It has become a divisive force, and it has brought anguish to our people. Its effect on the conduct of the war, however, is likely to count for less than its effect on the general direction of our foreign and military policy in the future.

For the debate is demonstrating to thoughtful citizens that our national security depends not only on awesome military forces, but also on the strength of our economic system and the wholesomeness of our social and political life. As this lesson sinks in, we will want to try far harder than we ever have, both in our personal capacity and through our government, to bring the mad armaments race under decent control. And if the cracks of freedom within the communist system of tyranny widen, as they well may in coming decades, we can be sure to be joined in this quest by the people of the Soviet Union and eventually by the people of mainland China as well. That, at any rate, is the only hope for saving ourselves and the entire human family from catastrophe.

Mr. HART. Mr. President, early last year the Senate Antitrust and Monopoly Subcommittee held several days of hearings on the degree to which competition operated in Defense Department procurement. I join today with the able Senator from Wisconsin in support of his broad-ranging comments on military procurement practices, and the degree to which it has outrun effective controls.

Specifically, on the subject of our subcommittee hearings of last spring, I want to urge the Department of Defense to pursue freer competition in defense procurement at home with the same vigor it pursues defense of freedom abroad.

Lack of competition for defense contracts not only costs the taxpayers billions of dollars, but also contributes to appalling inefficiencies on the part of companies with defense contracts.

With 25 firms receiving almost 50 percent of the Department's prime contract money, with the Department's willingness to accept serious delays in project deadlines and charges well above original estimates, defense contractors are under little pressure to perform efficiently.

What we have instead is an "in" group as interested in promoting new contracts as in successfully completing old ones.

What we have is dangerous centralization of our defense industrials and all too little competition for defense contracts.

The result is a performance rating which shows that of 11 principal electronic systems scheduled for development in the past decade, only two perform to standard.

The result is higher profits for the more inefficient companies.

The result is contracts awarded on the basis of technical brochures, without enough concern for past performance and with little or no competition after the design stage.

For example, a contract for a project is awarded for research and development and for manufacture of the product. In that way, the successful contractor has a lock on the project, and if deadlines are not met or costs exceed estimates, as they always do, the contractor is free of competitive pressure and able to make higher profits.

Greater competition for defense contracts can be achieved in numerous ways.

Contracts could be let only for R. & D., with contracts for development of prototypes and for manufacture of the product put out for competitive bids separately. The results of the R. & D. program would be transferred to the successful bidder.

Also, the department could foster increased competition and efficiency in certain types of long-range projects by financing two competitors to build prototypes after the design stage. In such cases, the companies would then be under competitive pressure to come up with the best prototype by the deadline, thereby winning the contract to manufacture the item.

Competition in defense contracts would be good for the taxpayer, good for the economy, and good for the national security.

In addition to competition for contracts, the Defense Department also should take into consideration the effect contract awards might have on massive unemployment conditions.

A resumption of hearings by the Antitrust and Monopoly Subcommittee may be very much in order. In any case, I thank the Senator from Wisconsin (Mr. PROXMIRE) for his penetrating review of practices which cry for improved controls.

SPAIN IS STILL AFRAID OF ITSELF

Mr. SYMINGTON. Mr. President, I ask unanimous consent that an interesting article entitled "Spain Is Still Afraid of Itself," published in the New York Times magazine of Sunday, March 9, 1969, be printed in the RECORD.

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

SPAIN IS STILL AFRAID OF ITSELF

(By Richard Eder)

MADRID.—Gregorio Peces-Barba, a young lawyer from Madrid, was walking up and down the stretch of road that leads into Villafranca de Montes de Oca, a village in the hills of Burgos Province. With him on this January day six weeks ago was his mother, a sturdy old woman who has known various kinds of adversity. Her husband, a Republican, had served several years in jail after the Civil War. Now her son had been seized by the police and brought to Villafranca, a village of 300 inhabitants set in one of the coldest and poorest parts of Spain. He had been ordered to remain for three months.

Peces-Barba is one of the 19 professionals and intellectuals whom the regime banished to remote parts of the nation under the so-called State of Exception proclaimed on Jan. 24—a modified form of martial law that suddenly halted a long-developed liberal trend in Franco Spain. Six of the 19 were allowed to return to Madrid within a week of their arrest—but not Peces-Barba.

He is a cordial *bon vivant* whose fondness for good food and unsuccessful efforts to lose weight enabled his friends—who badly need cheering up these days—to joke about the salutary effect he might enjoy from three months in the country. It might even give him time, they suggested, to work on his hardly begun doctoral thesis on French philosopher Jacques Maritain, the imminent completion of which he has been announcing for several years.

The joking concealed a real concern, for Peces-Barba is one of the most important of the "deportees." He is a principal lieutenant of Joaquín Ruiz Giménez, a former Cabinet minister who now leads the left-wing Christian Democrats, a relatively effective opposition group. He is an active figure at the University of Madrid, where he teaches law and commands the trust, if not the allegiance, of the fragmented and generally extremist student movement.

Peces-Barba is also prominent among the small group of lawyers who go regularly before the Public Order Court to defend student demonstrators, members of the illegal workers' commissions, writers and journalists who break the press law and activists in the banned political parties. When he was deported to the provinces, he had 81 of these cases pending.

The Public Order Court is a special tribunal set up to try political offenses from all over the country. In recent months there had been growing pressure from lawyers to abolish it and turn its work over to the regular tribunals. By spreading political cases among the entire magistracy, they reasoned, the Government would find it more difficult to exert pressure. At present, the three-man tribunal is chosen from among those judges the Government believes to be least sympathetic to political dissent.

As Peces-Barba and his mother were preparing to turn back toward the village, a car pulled up and a *Guardia Civil* major hastily got out and presented new orders from Madrid. Peces-Barba was to be taken to a larger village, Santa Maria de Campo. "You will be better off there," the major said. "There is more social life. There is a cinema." He did not mention that Santa Maria's relative prosperity is based on the fact that several of its 1,000 inhabitants had won, a few years ago, on a number in the national lottery.

Stopping to say good-by to the disappointed village mayor, who had just had a sheep killed for Mrs. Peces-Barba, they set off in a taxi. After a long drive, during which the old woman told the major exactly what she thought of the treatment of her son, they arrived at their destination.

The major assembled the Mayor, the priest, the doctor and the veterinarian. He introduced his charge as "a distinguished gentleman who, owing to certain circumstances, will spend some time here at his studies." There was a round of welcoming remarks.

During an interval the veterinarian edged up to Peces-Barba. "Don't trust the others," he whispered. "I am the only man of the left in this town. My two sons in Madrid tell me what really goes on."

If he is to be taken literally—if he truly knows what goes on—this veterinarian is among a uniquely well-informed group in Spain, one that may not include more than a dozen or so persons apart from General Franco. The main outline of what has happened here is fairly clear; the details, the roles of all those involved and the possible outcome are more uncertain.

The State of Exception is an event of marked significance in the post-Civil-War history of Spain. It seems to cut short the idea of evolution that, with much faltering and many counterattacks, has been the regime's dominant theme over the last dozen years. Whether the halt will be permanent remains to be seen, but there is a wide belief that it is, as one prominent Spaniard put it, "the last phase of Franco's Government—possibly a long phase, but certainly the last."

"It is the regime's second childhood," said this Spaniard, an elderly aristocrat who has served in both the Government and the opposition. "It is that time of old age when there is a dangerous effort to go back to the methods and style of youth—in this case the rigid dictatorship of the nineteen-forties—but with a purpose and a grasp too enfeebled to manage it successfully."

Under the State of Exception, specific articles of the Fueros, or basic law, are suspended. The suspensions allow the Government to make arrests without formalities, to hold prisoners indefinitely before turning them over to the magistrates, to forbid meetings and to banish persons without trial. They establish a total censorship.

The order had some highly visible results beyond the deportations. Hundreds of students and workers suspected of agitation were detained. The activities of bar associations, church-sponsored labor groups and associations devoted to United Nations activities were impeded or stopped altogether. Controversy vanished from the press.

To those who had made use of the limited freedoms allowed by the regime to try to change it, the first days of the State of Exception were profoundly discouraging and even frightening.

Many slept away from home. A lawyer who was hiding out at a friend's house confessed: "I am not particularly worried at being arrested. But I live alone, and I dislike the idea of lying in bed waiting for the bell to ring and waking up every time a car passes outside." A few days later he telephoned the police and turned himself in. He was banished.

A member of the illegal workers' commissions—clandestine rivals to the official syndicates—spent an evening making a painful choice. His 13-year-old daughter had been arrested with some other demonstrators (a policeman had held a pistol against her, and she had bitten his wrist), and now the police had telephoned him to fetch her. The worker was on parole from a five-month jail sentence and feared rearrest.

Finally, accompanied by his wife, he went to the red-brick police headquarters in Madrid's Puerta del Sol. His wife and daughter went home an hour later, but he was held.

In Villaverde, a working-class district of Madrid, 150 priests and laymen who belong to a social action group attended an evening mass at the parish church. As they waited in a bus queue afterward, they were surrounded by police, and 38 were picked up. A young Jesuit priest found himself sitting beside one of his seminary students in the paddy wagon. "Who would have thought, Father," the seminarian remarked cheerfully, "that in Catholic Spain we would end up riding off to jail together after going to mass?"

The 38 were released after cursory questioning, but not before the Jesuit managed to get back a bit of his own. When the detectives who took down his statement told him politely that he could go, the Jesuit inquired whether there was a guest book for complaints.

The detective jumped to his feet and pointed a trembling finger at the priest, who was dressed casually in sweater and slacks. "Are you telling me that we have mistreated you?" he shouted. "Listen, we do the best we can. Look at you. How are we supposed to tell what you are, dressed like that? You should be wearing skirts down to your ankles, as you were taught in the seminary."

Actually, the police measures taken under the State of Exception have been less sweeping than was feared at first. The number of those arrested has oscillated, and no reliable figure is available. By mid-February, there might have been 600 to 800 in detention throughout the country, while the same number may have been questioned and released.

Virtually every foreign journalist in Madrid has been visited by one or more opposition figures who commented, with a mixture of relief and puzzlement: "As you see, I am still free."

A well-known painter, who considers himself at least a partly marked man, having been one of 1,500 intellectuals to sign a recent petition against police torture, summed

up the atmosphere of strained expectancy: "My wife is Dutch, and when she saw over television a Barcelona crowd sticking up their hands in the Falangist salute and cheering, she wept. She said it was like the war. But this is not a Hitler or Mussolini repression. It is a Kafka repression. It is not Goya's 'Tres de Mayo' [a very realistic portrayal of the execution of Madrid citizens who had risen up against Napoleon's troops in May, 1808]. It is more like an abstractionist painting on the same subject."

A liberal figure in the regime added bitterly, "It is a vacation without a Kodak"—an allusion to an advertising jingle which asserts that holidays are no fun without a camera.

The most noticeable and also the most significant of the changes since Jan. 24 is press censorship. Overnight, the censors in the Ministry of Information and Tourism have destroyed the only important lever of power available to those outside the regime, and to those inside, who wanted to see the regime change more rapidly than it was willing to.

Virtually all news of student dissent or labor troubles has disappeared. A photograph of student demonstrations in Naples was banned. So was a report of a speech by the rector of Prague's Charles University saluting his students as the guardians of liberty. Most reporting and nearly all comment on recent political issues—the monarchy, political prisoners, the forthcoming law regulating the labor syndicates—is out. As far as the Spanish reader is concerned, cases are no longer argued before the Public Order Court but only decided.

An issue of a Catholic journal was nearly cut to pieces when its editors tried to print an article about suicide, prepared months earlier. The death of a student while in the hands of the police, officially labeled a suicide, had become a burning public issue just before the State of Exception. The censors, going over proofs of the issue, even deleted a box setting forth the penal code provisions about suicide.

The press campaign has also turned into something of a sexual counterrevolution, though perhaps not for long. The censors went to work, for example, on a running ad for a movie starring Raquel Welch. Before Jan. 24 she had been seen to advantage in a bikini; now the drawing has her wearing a grotesque striped bathing suit and looking like something from a nineteen-thirties movie.

One of the more objectionable aspects of the censorship is its apparent use for political reprisals. Newspapers such as Ya and Pueblo that have been reasonably cooperative with the Government are allowed more leeway than the more troublesome papers.

Nuevo Diario, a morning daily started a year ago, had become the most outspoken and one of the best-edited newspapers in Spain. It carried full reports of a lawyers' meeting that urged the abolition of the Public Order Court, full-page accounts with photographs of church sit-ins by wives of political prisoners, and an incisive weekly political review by Pablo Calvo Hernando. Since the State of Exception, the censors have treated it with special harshness.

The paper's young editors struck back at first by printing deliberately fatuous features under front-page banner headlines and by writing editorials under such titles as "Was There Ever an Inca Race?" and "Corporal Punishment in Britain." It is a losing fight, and the staff is thinking of turning the paper into a sports and entertainment tabloid.

Press censorship is not, of course, new to Franco Spain. It was in effect until three years ago, when a special press law was promulgated. On the face of it, that new law should have been as prohibitive as censorship—it gave the Government virtually unlimited powers to fine, suspend and close publications, and even, as happened in one case, to arrange for a paper to be taken away from a troublesome publisher and handed over to an obliging one. Yet in practice, many editors reacted to the new law by printing increasingly complete accounts of the country's problems, of the divisions within the Government, of the activities of the opposition. And even though some were fined time and again and occasionally sentenced to jail, they continued on that path. With the State of Exception, and the return of total censorship, they have been forced to retrench.

During the three years of press action, the newspapers were the most important element of liberalization—and the most threatening to conservative forces. They aired one issue after the other that made the Government look arbitrary, divided or weak. They served as a sounding board which encouraged opposition groups to greater activity. Even some figures within the regime looking ahead to the time when they would have to count on appealing to the public rather than to Franco, began to press their own views publicly, often at the expense of their colleagues.

The way had been paved for such contentiousness by changes Franco himself had introduced into the Government. Twelve years ago, the general altered the military-Falangist cast of his regime by bringing in economists and lawyers connected with Opus Dei, a close-knit Catholic movement that is regarded with the same kind of suspicion by nonmembers that the Freemasons experienced a century ago. The Opus Dei ministers were no more than moderate conservatives, but their stress on reforms was revolutionary in the stagnant atmosphere of the nineteen-fifties.

The newcomers transformed the old state of free enterprise and an aggressive search for aid and trade with Europe and the United States. Spaniards responded by emptying mattresses and safe-deposit boxes to spend controlled, autarchical economy with doses and invest. National income has grown more than three times, industry has grown almost as fast and agricultural production has increased 50 per cent. Spaniards use more than twice as much electricity, more than two and a half times as much cement and own more than twice as many telephones. They abandoned their motor bikes—there are half as many as 12 years ago—and bought cars, whose number has increased more than eight times.

Along with the economic reforms came a new look in the nation's leadership; the modern but conservative technocratic views of the Opus Dei ministers and some right-wing shades of Christian democracy were added to the old Falangist-reactionary mix. The result is on view in the present Government.

José Solis, a jovial, calculating Andalusian, represents the Falange as minister without portfolio. The three military ministers represent their services. Interior Minister Camilo Alonso Vega, a tough, efficient policeman who is even older than Franco, is considered the hardest man in the Government. Laureano López Rodó, a lean, cautious Opus Dei member, is the principal economic planner and a convinced Europeanist who, nevertheless, operates with a cold sense of power.

Federico Silva, the public works minister, is a round, sleepy-looking conservative Catholic who manages to turn up near the center of any group photograph and political combination, and who may sometime be Premier if Franco ever decides to release the job. Manuel Fraga, information minister, is harsh, bright and energetic. Though just as sensitive as Silva to wind currents, Fraga reacts differently. Where Silva slides to the middle, Fraga is always out at the end, swinging wildly ahead of the wind, so that at different times he has been considered the regime's top liberal and one of its most accomplished reactionaries.

Most of the work of the Government is done by the Vice President, Admiral Luís Carrero Blanco. Carrero Blanco is a gray, hard-working man whose loyalty to Franco and utter lack of public appeal have led some Spaniards to describe the present system as "government by private secretary." Intellectually, he is an extreme conservative, who recently described the rebellious students as "a handful who have sunk to atheism, to drugs and to anarchism, God knows through what unspeakable means." On the other hand, he was responsible for recruiting the economic reformers and was generally backed their efforts.

The spirit of change did not stop with economic reforms and the appearance of more sophisticated ministers at the Prado palace. The old political rules began to ease and this led, among other things, to a startling demonstration of strength by opposition Workers' mission candidates in the syndicate elections. And, of course, there were the students. When the university began to boil over, Education Minister Villar Palasi tried to keep the Interior Minister's policemen off the campus; but the move failed to win over the students, who became more turbulent than ever.

As Michael Perceval, an English writer, puts it, General Franco's policy over the years had been to change cabinets and policies in the same way that sherry is made, "adding new wine to the old to preserve the bouquet." Now the new wine of reform was threatening to shatter the regime's old bottles, and General Franco decided it was time to decant it.

The signal for action was a series of university incidents: Communist flags were hoisted, a bust of Franco was pushed over and insulting phrases about him appeared on posters. The university was closed. Right-wing officers began to exert pressure, the military ministers were moved to ask jointly for total martial law and the Cabinet, upon Franco's request, voted for the less drastic State of Exception.

The reaction of Spaniards to the Jan. 24 edict has been by and large passive. The significance of the State of Exception is not that dramatic things began to happen but that they dramatically stopped happening. The impact is not that of an explosion or alarm bell; it is that of waking at night in a noisy city and suddenly hearing nothing.

For a great many Spaniards, public order is as much of an emotional concern as is public liberty in other Western countries. Whether it has always been part of the Spanish national tradition is a matter of debate, but it has certainly been so since the Civil War which ended just 30 years ago. The State of Exception won the general approval of those to whom the trend toward democracy had recalled the disorders and desolation of that traumatic conflict. They are content to see authority invoked against student protests, labor unrest and the disturbing new vigor of the press.

"Fernando will stay out of trouble when the university is closed," said one girl. Her brother-in-law Fernando is a student leader at the law school.

It is unutterably depressing these days to speak with the 30-and 40-year-old professionals, journalists, technocrats and intellectuals who constitute what might be called the political intelligentsia of Spain. Before Jan. 24, they were engaged in enthusiastic if sometimes aimless activity. They insisted, on principle, that an evolution toward democracy in Spain was impossible, but they demonstrated by their endless meetings, writings and discussions the hope that they felt beneath this skepticism. All this has been replaced by an apathy far more heart-rending than bitterness.

Listen to Joaquin Ruiz Giménez, a tall, quiet-spoken man who had begun to stand out as the leading opposition figure. His brand of Christian Democracy—radical only by Spanish standards—is favored in the Vatican.

"All that we have done," he said recently, "has been perfectly legal. We have used the

press in accordance with the law. We were creating a state of opinion for evolution. Now they punish us for it. We will act without either provocation or cowardice, and try to get through this in Christian fashion, or I should say—for those who are not believers—in stoic fashion."

It was considerably short of a battle cry.

"This is not the worst time," said the publisher of one of the country's best magazines. He sat in his living room eating olives and playing with his 2-year-old son. He had been up all night to take phone calls from the wives of "deported" friends.

"These are the better moments—when they are arresting and deporting. There is a certain élan, a certain heroism in the air. We get together and tell deportation jokes. It is afterwards I am afraid of, when the direct repression dies down and they start with the pressures, the bribes and the bullying that they have learned to manage so well over 30 years."

Another editor added: "We are back to 10 years ago, listening to short-wave radio, passing out letters to the foreign correspondents, trying to get the ear of the American ambassador."

As to the future, there is little prospect of immediate change. Student groups will probably try to make trouble as the universities reopen, but the police will undoubtedly be able to keep them in hand. Workers have organized some serious protest strikes in Bilbao, but their clandestine organizations lack strength for a prolonged battle. Even the opposition concedes that any important developments must come from within the Government. What these will be is difficult to predict.

Amid the general silence, the extreme right has become more audible with its denunciations of Communism and liberalism, its calls for a mystical discipline. But short of a military coup—and perhaps not even then—the diehard right has little chance of taking over the Goverment. It is even conceivable that their January victory may represent a high-water mark since, under Franco, to win a battle is often to lose a war.

The moderate elements in the regime are heard, but confusedly. They are off balance, without a program that would provide sufficient guarantee of political firmness to persuade the diehards to ease the State of Exception and return to the old rules.

As always, much depends on 76-year-old General Franco and his health. Many of his visitors remark on his tendency to palsy, his wandering attentiveness and the usual inconsequentiality of his conversation. But in the wake of some recent important visits—those of German Chancellor Kiesinger and French Foreign Mnister Debré, for instance—there have been reliable reports of sustained and lucid exchanges.

Franco remains physically active and devotes a great deal of time to playing golf and participating in fairly strenuous hunting and fishing expeditions. He spends at least part of each working day on official papers and presides over Cabinet meetings every other week. Usually he sits passively during these, but occasionally will signal a decision with a few brief words.

There is little question that he makes the important decisions or, by not making them, in effect postpones them. The question that no one seem to have the answer to is how well and with how much energy and thought he reaches these decisions.

Some Spaniards, recalling that Franco used to break coldly with unsuccessful policy and policy-makers, dream of one more surprise. They speculate that by replacing his ministers with others who might be able to forge an alliance with the liberals, and backing this with a military shake-up to remove the worst of the diehards, he could provide a promising fresh start. But most people with some access to what is going on believe the time for this is past. How close Franco may be to dying nobody knows, or nobody who knows will say, but it is widely believed that though he retains the energy and flexibility to make small adjustments and juggle his ministers, he has too little to effect drastic change.

The prospect, then, seems to be for a kind of standstill, with perhaps a minor easing of restrictions and a Cabinet reshuffle, but with little chance that the experiment with political evolution will be revived, at least during Franco's rule.

The State of Exception has stripped away a layer of evolutionary optimism and exposed many of Spain's old wounds of fear. Only in part is this a fear of the repressive apparatus; the apparatus is afraid, too. Spain, in fact, is still afraid of itself.

For 30 years the Spaniards have been protected from one another politically. The harsh requirements of Franco forced all the warring elements of the country to deal with each other through the regime. Even the opposition, once it was allowed to raise its head, established its relationship with the rest of society through the regime. It had to adjust to the regime's shifting permissiveness, search for allies within it and tie all plans to the health and life expectancy of Franco.

Soon the Spaniards will have to deal with one another face to face, and the prospect appalls them. They fear what they firmly believe to be their own character—a character, they have always been told, that will turn to anarchy and violence unless restrained. The effect is summed up by an editor: "Our generation has been ruined. The students, with their perpetual fragmentation and their impossible demands, are verging on phychosis. How long will they go on ruining generation after generation of Spaniards?"

Franco's presence has up to now postponed the time of testing for Spain, but it is coming on fast. In a sense, the State of Exception can be seen as a massive national reflex, a realization that the future is in sight and that it may not work.

At a fruitshop recently, two women were talking in deep distress about Franco's health. One was a wealthy, finely dressed housewife; the other, the woman who ran the stand. Both had read the headlines quoting Franco's physician as saying that the ruler was in splendid shape; both assumed it meant he was dying.

"I pray for him every day," said the housewife. "It will be a disaster for us all if he should die."

"I pray for him as much as you," the market woman said grimly. "But you get up in time to pray for him at the noon mass, and I get up at 5 in the morning to pray at mass before I start work here."

Both women are Franquistas, yet one cherishes the same resentment and the other the same fear of that resentment that shattered this country in the Civil War. It is virtually inconceivable that there will be another such war, but the events of recent weeks seem to show that Spain still faces a hard road out of a past that is more alive than most people had thought even a few weeks ago.

EDWARD L. WRIGHT, LITTLE ROCK, ARK., PRESIDENT-ELECT OF THE AMERICAN BAR ASSOCIATION

Mr. McCLELLAN. Mr. President, Edward L. Wright of Little Rock, Ark., has been nominated as president-elect of the American Bar Association. After a formal election is held by the House of Delegates of the American Bar Association in August of this year, Mr. Wright will serve a year as president-elect prior to becoming the 94th president of the American Bar Association.

I have had the privilege of knowing Mr. Wright personally and most favorably for many years. He has held key positions of responsibility in various legal organizations. His professional success has been outstanding, and his contributions to the legal profession, both in the State of Arkansas and the country as a whole, have been many. Those accomplishments plus his proven leadership ability have undoubtedly earned him the utmost respect of his colleagues. This is evidenced by his nomination without opposition as president-elect.

Mr. Wright possesses all the characteristics to make him a forceful leader at the helm of the American Bar Association. I wish him a full measure of success in this new and important responsible position.

I ask unanimous consent to have printed in the RECORD an article, entitled "Edward L. Wright Nominated for President-Elect of ABA," featured in the February News Bulletin of the American Bar Association. The article contains a short biography of Mr. Wright.

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

EDWARD L. WRIGHT NOMINATED FOR PRESIDENT-ELECT OF ABA

Edward L. Wright of Little Rock, Ark., who has been active in local, state and national activities of the legal profession throughout his 45 years as a practicing lawyer, is the President-elect nominee of the Association. Upon his formal election by the House of Delegates at the annual meeting in Dallas in August, he will serve a year as President-elect before becoming the 94th President in August, 1970.

Wright, 65, was nominated without opposition by the 52 state delegates in the House of Delegates at the Midyear meeting on Jan. 28.

House Chairman: He was the first resident of Arkansas to be elected chairman of the House, a post he held in 1962–64. He will be the second Little Rock lawyer to serve as President, U. M. Rose having been the first in 1901–02. Mr. Wright also has been the elected Arkansas state delegate in the House for 23 years.

Since 1964, he has been the chairman of the Special Committee on Evaluation of Ethical Standards. The committee has prepared a tentative draft of a new Code of Professional Responsibility to replace the Canons of Professional Ethics adopted in 1908. Final House action on the Wright Committee proposals is scheduled for the 1969 annual meeting. They represent a complete restatement of the ethical standards governing law practice in the U.S.

Arkansas Bar President: Wright has served as president of both the Arkansas Bar Association (1957) and the Pulaski County Bar Association (1948). He received his LL.B. degree from Georgetown University, Washington, D.C., which conferred an honorary Doctor of Laws degree on him in 1968, and was admitted to the bar in Arkansas in 1925. He received an A.B. degree from Little Rock College in 1923.

He was chairman of the Arkansas Board of Law Examiners in 1938–41 and co-draftsman of the Arkansas Probate Code in 1948. Mr. Wright served as an Arkansas representative in the National Conference of Commissioners on Uniform State Laws from 1945 to 1957 and as a member of the Second Hoover Commission Legal Task Force in 1954–55. He is a trustee of the Southwestern Legal Foundation, Dallas.

ABF Fellow: He was president of the American College of Trial Lawyers in 1965–66 and is a Fellow of the American Bar Foundation and American College of Probate Lawyers.

He is married to the former Rosemary Tuohey of Little Rock. They have four children: Edward L. Wright, Jr., a member of his father's law firm; Mrs. Philip S. Anderson, Jr., and Mrs. James H. Atkins, both of Little Rock; and Mrs. Fred B. Warner, Jr., Albuquerque, N.M.

CRIMINAL ACTIONS INVOLVING OBSCENITY

Mr. DIRKSEN. Mr. President, on February 19 I reintroduced, for proper reference, a measure entitled "A bill to amend title 18 and title 28 of the United States Code with respect to the trial and review of criminal actions involving obscenity, and for other purposes," which is now S. 1077. That measure was referred to the Judiciary Committee and sent to the Subcommittee on Criminal Laws and Procedures, which is presided over by the distinguished Senator from Arkansas (Mr. McCLELLAN).

Today's Wall Street Journal contains an article that has some bearing on S. 1077. I ask unanimous consent that it be printed in the RECORD. I hope that it will come to the attention of the chairman of the Subcommittee on Criminal Laws and Procedures.

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

THE BARRIERS FALL: AS CENSORSHIP RELAXES, DEBATE GROWS ON IMPACT OF NEW PERMISSIVENESS—EFFECT OF EROTICA ON HUMAN BEHAVIOR STUDIED—EXPERT SEES SHOCK VALUES WANING—WILL PURITANISM COME BACK?

(By Alan Adelson)

NEW YORK.—The Swedish film "I Am Curious—Yellow" was banned altogether in Norway and, for a while, Belgium. It was censored in France and Germany and will be cut for showing in England.

Only in Denmark, Sweden—and the U.S., beginning today—is it being shown uncut.

The 120 minutes of screening time depict the hero and heroine in abundant nudity, various scenes of intercourse (including one in the crook of a tree) and more exotic sexual play. It has a dream sequence in which the heroine castrates her lover. There also is a good bit of ponderous political debate.

The U.S. Customs Office sought to prevent the film's entry into this country, and a jury found it obscene in a New York Federal Court. A Court of Appeals reluctantly concluded that it couldn't be banned, however, relying on guidelines of Supreme Court decisions.

The Appeals Court voted two to one to release the film uncut, saying, "The sexual content of the film is presented with greater explicitness than has been seen in any other film produced for general viewing." Judge Henry J. Friendly was explicit too in saying that he was reluctantly concurring "with no little distaste."

FOR AND AGAINST

Some viewers may be pleased, others perplexed or angered, but the showing of "I Am Curious—Yellow" seems to qualify as a significant event. Those who tilt against all forms of censorship see it as marking the emergence of the U.S. as a leader in free speech and expression. To quite another group, the film is the final confirmation of a disaster they have long seen brewing. The growing permissiveness of American society, they maintain, has finally reached total depravity.

For or against, it is difficult to argue with one observation: The barriers are coming down. In the off-Broadway play entitled "Dionysus in '69," five nude men and four naked girls celebrate a Greek rite by slithering over one another and romping through the audience. Last week a New York City producer announced plans for a play to include on-stage intercourse. Philip Roth's steamy novel "Portnoy's Complaint" has climbed rapidly to the top of best-seller lists (the author says the book is a deliberate effort to elevate obscenity "to the level of a subject" for serious art.)

And as the barriers fall, the debate over what the relaxation means, how far it should go and why it is happening is intensifying. Father John Culkin, an ardent student of Marshall McLuhan and director of the Center for Communication at New York's respected Fordham University, sees the anti-censorship explosion as rooted in American Puritanism.

SHAKEDOWN CRUISE

"We're reaping a reaction to the very repressive atmosphere we've maintained in our families, churches and schools," Father Culkin says. "Calvin and those creeps left us very uptight. We weren't allowed to have bodies. And what we're going through now is a shakedown cruise exploring a new morality."

The cause of such rapid change, says Father Culkin echoing Mr. McLuhan, is the growth of the electronic media. Years ago, he says, it took half a century for styles and mores to change significantly, because information spread so slowly. Now the latest vogue from the miniskirt to accounts of the off-beat lives of the "swingers" is flashed across the nation by television.

But if the media seem to reflect a new sexuality, Americans actually aren't changing their mores radically, according to Paul Gebhard, director of the Institute for Sex Research (formerly the Kinsey Institute). However, Mr. Gebhard says his interviewers have found a striking readiness to tolerate discussion and airing of the so-called revolution.

"Where there has been a revolution is in censorship," he says. "The trend toward liberalization of what's allowed in the media has been going on since World War I." Mr. Gebhard points out that court decisions have accelerated the trend in the past decade. The underground market in erotic books has nearly disappeared, he says.

The legal transformation of dirty books into "literature' was lamented ironically in an article by Jerome H. Doolittle in Esquire magazine. Mr. Doolittle watched his once-cherished collection of taboo books smuggled from France appear in book stores volume by volume. "Fanny Hill" and the Henry Miller and William Burroughs books went fairly early.

VANISHING TREASURES

"My only remaining comfort was the thought that I was still the only kid on the block to own such hard-core items as 'The Roman Orgy,' 'The Pleasure Thieves' and 'Houses of Joy,'" Mr. Doolittle wrote. But then came "The Olympia Reader," a massive collection of stories that contained his own favorites of many other erotic tales.

Mr. Doolittle was encountering what one student of censorship and the courts calls "the grapes of Roth." The Supreme Court in 1957 upheld the obscenity conviction of Samuel Roth, a New York book dealer. In doing so, the court laid down what have come to be the boundaries within which publishers and film makers can operate.

The Roth case, and later decisions that made slight clarifications, established that obscenity could be proved only if ". . . to the average person, applying contemporary community standards, the dominant theme of the material taken as a whole appeals to prurient interest" and the work is found to be "utterly without redeeming social importance."

The Appeals judges cleared "I Am Curious—Yellow" because it included serious social and political themes. The vagueness of just what constitutes "redeeming social importance" has produced many successful legal defenses of books and films which somewhere concern themselves with matters other than sex.

"As long as children are excluded from access, we can win with almost anything now," says Richard Gallin, the New York attorney who negotiated "I Am Curious—Yellow" past the Customs Office. Ephraim London, an attorney who has won six such cases in appeals to the Supreme Court, says only a movie "with out-and-out intercourse and no pretense of having any social value" is in peril before the courts now.

Barney Rosset, president of Grove Press, which is distributing "I Am Curious—Yellow" in the U.S., believes sex has its own redeeming social importance. "After all, if it weren't for sex, we'd depopulate the entire human race," he says, Mr. Rosset, in fact, argues, "There's no such thing as pornography. Things can be erotic, and they can be good or bad (in quality), but I just don't believe in censorship."

The argument over what is pornographic, or "purient," has been raging for decades. For D. H. Lawrence, author of "Lady Chatterley's Lover," pornography was not vivid sexual description but "the attempt to insult sex, to put dirt on it." That he said, was "unpardonable" and cause for censorship.

Mr. Rosset finds prurient interest in the TV commercials where a Scandinavian girl, pitching for Noxema, purrs, "Take it off, take it all off." Declares Mr. Rosset, "She's saying, 'Hurry up and shave with this stuff so we can go to bed.' And no one says they can't keep running that ad all the time." He groups such appeals with the dirty postcards and traveling salesmen's jokes that D. H. Lawrence found offensive. However, Mr. Rosset wouldn't censor the commercials—or anything else.

CONVINCING POINT

Lawyer London recalls his first censorship case. A state prosecutor wanted to proscribe the film "The Bicycle Thief" because it depicted a little boy urinating. "I made it very clear that the whole state would be thrown into scandal if they insisted that the sight of this lad urinating aroused their prurient interests," he says. "That was all it took."

"No girl was ever ruined by a book," said Jimmy Walker, the free-wheeling mayor of New York during the Roaring Twenties. But the advocates of censorship don't agree. Father Morton Hill, a New York priest who went on a hunger strike several years ago in connection with his campaign to clean up magazine stands, says erotic literature "incites to violence, drug usage, promiscuity and perversion."

Rabbi Julius G. Neumann, chairman of the organization called Morality in Media (which is still fighting the showing of "I Am Curious—Yellow"), says the new era of permissiveness is breaking every barrier of decency. "It's eating away at the moral fiber of America," Rabbi Neumann says.

Actually, there has been little research into the effects of erotic material on its consumers. The Institute for Sex Research challenges the assumption that the circulation of pornography inevitably leads to an increase in sex crimes. On the contrary, interviewers found that persons classified as potential sex offenders are less responsive to erotica than a normal "control" group. The pro-

spective rapists, voyeurists and exhibitionists didn't have the patience to plod through make-believe sexual experiences.

WOMEN AND MEN

In a 1953 study on comparative sexual behavior in men and women, Kinsey researchers found that men were more stimulated than women by "hard-core" pornography. But women were at least as responsive as men to the more artistic type of sexual material now current in films and books.

Only 32% of women studied were stimulated by "raw" pictures of sexual acts, compared with 77% of the men. But 48% of the women responded to erotic scenes in films, compared with 36% of the men, and 60% of the females found erotic passages in novels stimulating against 59% of the men.

Mr. Gebhard, the director of the institute for Sex Research speculates that current liberalizing trends might be making both men and women more equal now in response to erotica. And he says that the "bombardment with sexual stimulus" that now is commonplace may be conditioning consumers to take erotica for granted. "I think a young man now is no more aroused by a pretty girl in a miniskirt than my grandfather was by the sight of a well-turned ankle," he says.

Dr. William Masters, co-author of "Human Sexual Response," says he hasn't found any great influence of pornography on people's lives. Ned Polsky, a sociologist at the Stony Brook campus of the State University of New York, goes so far as to maintain that pornography has a positive role as a "safety valve," allowing the indulgence of antisocial sex desires without damage to the family structure.

THE YOUTH WAVE

Several theoreticians find a relationship between falling censorship barriers and the widening "generation gap." John Gagnon, also a Stony Brook sociologist, says that some young people use sex as an instrument of rebellion against a wide variety of social institutions. He finds particularly relevant a scene in "I Am Curious—Yellow" in which the young couple make love on a balustrade in front of the royal palace in Stockholm.

Fordham's Father Culkin says young people are exposed to all the problems of the world through their exposure to increasingly candid films, television shows and publications. Thus, he says,they find that such sins as unmarried sex, stealing and lying "just don't account for all our problems—they say 'Well, what about War?' And then they write their own moral codes."

To be sure, not all bans have been dropped. Last week Boston authorities halted showings of the movie "The Killing of Sister George." A similar raid was made on a New York City theater showing "Muthers." A district attorney charged that this film depicted "masturbation, lesbianism, incest, sodomy and perversion."

Some observers suspect that Puritanism may reassert itself. Margaret Mead, the anthropologist insists that Puritanism never really vanished. "All this business about clothes on and clothes off is really the same thing," she says. "It's only the older folks, the Puritans, who get excited about this sort of thing and get kicks out of it."

SMALL DOMESTIC LEAD-ZINC PRODUCTION PROGRAM

Mr. ANDERSON. Mr. President, Senators will recall that in the 87th Congress we established a program to stabilize the lead-zinc market by providing for payments, under certain conditions, to small domestic producers of lead and zinc. The program was established by Public Law 87–347 and was modified in 1965 by Public Law 89–238.

Pursuant to the requirement in section 8 of the act, the Secretary of the Interior has submitted a report on operations for the calendar year ending December 31, 1968.

I ask unanimous consent that the text of the report be printed in the RECORD.

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

ANNUAL REPORT, LEAD AND ZINC MINING STABILIZATION PROGRAM, YEAR ENDING DECEMBER 31, 1968

The program to stabilize the mining of lead and zinc by small domestic producers under Public Law 87–347, as amended, was extended from December 31, 1965, to December 31, 1969, by enactment of Public Law 89–238 on October 5, 1965. To implement this law, revised rules and regulations governing the program, were published in the Federal Reigster of June 1, 1966 (31 F.R. 7752).

To be eligible for stabilization payments a producer must be certified to participate in the program as a Small Domestic Producer under the revised rules and regulations. Currently 60 producers are certified for participation in the program.

During calendar year 1968, the market price for lead was 14 cents per pound until May 3, when the price was reduced to 13 cents per pound. It was further reduced to 12½ cents per pound on July 16, where it remained until October 15, when the price was increased to 13 cents per pound, remaining at that figure for the balance of the year. The price for zinc remained at 13½ cents per pound throughout the year. Therefore, the production of both lead and zinc by certified small domestic producers was eligible for stabilization payments during all of calendar year 1968.

LEAD AND ZINC MINING STABILIZATION PROGRAM

Authority—Under Public Law 87–347 (75 Stat. 766), enacted October 3, 1961, the Secretary of the Interior is authorized to establish and maintain a program of stabilization payments to small domestic producers of lead and zinc ores and concentrates in order to stabilize the mining of lead and zinc by small domestic producers on public, Indian, and other lands.

Pursuant to section 5 of the Act, on April 19, 1962, the Secretary delegated to the Administrator of General Services authority to perform all the functions authorized by the Act, except that of making annual reports to the Congress (27 F.R. 3822). The Department of the Interior receives periodic reports on operations and finances from GSA, requires concurrence of the Secretary in regulations and amendments thereto promulgated by GSA, and in its budget requests provides for appropriations for the program. The Office of Minerals Exploration, Geological Survey, in the Department is responsible for preparing reports to the Congress and the budget estimates. Funds for the Lead and Zinc Mining Stabilization Program became available on July 25, 1962, and the regulations were published in the Federal Register on July 28, 1962, (27 F.R. 7432).

On July 25, 1963, Public Law 87–347 was amended by Public Law 88–75 (77 Stat. 92) to provide that the dollar value of lead or zinc sold or a combination of lead and zinc sold must have been 50 percent or more of the total dollar value of all minerals and metals contained in the ore and concentrates produced and sold by the small domestic producer. This amendment had the effect of disqualifying several producers from further participation in the program. The regulations for the program were amended accordingly and the amendment was published in the Federal Register on December 4, 1963, (28 F.R. 12868).

On October 5, 1965, Public Law 87–347 again was amended by Public Law 89–238 (79 Stat. 925) which extended the program an additional four years, effective January 1, 1966, redefined the term "small domestic producer," and set a new maximum limitation on the total amount of payments that may be made in any one calendar year and the quantities of lead and zinc on which payments may be made to any one producer in a calendar year. These modifications may disqualify some of the previously certified producers from participation in the program, but also may permit some new producers to qualify.

Pursuant to Public Law 89–238, revised rules and regulations were published in the Federal Register on June 1, 1966, (31 F.R. 7752). New Certificates of Participation were sent to all producers previously qualified to participate in the program.

Participation—Applications for participation in the program are filed with the Washington Office of the General Services Administration on forms provided by that agency. On receipt, the application is reviewed to determine if the applicant qualifies as a small domestic producer of lead and zinc. A Certification of Participation stating the maximum quantities of lead and zinc eligible for payments is issued to applicants who qualify. Those who do not qualify are so notified. The certificate cannot be acquired by assignment through sale, lease, permit, or other transactions.

Qualifying as a Small Domestic Producer—The requirements for qualifying as a Small Domestic Producer of lead and zinc have been changed from time to time by amendments to the enabling Act. The current requirements are set forth below:

To qualify as a small domestic producer under the program, an applicant must have produced and sold lead and/or zinc ores or concentrates in normal commercial channels from mines located in the United States or its possessions, during some period of not less than twelve months, must not have produced or sold in excess of 3,000 tons combined lead and zinc (recoverable content) during any 12-month period between January 1, 1960, and the first period for which he seeks payments under the Act. Also, to qualify, the dollar value of the lead or zinc sold or a combination of lead and zinc sold must have been 50 percent or more of the total value of all minerals and metals in the ores and concentrates produced or sold by the small domestic producer.

A firm which is a subsidiary of, or controlled by, a larger producer is not eligible for participation in the program.

Stabilization Payments—The qualified producer submits a request on forms provided by GSA for payment at the end of each month covering all of his sales of ores or concentrates during the month. Upon verification of the data submitted, the GSA pays the producer.

Payments are made only on sales of newly mined ores, or concentrates produced therefrom, which have been mined subsequent to October 5, 1965, or which comprised a normal quantity of broken ore at the surface on that date. All sales must have been made after December 31, 1965.

Calculation of Payments—For lead, payments on sales are made when the market price for common lead at New York, N.Y., is below 14½ cents per pound. Such payments are 75 percent of the difference between 14½ cents per pound and the average market price for the month in which the sales occurred.

For zinc, payments on sales are made when the market price for prime western zinc at East St. Louis, Illinois, is below 14½ cents per pound. Such payments are 55 percent of the difference between 14½ cents per pound and the average market price for the month in which the sales occurred.

Sales are deemed to have occurred not later than the date of receipt by the processor.

LIMITATIONS ON PAYMENTS

1. The maximum amount of payments made on sales in any calendar year shall not exceed $2,500,000.

2. Payment to any producer shall not be made in any calendar year on sales in excess of 1,200 tons of lead and 1,200 tons of zinc.

3. For the purpose of achieving stabilization on the annual rates of production, quarterly limitations will be imposed on the total amounts of lead and zinc for which payments will be made.

Quotas will be assigned on the amounts of lead and zinc for which payments will be made to individual producers to the extent necessary and in a manner designed to assure equitable distribution of the benefits of the program.

RECOMMENDATIONS

We have no recommendations at this time for changes in the program.

STATISTICAL SUMMARY

The following tables give a statistical summary of the program:

I. AVERAGE E AND MJ MONTHLY MARKET PRICES AND PAYMENTS PER POUND FOR LEAD AND ZINC DURING 1968

Metal	Price, cents per pound	Payments, cents per pound	Period
Lead	14.0000	0.37500	January to April, inclusive.
Do	13.0450	1.09125	May.
Do	13.0000	1.12500	June.
Do	12.7050	1.34625	July.
Do	12.5000	1.50000	August to September, inclusive.
Do	12.7880	1.28400	October.
Do	13.0000	1.12500	November to December, inclusive.
Zinc	13.5000	.5500	January to December, inclusive.

II. COST OF PROGRAM AS OF DEC. 31, 1968

	Program through Dec. 31, 1966	Calendar year 1967	Calendar year 1968	Total cost of program
Stabilization payments	$2,143,620	$132,853	$243,550	$2,520,023
Administrative expense	220,207	27,052	36,780	284,039
Total	2,363,827	159,905	280,330	2,804,062

III. STATUS OF APPLICATIONS RECEIVED AS OF DEC. 31, 1968, AND STATE DISTRIBUTION SHOWING MAXIMUM ELIGIBLE PRODUCTION, CALENDAR YEAR 1968

State	Applications for participation					Maximum eligible production (tons)		
	Received	Certified	Denied	Withdrawn, suspended, or disqualified	In process	Lead	Zinc	Combined
Arizona	5	2	1	2		2,400	2,400	5,800
Arkansas	2		1	1				
California	4	1		3		1,200	1,200	2,400
Colorado	4		2	2				
Idaho	19	8	4	7		9,600	9,600	19,200
Kansas	8	5		3		6,000	6,000	12,000
Montana	10	3	2	5		3,600	3,600	7,200
Nevada	11	2	2	7		2,400	2,400	4,800
New Mexico	4	2		2		2,400	2,400	4,800
North Carolina	1			1				
Oklahoma	38	21	6	11		25,020	25,200	50,400
Utah	32	14	9	9		16,800	16,800	33,600
Wisconsin	4	2	2			2,400	2,400	4,800
Total	142	60	29	53		72,000	72,000	144,000

IV. DISTRIBUTION BY STATES OF PAYMENTS FOR THE PROGRAM REPORTED IN THE PERIOD 1962 THROUGH 1966, AND OF PRODUCTION AND PAYMENTS REPORTED IN THE CALENDAR YEARS 1967 AND 1968

State	Total number of producers paid	Payments, period 1962–66	1967				1968				
			Production (tons)		Payments		Production (tons)		Payments		
			Lead	Zinc	Lead	Zinc	Lead	Zinc	Lead	Zinc	
Arizona	1	$4,613									$4,713
California	3	42,295	195.6		$1,467		550.7		$12,829		56,591
Idaho	11	494,934	1,319.0	1,468.0	9,893	$15,772	1,321.0	2,542.7	19,113	$27,968	567,680
Kansas	6	272,726	259.7	459.1	1,948	4,926	153.7	427.0	3,009	4,697	287,306
Montana	6	110,675	193.9		1,454		385.7		9,157		121,286
Nevada	5	34,322	71.7	76.3	537	796	37.5	302.3	920	4,326	39,901
New Mexico	2	1,201									1,201
North Carolina	1	19,409									19,409
Oklahoma	24	864,035	2,019.1	5,703.3	15,143	61,599	2,511.6	8,555.9	41,520	94,116	1,076,413
Utah	24	270,150	896.5	386.0	6,724	4,079	829.5	673.1	10,982	7,404	299,339
Wisconsin	2	29,160	49.4	757.7	370	8,145	86.5	650.0	1,359	7,150	46,184
Total	85	2,143,620	5,004.9	8,850.5	37,536	95,317	5,876.2	13,151.0	98,889	144,661	2,520,023

V. PRODUCTION AND PAYMENTS REPORTED IN CALENDAR YEARS AS OF DEC. 31, 1968

Calendar year	Production (tons)			Payments		
	Lead	Zinc	Combined	Lead	Zinc	Total
1962	8,206.2	12,905.2	21,111.4	$599,365	$410,429	$1,009,794
1963	9,620.3	18,221.6	27,841.9	354,270	412,460	766,730
1964	6,177.2	14,401.7	20,578.9	145,989	200,201	346,190
1965	188.1	459.1	647.2	4,254	5,337	[1] 9,591
Subtotal	24,191.8	45,987.6	70,179.4	1,103,878	1,028,427	2,132,305
1966	1,728.2		1,728.2	11,315		[2] 11,315
1967	5,004.9	8,850.4	13,855.3	37,536	95,317	[3] 132,853
1968	5,876.2	13,151.0	19,027.2	98,889	144,661	[4] 243,550
Subtotal	12,609.3	22,001.4	34,610.7	147,740	239,978	387,718
Grand total	36,801.1	67,989.0	104,790.1	1,251,618	1,268,405	2,520,023

[1] Payments on 1964 production made in 1965.
[2] Payments on 1966 production made in 1967.
[3] Adjusted for corrections.
[4] Includes payments on 1967 production made in 1968.

SENATOR MONDALE PROPOSES A JUNIOR-COMMUNITY COLLEGE "TRANSITION CURRICULUM" AND A "NATIONAL PROFESSOR CORPS" TO IMPROVE HIGHER EDUCATION OPPORTUNITIES FOR DISADVANTAGED YOUNG AMERICANS

Mr. WILLIAMS of New Jersey. Mr. President, the distinguished Senator from Minnesota (Mr. MONDALE) spoke last week to the legislative affairs luncheon of the American Association of Junior Colleges meeting in Atlanta, Ga., for their 49th annual convention. Citing the need to expand higher education opportunities, he said that the location and flexibility of junior and community colleges make them "uniquely equipped to add a new opportunity structure if they are willing to do so." Community colleges around the Nation continue to demonstrate that they are best equipped for the job of extending and expanding much-needed educational opportunities in the country. Their low cost to students, proximity to those they are designed to serve, flexible admissions arrangements, strong counseling and advising services, and varied educational programs, are responding to the lack of relevance in traditional education.

In his remarks to the American Association of Junior Colleges, Senator MONDALE noted the growing awareness of Americans to the problems of the disadvantaged, and he said that a renewed effort by junior and community colleges would come "just when the Nation is beginning to see that this must be done." These remarks underscore the need for the Congress to act this year on S. 1033, the Comprehensive College Act of 1969. Senator MONDALE, as one of those who joined me in sponsoring this legislation, is now proposing a "transition curriculum" and a "national professor corps" as an additional means to improve higher education.

Mr. President, this speech constitutes an important contribution to the continuing discussion of how this Nation must meet society's growing demands on the education process. I therefore ask unanimous consent that Senator MONDALE'S speech before American Association of Junior Colleges at their legislative affairs luncheon in Atlanta, Ga., be printed in the RECORD.

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

REMARKS OF SENATOR WALTER F. MONDALE, LEGISLATIVE AFFAIRS LUNCHEON, AMERICAN ASSOCIATION OF JUNIOR COLLEGES, ATLANTA, GA., MARCH 5, 1969

"It was the best of times, it was the worst of times,

"It was the age of wisdom, it was the age of foolishness, . . .

"It was the season of Light, it was the season of Darkness, . . .

"It was the spring of hope, it was the winter of despair,

"We had everything before us, we had nothing before us, . . .

It would be appropriate to offer these words as a judgment on what it is like to plan a program of higher education according to Federal authorizations and then have to operate that program according to Federal appropriations.

It is also tragically just to characterize them as a description of what it is to be young and poor today in America.

Dickens' words were a characterization of France before the Revolution. They were also a comment on 19th Century England and its stark contrasts in life. We know, too, that in the last third of the 20th Century we are the builders and custodians of a society in which life contrasts loom large and sometimes ominous.

We lead a society in which nearly everyone seems to agree that 14 years of education will soon be standard for all.

Still, in that some society, millions of young people have temporarily or permanently lost much of their capacity to redeem the promise of those 14 years—

Because their minds have been irreparably damaged by malnutrition in the first key years of life, perhaps even before they were born;

Because their young lives have been spent in environments of deprivation and despair that have left them unaspiring and hopeless at best, and enraged at worst;

Because their school experiences have too often helped to make it plain that they are unwanted in school as well as out—segregated, failed, selected out of the school system just as they are selected out of good food and decent homes and adequate protection under law.

It is the goal of many of us in this room to place a 13th and 14th year of education within commuting distance of every urban and rural high school graduate.

But for many of their families, there is no way for the breadwinner to commute from the centers of our metropolitan complexes to waiting jobs in the suburbs.

For many of their families, there is no way to commute to government surplus commodities, food stamps, and health care.

Since last fall I have been deeply involved in hearings before two special committees of the Senate—the Select Committee on Nutrition and Human Needs and the Special Subcommittee on Indian Education. The testimony I have heard there describes conditions almost beyond comprehension:

Infants and children suffering from rare diseases ordinarily found only under conditions of mass malnutrition and starvation in developing countries.

Adolescent Indian children contemplating suicide and committing it, at rates many times the national average.

Insensitivity, ignorance, and clear hostility toward the special needs of young people who have been left out of the heritage that most of us take for granted.

Foolishness in an age of wisdom. Darkness in the season of Light. Cold despair amid the flowering of hope. Expectations of nothing amid the possibility of everything. The worst of times and the best of times.

These young people, too, if they survive intact, will seek a 13th and 14th year.

A United States Senator who is a member of the Senate Subcommittee on Education must speak with that perspective today. I come to you not as a college administrator or board member, but as an elected public official.

We are all committed to an opportunity structure that works for every young American. But we are also conscious that our structure does not presently work for all of our young people.

So it is from a practical political viewpoint that I want to look briefly at junior colleges and community colleges today—assessing some information, making some tentative proposals, and seeking your help in building a workable opportunity structure that our voters will accept.

At least 650,000 able college-age Americans are not in school today. The primary reason is lack of income—they cannot finance the costs of attending college. The figure is estimated by some sources to be well over a million.

By 1972 this number will more than double—to at least a million and a half—and this is a conservative estimate.

Despite burgeoning enrollments, furthermore, the fact is that the *percentage* of high school graduates who enter college is inching forward at a snail's pace. Over the past ten years that percentage has increased by only four-tenths of one per cent per year. If figures were available to compare percentages of college attendance over a ten-year period among young people whose families had incomes at the poverty level, I wonder what kind of progress they would show.

Furthermore, the figures on able students who fail to attend college for financial reasons do not tell the whole story. Experience indicates that many more who say they are not interested in attending college might change their minds if they could hope for the money to do so.

One way to measure the loss of potential talent is to consider the dropoff in college entry by able young people at the lower end of the socio-economic scale. The figures are impressive.

According to the Project Talent studies of 1966, 92 per cent of young men in the highest achievement quartile and the highest socio-economic quartile enter college in the year following graduation. But for young men of equal ability in the lowest socio-economic quartile, the figure is only 61 per cent—a difference of 31 per cent.

The dropoff is even more dramatic for young women, from 87 per cent to 42 per cent. Put together, these percentages mean that high ability students—as measured by achievement—from families with the lowest incomes are only about half as likely to enter college as "high ability" students from families with the lowest incomes.

When the well-known facts on low achievement by able but deprived young people are taken into consideration as well, the dropoff—or dropout—is even more significant.

The long-range financial loss to these opportunity structure dropouts is astonishing. The Bureau of the Census estimates that there is a $50,000 difference in average lifetime earnings of a high school graduate compared to that of a person who has attended one to three years of college. Another $14,000 can be added for those who complete four years. In this country, this country could make no better long-term contribution to economic development than an investment in making higher education more available.

The disadvantaged—the ghetto black, the poor white, the Indian, and the Mexican American, the migrant and the rest—may actually be consigned to the poverty cycle if education cannot be acquired. People with inadequate educations have poor work experiences and become the parents of children who follow in their footsteps. Moving hundreds of thousands of persons through the high school and into the college can help to break this cycle.

It seems to me that the junior or community college is uniquely equipped to take on an important part of this effort, if it is willing to do so. Its greatest advantage is not its low cost, though that is important. Nor is it the tradition of being open to all students, though that is absolutely vital to opportunity.

The real key to the door of opportunity in the junior-community college is its combination of location and program flexibility.

If we have learned anything from our poverty efforts at all, it is that we must be able and willing to go directly to those who need help and adapt to their needs. To the extent that junior and community colleges are willing to do that, they have real power to expand the opportunity structure.

We are discovering that disadvantaged young people need to be identified as early as the seventh grade in order to make sure that they do not turn away from college before they know what they can do. Going to young people where there are means reaching out, diligently and systematically, to identify potential college students and encourage them to stay in school until they graduate.

Going to young people where they are means seeking out those who have already dropped out and helping them return to school or gain high school equivalency certificates that will admit them to college. Perhaps it means special community college programs for dropouts with the cooperation of the local school system—or even without it. It certainly means counselling and selling the advantages of further education to young people who have given up or may give up on that opportunity. It probably means talking about available financial assistance, and it may mean helping young people find ways to earn and save college money—in spite of daily demands to use available money for immediate needs.

Last fall, for example, I learned of Project HELP, sponsored by the General College of the University of Minnesota. This effort serves, among others, some 175 mothers who are receiving Aid to Families with Dependent Children.

The college is helping these mothers join the opportunity structure through ingenious use of counselling and small amounts of assistance from Educational Opportunity Grants and National Defense Loan funds. Project HELP has parlayed available resources into college attendance. Of the 80 who entered college in 1967, only one has withdrawn; 35 have earned "A" or "B" averages.

These women, of course, are not high school freshmen and sophomores. But the principle can be applied. This program has assessed the resources of the community and worked with them to make opportunity possible.

No institution of higher education is in a better position to do this kind of work than the junior-community college, if it wants to do so. It is located where needs and resources are. It is locally visible. It can make promises and then follow them through.

The second great advantage of the junior-community college is its program flexibility once these students are admitted.

Junior and community colleges have traditionally offered a variety of programs.

All or most of these might be suited for the individual disadvantaged students who enroll.

But an additional kind of program, perhaps combining portions of several others, is specially needed for the disadvantaged. I like to think of it as a "transition curriculum."

Bringing substantial numbers of disadvantaged to a campus carries a host of problems for both the student and the school. Some students are not "ready for freshman work." Others may find the campus a foreign and frightening environment, although a visible community college should help in this regard. Still others find it difficult to make long-range plans, or continue to have financial difficulties.

The versatile junior-community college, under these circumstances, can combine effective counselling, experimental and exploratory course assignments, sympathetic tutoring, and "stretching out" of academic requirements—a transition curriculum for those who need it, assigned on an individual basis.

Some students may require a semester or a year of transition work before they are ready to take on a traditional two-year curriculum as ordinary freshmen.

Some may require a two-year transition curriculum which combines special programs with the first year of the regular offerings, before they take on sophomore work.

Some might need as much as three years of special and regular programming to complete a typical two-year course.

This transition may require unusual combinations of courses before the disadvantaged student makes a decision about his program. The college should be able to provide them.

This transition will require directing students into programs that are not locally available. The college should be able to provide it.

No doubt you see program and service needs for those students which I can only hint at. The college should be able to provide them.

That kind of program requires a special kind of institution. Special kinds of institutions require special kinds of faculties—free of bigotry and academic intolerance, committed to the idea that their school is an opportunity structure, sensitive to individuals in a time when the emphasis is on masses.

Some teachers—a few—are born that way. They have to be found. Other teachers—perhaps most of them—must be trained to do this work. Recruiting and training junior and community college staffs is absolutely vital to the opportunity structure.

This effort may require a "National Professor Corps"—finding talent during the late undergraduate years and early graduate years and counselling them into this special kind of work. Many of them will have few or none of the traditional academic trappings.

Teaching in junior and community colleges may be a transitional period for some graduate students, who will find junior college teaching more rewarding than working as teaching assistants in our universities.

Perhaps the junior colleges will be able to train and use the great untapped talents of thousands of men and women, old as well as young, who are seeking new careers away from the ruts of business and homemaking, or are looking for new meaning in their lives. Some of these—perhaps many of them—can be found in the communities the colleges serve, if adequate recruiting and training programs can be developed.

They might be found among the disadvantaged and formerly disadvantaged.

They must be found, wherever they are. They can be found if the community and junior colleges become visible, effective opportunity structures.

For finally, a community-junior college can do that kind of job only if it commits itself to being an opportunity structure. It can do it only if it views itself as a community resource and dedicates itself to opportunity for the people of its community.

This must be an effort to select young people in instead of selecting them out.

It will not measure its success by the size of its dropout rate—except possibly inversely.

Real opportunity for higher education is a difficult assignment. But I think some colleges in this country can succeed at it. Someone in this country *must* succeed at it. That kind of effort will win the support of the Congress and the voters who elect it.

Senator Harrison A. Williams of New Jersey is the author of the Comprehensive Community College Act of 1969, recently introduced in the Senate. That legislation takes a large step toward building an opportunity structure framework. I am happy to be a co-sponsor.

The bill provides a Bureau of Community Colleges in the U.S. Office of Education to help states update, reorganize, or create statewide plans for post-secondary education.

It will encourage the development of comprehensive curriculum programs for the educationally and economically disadvantaged.

It will assist training and development of faculty and staff. It will expand research. It will encourage tuition-free admissions or adequate financial aids programs.

In addition, I'd like to see a well-prepared proposal to use junior and community colleges to seek out able young people early in high school, tell them about opportunities for further education, and assist them in staying in school until they graduate.

This nation has the ability to provide a college opportunity structure to all who can use it. We have the resources to pay for it.

We frankly have not had the commitment to do it. But I think it is coming.

Within the past eight years more and more Americans have seen a darkness in this country that few thought existed. But television camera has focused its keen eye on the backwaters and slums of this country.

Our people know now that the problems of the poor are their problems. They may not like it, but they know it. They are responding to it partly from sheer self-interest. But basically their values are solid, humanitarian, and sound.

The developing junior college-community college movement comes along at just the right time, I believe. I hope that together we can take advantage of this climate.

SEWARD OPPOSES WHITTIER CONSTRUCTION

Mr. STEVENS. Mr. President, the city of Seward, Alaska, recently suffered a major blow to its economy. The Alaska Steamship Line announced that it was suspending service to the port. As a result, one of the major sources of revenue to the city was lost. The dock and rail facilities of the town will stand idle. The Alaska Railroad will obtain its freight elsewhere, by way of the ports of Anchorage and Whittier.

The railroad is considering the construction of another slip at Whittier as a standby facility for the use of its roll-on-roll-off rail barge operation. I understand the Railroad now has available the money necessary for such construction. I oppose this construction. I take this opportunity to make clear to the Senate and to the administration that I do not believe the Alaska Railroad should add to its facilities at Whittier. Whittier is a dead end. If a standby roll-on-roll-off dock is needed, let it be built at Seward.

I have urged Mr. John Manley to delay decision on the Whittier slip. Funds have been available for its construction for several years. There is no reason why construction cannot be delayed a bit longer so that reasonable people may sit down, plan and discuss Seward's future. The Alaska Railroad has substantial investments in Seward. Seward's interests are also the Alaska Railroad's.

Mr. President, I ask unanimous consent that a resolution recently approved by the city of Seward be printed in the RECORD.

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

RESOLUTION 738, CITY OF SEWARD, ALASKA

Whereas; the United States Department of Transportation operates the dock and rail facilities at the Port of Seward through the Alaska Railroad and also operates the dock and rail facilities at the Port of Whittier through the same agency which is under its control; and

Whereas; The best information available to us at this time shows planning by the Alaska Railroad to close the facilities at Seward because of the suspension of service by Alaska Steamship Lines, and at the same time spend further public monies to enlarge and increase the facilities at the Port of

Whittier at the request of Alaska Steamship Lines; and

Whereas; Such closure at Seward and expenditure of funds at Whittier constitutes, in our judgment, a needless waste of public funds;

Now, therefore be it resolved that the Common Council of The City of Seward, Alaska, respectfully urges Congress to investigate the entire involvement of the Federal Government through its Department of Transportation in the transportation industry in South-central Alaska.

This Resolution shall be effective on the date of passage and approval. Passed and approved by the City Council of The City of Seward, Alaska, this 10th day of February, 1969.

E. G. SKINNER,
Vice Mayor.

Attest:

JAMES R. FILIP,
City Clerk-Treasurer.

THOMAS MASARYK, EXPONENT OF FREEDOM

Mr. YARBOROUGH. Mr. President, last month the free peoples of the world paid tribute to George Washington, the father of this Nation. This month lovers of freedom honor another man who can be considered the father of his country—Thomas Garrigue Masaryk, of Czechoslovakia.

During World War I, Masaryk, with Eduard Benes, formed the Czechoslovak National Council, preparing for the day that there would be an independent nation, Czechoslovakia. In November 1918, Masaryk was chosen President of the new nation by acclamation. He was reelected in 1920, 1927, and 1934. He resigned from the office in 1935.

During the early days of the Republic, Masaryk gave his people an appreciation for liberty, a love for freedom that two conquering armies have not been able to eliminate. Czechoslovakia is an occupied country today, but the spirit which sustained Masaryk while he was working to establish, then build, a nation is alive in the hearts of Czechoslovakians as they work and pray for the day they will once again control their homeland.

Soviet occupation forces thought they could end the spirit of Masaryk by eliminating all mention of him in Czechoslovakia. But Masaryk had made too lasting an impression upon the people to be forgotten simply because of orders from an occupying army.

Thomas Masaryk and his son Jan Masaryk are examples for Czechoslovakians and for all who value liberty.

The present occupation of Czechoslovakia prevented the people of that nation from giving Thomas Masaryk the salutes he deserved on the anniversary of his birthday, March 7. We who live in a land that permits freedom of speech should use this freedom, for the people of Czechoslovakia, to honor Masaryk.

THE CONCORDE LOOKS LIKE A FLOP

Mr. PROXMIRE. Mr. President, if any who doubt the wisdom of delaying the U.S. development of a supersonic transport should be wavering a bit because of the recent test flight of the British-French SST, the Concorde, they have not looked at the results of that maiden flight carefully enough.

Far from coming off with flying colors, the Concorde test flight demonstrated that the noise it makes on takeoff and landing may well prevent it from using any major U.S. airports because it would not meet the noise limits set by those airports. That includes Kennedy International Airport, the most important air terminal in the country.

More important, the Concorde's range, FAA technicians believe, ultimately may turn out to be insufficient to carry it nonstop from Paris to New York, the run for which it was principally designed. If the Concorde cannot fly that route economically, it will not be anything but a total flop as a moneymaker and, therefore, not likely to be a very attractive item to the airlines.

Because of all this, we should resist the efforts now being made to use the test flights of the Concorde and of the Russian TU–144 to scare the United States into plunging full speed ahead with its own SST development. The real lesson to be drawn from the Concorde is that there is not likely to be any harm whatever in delaying our own SST development. For the Concorde, as it looks now, is going to have very little effect on U.S. dominance in world aircraft sales.

I commend to the attention of Senators an excellent article, about the Concorde's troubles, written by Spencer Rich, and published in yesterday's Washington Post. I ask unanimous consent that it be printed in the RECORD.

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

CONCORDE QUALIFICATION FOR U.S. RUN DOUBTED

(By Spencer Rich)

U.S. officials are becoming increasingly skeptical that the British-French supersonic plane Concorde will ever be able to fly the lucrative North Atlantic route. And without flying it, the plane has little chance of economic success.

Officials believe that the Concorde, which had its maiden flight test in France last week, will be unable to meet the noise limits for takeoff and landing imposed by major U.S. airports, including New York's Kennedy International, the number one terminal here.

And they also doubt that the Concorde's range will be adequate to fly from Paris to New York.

The Federal Aviation Administration has been reluctant to publicize its doubts about the Concorde for fear the U.S.—a late starter in the race to develop the supersonic plane—might be accused of trying to undermine the British-French effort.

But in a recent interview, Secretary of Transportation John Volpe let slip the fact that within his Department "there is some concern that it (the Concorde) may not be able to meet the requirements" on noise. Volpe also revealed that he expects a final study group report by the end of this week on whether the U.S. should proceed to the building of a prototype of its own supersonic plane.

Questioned about Volpe's comment on the Concorde, a responsible FAA official said there was increasingly agreement among technical people within the agency that the Concorde has little chance of being put into service across the North Atlantic route.

The Federal Government has not yet moved to set any standards to limit noise on supersonic planes, but the Concorde, the official said, appears very unlikely to be able to meet the noise limit for takeoff and landing already imposed by the Port of New York Authority for Kennedy International. (Each airport in the country has the power to set its own noise limits.)

That limit is 112 PNDB (perceived noise decibels). The official explained that the Concorde's design goals for take-off and landing noise, even if fully met when the plane is finally complete, would just put it marginally within the noise limits. And on hot days, he said, when performance on noise worsens in supersonic planes, it might not be able to meet the limit at all.

But aircraft builders frequently fail to meet their design goals, and the official said FAA experts are convinced the Concorde will not meet its goal in this respect. "So from what we know the Concorde when finished simply will not be able to meet the standards already in effect in New York."

The construction of new and bigger airports in the U.S. might obviate the Concorde's problem, but such fields are not expected to be ready by the time the Concorde must begin flying the North Atlantic route in order to pay off.

The official said the proposed U.S. supersonic plane, with a different rear end design, make less noise on takeoff and landing and probably eventually could meet the current noise limits at Kennedy.

Noise is not the Concorde's only problem. The plane is designed for a range of 4000 miles and therefore theoretically can go nonstop from Paris to New York. But FAA technicians believe its actual, final range will fall far short of the design goal, ending up perhaps three-quarters as great.

In that case, the official said, the plane will barely be able to make it from Shannon to New York. "Oh, on the eastward route, with the wind at its back the plane may be able to make it to Paris, but it won't go the whole way when it flies westward into the wind," he said.

The official also said that it is generally believed within the FAA that neither the Concorde nor the proposed U.S. supersonic plane has any chance at present—because of the noise they make—of being allowed to make overland supersonic flights across the United States. "The sonic boom is just too great to be acceptable to the public," he said.

He said he expected the report being readied for Volpe to make this point clear. "I suspect that the report will take a realistic view of the chances of overland flight, which right now are essentially zero," he said.

RESCUE OF WILLIAM V. "BUCK" JONES FROM UTAH MINE

Mr. MOSS. Mr. President, I was greatly relieved last night, as was the entire Nation, to hear the news report that William V. "Buck" Jones, a 61-year-old miner from Midvale, Utah, had been rescued from a caved-in mine at Lark, Utah.

This dramatic rescue ended an 8-day ordeal for Mr. Jones, his wife, his 11 children, and his many fellow workers and friends.

Mr. Jones was trapped Saturday, March 1, when the lead, zinc, and silver mine caved in. Rescue workers went right to the task of digging him out, and in spite of the fact that no contact was made with him until the following Wednesday, they continued their round-the-clock efforts.

He had been without food or drink for 110 hours when a small hole was drilled

into the area where he was trapped and food and drink could be lowered to him.

The discovery that he was still alive, of course, redoubled the efforts of the rescue teams, but they had literally to chip their way through solid rock finally to reach and rescue their fellow worker last night.

As a Utahan, I am proud of Mr. Jones for the courage, faith, and coolness he displayed to the whole Nation. And I am proud of the many workers who worked around the clock to rescue him.

This was a dramatic event, and the whole Nation's attention was focused on it. It once again demonstrated the need for a hard look at the mining safety standards of this Nation. We must be sure they are strict enough to protect the men who earn their living by working these underground mines which are so important to our national well being.

As chairman of the Subcommittee on Mining, I will review again our present mine safety laws to determine their adequacy and suitability. I do not know all of the circumstances of this cave-in, but we must be sure that every possible safeguard has been provided to protect our underground miners.

PRESERVATION OF THE BIG THICKET: AN ECOLOGICAL PRIORITY FOR THE 91ST CONGRESS; THE DEFENDERS OF WILDLIFE NEWS HIGHLIGHTS ISSUE

Mr. YARBOROUGH. Mr. President, as we begin a new year and a new administration, I think it is highly appropriate that we reflect upon our goals and describe our priorities. What do we hope to accomplish during the 91st Congress? During the year ahead, we will face many challenges, and will encounter new and more difficult problems. In order to face the many and varied tasks that lie before us we will need to decide what really counts—we must be certain of our emphasis so that we can go forward in confidence and strength.

There is much work to be done in our Nation. We must seek to end the war abroad, and the poverty and injustice at home. We must press on to fulfill the basic promise of a truly great society—a society of personal promises of a truly great society—a society of personal fulfillment and community identity.

There is, however, an overriding priority that should permeate all we do in the months ahead. That priority is the assurance of ecological cohesiveness—the protection of the delicate environmental balance, the preservation of unique areas of natural beauty, such as Texas' Big Thicket.

We must recognize as never before, that man truly exists within a complex, interrelated web of life. The disturbing problems which have resulted from our advanced technological society—such as overpopulation, air and water pollution, exploitation and depletion of our limited natural resources, and the numerous problems of crowding, hunger, and poverty—are not isolated phenomena which can be solved by surface remedies or token efforts. All the problems we face today are intermingled with the whole process of existence, and only a responsible, comprehensive approach to the preservation of the quality of our environment can even begin to cope with the difficulties we now face.

Perhaps we need to approach our work in the 91st Congress as advocates of ecological economics. Dr. Alfred G. Etter, field representative of Defenders of Wildlife News, recently took a long, hard look at the troubling byproducts of our civilization, and though he placed his remarks within a Texas context, he spoke for all Americans when he said:

> We need new philosophies, new ideas and new techniques. Most of all we need a new economics, an Ecological Economics, that accepts the maintenance of the earth as the essential goal of human activity.

He also went on to point out:

> In our rush to defend the freedom to exploit we have lost the freedom to conserve.

Mr. President, I think Dr. Etter has put his finger on the basic problem: in the past we have been prone toward an economics of conspicuous consumption, thinking primarily in terms of exploitation and utilization, rather than in terms of responsible preservation and conservation. However, this attitude is outmoded and out of place in our crowded, urban-oriented society. In the past, we depended on expanding our Nation—there was always some new place to go, always a new frontier to be discovered. But, today we must seek new ways to preserve environmental quality within the context of a shrinking world. We must finally realize that there simply is no more room to expand. We must act now to protect the few remaining wilderness areas and woodlands in our Nation, before they, too, fall before the advance of civilization.

Dr. Etter outlined this position in a short article entitled "Ecological Economics: Will It Reach Us In Time?" Published in the October-November-December 1968, issue of Defenders of Wildlife News. He calls for a more responsible approach in dealing with our national resources, pointing out that areas such as the Big Thicket in southeast Texas should be carefully preserved and protected. I ask unanimous consent that this article, appearing on page 437, be printed in the RECORD at the conclusion of my remarks.

I wish to include this article not merely to single out the environmental problems in Texas, but to provide an explicit example of what we are presently facing all across our country. I hope that this Congress—and this administration—will see fit to incorporate this responsible approach in all our dealings with the priceless and irreplaceable treasure of our Nation's natural development and ecological unity.

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

ECOLOGICAL ECONOMICS: WILL IT REACH US IN TIME?

(By Alfred G. Etter, Ph. D.)

As I came into Houston, the plane hovered high above a blanket of air pollution that completely hid the city. After descending, I was driven for an hour along a highway where oil wells, power poles and sign boards pre-empted playgrounds, front yards, and parkways. Outdoor advertising was once called "al fresco", but oil fumes from refineries, wells, and automobiles made Houston's "fresco" anything but fresh. Crossing a ship channel, the sea winds told more of laboring papermills than of a romantic gulf.

After a few days in the city, other environmental atrocities became apparent. Besides the decimation of oyster reefs by dredges and pollution of the bay by a hundred substances, channelizing and spoil dumping in estuarine bays, marshes and tidal flats, much of it by the Corps of Engineers, has endangered the nursery grounds of many marine species. According to recent figures of the Fish and Wildlife Service a total of 67,000 acres of Galveston Bay, about 1/6th of the total system, has been physically destroyed or damaged.

Brine from oil well operations has been spilled into lowland forests killing the trees. Clearings for rice and cotton combined have appropriated millions of acres of the richest wildlife lands. Chemicals of all kinds are used in vast quantities for controlling fire ants, rice, cotton, and pine plantation insects, brushland, and plant diseases. Some crop fields may receive as much as 18 pounds of pesticides a year. Shellfish in the Arroyo Colorado southwest of Houston, show consistently higher pesticide residues than at any other monitoring station in the nation. Across from my motel was a big sign advertising "Do-it-yourself poisons." If it is new, Texas wants it.

At the same time that I sat in a Conservation Symposium session, a city engineer was telling a meeting of the American Water Works Association that one of his main problems in suburban Houston was breakage of water pipes. The reason for the breakage he explained was that certain sections of the city are subsiding at an alarming rate as a result of heavy pumping of underground water. In some places this has amounted to six feet, and he predicted that a similar subsidence would occur in the next 25 years even if all pumping were stopped immediately, which it will not be. Meanwhile, the groundwater level has been dropping at the rate of 10 feet a year.

For a city with very little freeboard, this subsidence is very serious. During the last hurricane many parts of the Houston area were flooded; further sinking can only aggravate this kind of damage. Sewage problems will undoubtedly arise and salt water intrusion into underground water supplies is an ever-present threat. Surface storage of river waters in large reservoirs upstream is supposed to alleviate the water-pumping problem somewhat, but the capture of flood flows in reservoirs may cut down on recharge of underground deposits, as well as altering salinity and siltation patterns in the Bay. Every time such changes occur, adjustments in both natural and man-made systems must be made and efficiency is lost. Those who set such changes in action, however, are never sent a bill for damages or adjustments.

ENDANGERED PLANTS AND ANIMALS

South and East Texas has a vast wildlife responsibility. Its bays, bayous and bottoms are the home not only of great numbers of resident fish and wildlife, but are absolutely essential to large numbers of migratory fish and birds. In 1960, nearly 240 million pounds of fish were harvested by Texas commercial fishermen and most of the species involved depend on estuarine areas when they are young. The Texas catch dropped consistently for the next five years to 150 million pounds in 1965. Does the loss of 90 million pounds represent a deterioration of the coastal environment and manipulations ashore? There is a good chance it does. Shouldn't someone be charged for it?

I had the good fortune to see a rice field packed solidly with shorebirds, but at the same time nowhere on the continent are there more endangered species. The whooping

cranes persist on the Gulf coast by the grace of God and a very expensive conservation program which has developed around them. The ivory-billed woodpecker may or may not cling to life in the Big Thicket northeast of Houston. The red wolf is making a last stand in the same region. Brown pelicans, once common, have virtually disappeared from the Texas Coast. One of two spoonbill rookeries in the United States persists on Vingtun Island in Galveston Bay. Until a few years ago shell dredging threatened their sanctuary. Now they seem to be doing well. The endangered alligator is still a target for plinkers and poachers. How many less prominent species on land and in the ocean are threatened would be hard to say.

I had the good fortune to make a visit to the Big Thicket area during my trip to Texas. Mrs. Geraldine Watson of Silsbee, guided Roland Clement of the Audubon Society and me through several areas where the state's most distinguished resident, the ivory-billed woodpecker, had been reported. We saw trees that appeared to have been worked on by something larger than a pileated woodpecker. We leaned against a pine with a trunk five feet through. "I like to call this my pine," she said. "There is only one more like this one uncut that I know of still standing around here. I just wish I could show you the forests I walked through as a child, and the pitcher plant bogs, and palmetto hammocks, and the long-leaf pine savannahs. Why when I was growing up, East Texas was one of the most beautiful lands anyone could ever have been born into."

Mrs. Watson is less than 45 years old. Within her short lifetime southeast Texas has been changed from a pioneer land to the scene of our space effort. In the process, relics of a once abounding wildlife find themselves shoulder to shoulder with the astrodome and the astronauts. Man's space program seems almost symbolic of an effort to escape the havoc that has been wrought on earth. NASA could not be in a more appropriate part of the nation.

I think, after looking at South and East Texas, that we have to ask some embarrassing questions of the economists. What kind of economics is it that permits such a build-up of environmental blights without laying aside some kind of fund to pay for the depreciation? Isn't it time that we are honest with ourselves and start charging for the use of the earth at a rate that will permit its maintenance? Isn't it time for laws which make exploitation rates commensurate with restoration rates? How is it that we can regulate the rate of interest on a mortgage, but we cannot control the rate of discount on the future?

While I was in Houston, I heard an announcement on the radio exhorting listeners to send into the station for a brochure on Expanding Houston, the most rapidly growing place in America. The announcement reiterated that $1.3 million dollars was being invested in the city's expansion every day of the year. I wondered to myself what percentage of this investment was being set aside for conservation purposes, for the social and ecological costs that were bound to result.

The fact is that our way of life and our economics are filled with anachronisms out of our expansionist past. The truth is that we are no longer really capable of expanding. We are only capable of shrinking. Everything we do is being done in a smaller and smaller space. Like the oriental who perfects his garden we must perfect our living space and adjust our habits and laws to this change of life. We need new philosophies, new ideas and new techniques. Most of all we need a new economics, an ecological economics, that accepts the maintenance of the earth as an essential goal of human activity.

We revere our pioneers who discovered the resources upon which our freedom depended in an expanding nation. Now we need pioneers who can discover in our shrinking world the kinds of environments in which our freedom can continue to thrive. In our rush to defend the freedom to exploit we have lost the freedom to conserve. Our conspicuous consumption must give way to conspicuous conservation. Our gluttony is showing, and nowhere does it show more than in Texas.

ADA RECOMMENDS RATIFICATION OF HUMAN RIGHTS CONVENTIONS—XXIII

Mr. PROXMIRE. Mr. President, recently a position paper was submitted outlining the Americans for Democratic Action legislative program in foreign policy. The ADA, like a large number of other organizations, has called for the approval of the Human Rights Conventions. Let me quote from this statement:

A creative American foreign policy must recognize the dynamic changes underway in the world. Indiscriminate anti-communism, commitment to the status quo, and faith in the unilaterally applied might of the United States are poor substitutes for rational policies and new directions in conducting foreign relations.

We must formulate a new foreign policy for America based on the search to expand and transmute into a positive force the fundamental interdependence of nations. It must seek to relieve existing tensions and reduce the threat of nuclear war. It must allow for fundamental changes in nations trying to find their own identities. And it must work toward full utilization of the world's resources to the benefit of all men everywhere.

In broad terms, this paper calls for a creative American foreign policy and cites such specific recommendations as the ratification of the Nuclear Nonproliferation Treaty; rejection of the anti-ballistic-missile system; liberalization of trade policies; and a curtailing of the burgeoning military-industrial complex.

It is impressive to note that also in keeping with these goals, the recommendation is made for the "adoption by the Congress of the U.N. Conventions on Human Rights." Time and time again civil rights organizations, labor unions, and other groups have stressed the need for the ratification of these human rights treaties. Let us hope that the one organization with the power to do something about these treaties—the U.S. Senate—will act soon. I commend the ADA for their recognition of these U.N. Conventions as a factor in effecting a creative and concerned foreign policy for the benefit of all men everywhere. Let us ratify these Human Rights Conventions during this congressional session.

HOUSING STARTS IN 1969

Mr. PERCY. Mr. President, in a recent issue of Continental Comment, published by Continental Illinois National Bank & Trust Co., of Chicago, the bank states:

The housing outlook for 1969 is for very little improvement as there remains the distinct possibility of a shortage of mortgage funds as the year develops.

There were 1.54 million housing starts in 1968, a 16.7-percent gain over 1967 levels.

The contract rate on new home mortgages rose from 6.3 percent in January 1968, to 7.1 percent in December. Mortgage terms have also tightened. The average downpayment nationally was 30.1 percent in December, up from 26.8 percent earlier in 1968. The highest downpayment required during the 1966 "credit crunch" was 29 percent, showing that pressures on housing are now greater than ever before.

Many observers feel that even to approach meeting national housing needs, the United States should be close to a 2-million housing start per year level. However, as previously stated, housing starts in 1969 may not improve much over the 1.54 million units begun in 1968.

One of the provisions of the Housing and Urban Development Act of 1968 was for the National Home Ownership Foundation to make annual reports to Congress on conditions in the housing market, as well as recommendations, if appropriate, on how additional sums of mortgage money can be attracted into the housing market. I hope that the foundation will soon be formed, for its services, as an adviser to Congress in this area, are sorely needed.

I ask unanimous consent that the article be printed in the RECORD.

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

RESIDENTIAL CONSTRUCTION OUTLOOK

Housing starts in 1968 rose 16.7 per cent from 1967, reaching a total of 1.543 million units. The outlook for 1969 is for very little improvement as there remains the distinct possibility of a shortage of mortgage funds as the year develops.

RECENT TRENDS

Mortgage funds, and consequently activity in the entire construction industry, are extremely sensitive to liquidity conditions in the economy. During the 1966 credit crunch, for example, residential construction fell by about one-third. In other recent periods, housing starts closely followed tight money conditions in 1957 and 1960.

Throughout most of 1968, housing activity remained on a high plateau with only a slight uptrend in evidence. The mix between single-family homes and apartments shifted, however, toward a heavier concentration of apartments. For the past five years, apartments and duplexes ranged from 35 per cent to 38 per cent of total starts. In 1968, preliminary estimates are for multi-family units to take 41 per cent of the market. In contrast, during the 1950's multi-family units accounted for only 10½ per cent of total starts. Factors influencing this shift in market share are ever-increasing land costs and the heavier incidence of young married couples in the population, as well as better availability of funds for contractors of apartment units.

The long-run determinants of housing activity involve the relative cost of housing, population growth and mix, and changing social preferences. An analysis of these factors indicates that we already should be close to a 2-million housing-start year. In the short run, however, other factors such as supply constraints, cost of funds, and availability of funds may be strong influences in the housing market again this year.

CURRENT CONDITIONS

Factors which influence the short-run behavior of the construction industry include inventories of unsold homes, attitudes and plans, relative costs, and the cost and availability of mortgage funds.

Inventories

The number of unsold new homes is at a relatively high level. In November, some 219,000 units were unsold, the highest of any month during 1968 and some 16 per cent above levels a year earlier. One interpretation of such a trend could be that demand had slackened off, either because incomes had fallen or because prices had risen too rapidly. At present, however, such reasoning does not appear to be accurate. Personal income rose at a 9.3 per cent rate over the past year, and income after taxes—including the surcharge rose by more than 7½ per cent.

Prices

Construction costs are among the most rapidly increasing sectors of the price series. During the past year residential construction costs rose at a 9.2 per cent annual rate, much faster than the 4.7 per cent gain in overall consumer prices.

Increases in lumber and wood product prices contributed importantly to rising construction costs in 1968. Through November, lumber prices had increased 24 per cent over year earlier levels. Even though output rose 14 per cent last year, contracts for residential structures increased 30 per cent, thereby building backlogs at the primary producing level. As a result, deliveries to retail lumber dealers have not met the demand and this has caused price pressure throughout the industry. In addition, skilled and common labor rates at construction sites are running more than 8 per cent above levels a year ago. The combination of increases in materials and labor cost has caused a rapid rise in the final cost of housing.

While these price increases are substantial, and may well have worked against income gains to constrain home sales and ultimately construction activity, a more important consideration probably was the cost and the availability of mortgage money.

Mortgage rates and terms

During the past year, the contract rate on new home mortgages rose from 6.3 per cent in January to 7.1 per cent in December. Such levels have pressed against usury laws in many states. In Illinois, for example, which still has a 7 per cent legal ceiling, the contract rate in Chicago is 6.75 per cent although fees and charges bring the effective rate up to 7.02 per cent.

Mortgage terms also have tightened. The average down payment nationally was 30.1 per cent in December, up from 26.8 per cent earlier in 1968, and about the same as year-earlier levels. For comparative purposes, it should be noted that the highest down payment required during the 1966 "credit crunch" was 29.0 per cent.

Consumer intentions

While their predictive power is subject to question, surveys of consumer buying intentions often provide valuable insights into the future. Recent surveys by the government and by private groups indicate a slight decline in the months ahead, relative to the intentions of a year ago.

The various factors reviewed above convey neither undue optimism nor pessimism for housing construction in 1969. Inventories of unsold new homes are high, but vacancy rates generally are at the lowest levels of the past decade. Incomes are strong, and generally good income gains are expected throughout 1969. Construction costs are rising, but there is little incentive to postpone building plans, primarily because these costs probably will continue to rise just as rapidly this year and next. Consumer buying intentions for 1969 are not particularly strong. However, an extremely critical issue is the posture that will be adopted in 1969 by the monetary authorities.

CONCLUSION

As indicated, lack of funds is more important than interest rates as a determinant of short-term housing trends. Indeed, mortgage rates presently are substantially above their 1966 highs, yet housing starts have not declined as in 1966. The availability of funds is becoming more restrictive and when joined with the lessened ability to supply the raw materials may limit the numbers of houses which otherwise would be demanded.

The monetary authorities are presently pursuing a policy of increasing credit restraint as inflation remains the number one problem facing the new administration. Thus, though the monetary authorities are sensitive to the needs of the housing industry after the crucial 1966 experience, there remains the possibility that higher rates and sharply reduced credit availability—coupled in the environment already described—could cause housing starts in the present year to show little improvement over last year's experience.

PLANNED REINTRODUCTION OF THE YOUTH PARTICIPATION ACT

Mr. HARRIS. Mr. President, last year, on July 9, I introduced with 13 cosponsors the Youth Participation Act of 1968. That measure would have established two new agencies in the Department of Health, Education, and Welfare—an Office of Youth Participation, whose main function would be to make grants for a wide range of social action programs to youth-run public and private agencies; and an Advisory Commission on Youth Participation, composed mainly of young people and authorized to hold hearings and conduct studies on issues which trouble and concern American youth today.

I was careful to emphasize at the time I introduced that measure that it was by no means a perfect instrument to carry out the will of its sponsors, but what I believed to be a first, faltering step in the right direction. I explicitly stated that the main objective of introducing the bill last year was not to secure its passage, or even to launch hearings on it, but to stimulate national debate and initiate a process of criticism, amendment, and revision that would result in the reintroduction of a perfected bill this year.

I am pleased to report that the original bill elicited tremendous interest all over the country, and drew compelling suggestions for revisions from a diverse range of thoughtful people, most of them young men and women. As a result, I have changed in some significant ways my ideas about the organization, and, to some extent, the purposes of the two youth-related institutions which would have been created by the bill. I am prepared today, therefore, to give notice to my original cosponsors and other interested Senators of my intention to introduce a revised version of the Youth Participation Act early next week, just as soon as the redrafting process, now in progress, is completed.

I shall be actively seeking cosponsors later this week, and I invite Senators with an interest in the proposed legislation, and in the very real problems it addresses, to get in touch with me.

THE F–111: AN UNFORTUNATE AIRPLANE

Mr. CURTIS. Mr. President, the crash last week of another F–111 near Las Vegas, Nev., once again brings this unfortunate airplane back into the limelight. It often seems that just as we are digesting a new spoonful of favorable public relations propaganda supporting Mr. McNamara's folly, the airplane speaks up for itself with either a new crash or perhaps another failure of its airframe during structure tests.

Mr. President, I am convinced that the time has come to terminate the F–111 program. Congress soon will consider the Department of Defense budget for the coming fiscal year. The present version of that budget includes another $1.1 billion for F–111's for the Tactical Air Command and the Strategic Air Command. This is more than for any other aircraft program. So what are we getting for all those dollars? The exact number is hidden by security classification, but I can state that it represents close to $15 million apiece if this latest request is approved.

The costs in this F–111 are fantastic. To date over $5 billion has gone into this program since 1962. That money is gone—I should say wasted—because all we have to show for it is about 100 airplanes that are barely flyable, are restricted from combat operation, and have basic flaws built into them that may never be corrected.

What disturbs me more, though, is that the present schedule to complete the F–111 program envisions spending almost $4½ billion more in coming years, to be started with the $1.1 billion requested for fiscal year 1970. It is time for us to face up to this situation and seriously consider if this is not pouring good money after bad.

Let us look at some basic facts about the F–111's. The bomber program for SAC has been cut back to 90 airplanes. Why? If the plane is any good as a strategic weapon, then why order only 90? The real reason is that the F–111 just cannot do the strategic job. It has less than two-thirds of the range of the B–52 airplanes it is replacing, it cannot match the B–52 payload of weapons, and in fact it cannot even keep up with SAC's KC–135 refueling tankers. Those are the facts.

I have long maintained that the current SAC airplanes, the B–52's and B–58's, can be continued until a new strategic bomber is available. What SAC wants and needs is the AMSA—an advanced manned strategic aircraft—that will have long range, large payload, high speed, and real effectiveness as a strategic weapon. The AMSA program is starving to death for lack of funds. I have an idea where the money to start it could come from. AMSA should get a full go-ahead this year.

TACTICAL VERSIONS

Let us look at some basic facts about the tactical F–111's, the F–111A and the F–111D. The e planes have longer range and a better blind bombing capability, it is true, than the Air Force's F–4's and F–105's. But the fact is that these F–111's are grossly underpowered by today's standards for their present mission of carrying conventional "iron bombs" in Vietnam-type, limited-war conflicts. A magazine article of a year and a half

ago—U.S. News & World Report, September 27, 1967—correctly stated that the F–111 with a normal bomb load can barely clear Pike's Peak. I have verified this statement myself from Air Force test reports, which, incidentally, say that this low ceiling shows the plane to be underpowered.

Even though the plane is underpowered, the propaganda claims assert that there is no available alternative to accomplish the blind bombing interdiction mission. I do not think this is entirely true, although I will not go into that today.

In summary, I think the F–111 has priced itself beyond the point of reasonable value. Considering its deficient performance, considering the doubts about its structural integrity, but most of all considering its astronomical cost, I believe the program should be terminated immediately. This action ought to be taken by the Pentagon, but, if it is not, I believe that Congress should refuse to provide additional funds. The billions of dollars could be much better spent for other airplanes.

HIGHWAY SAFETY PROGRAM

Mr. RIBICOFF. Mr. President, there is an old proverb that a good law unexecuted is like an unperformed promise. This aptly describes the plight of our national traffic safety program and the Highway Safety Bureau formed to administer it. The hopes which many of us had for a major campaign against the mounting toll of highway deaths and injury are today, unfulfilled.

The reasons for this are budgetary and organizational, but overall the record is one of lost opportunity and lives.

Our efforts in traffic safety have been handicapped by budget cuts, personnel freezes, and research reductions. For 14 of the 26 months since the Safety Bureau began operation it has been under fiscal or personnel restraints, and frequently both. The Bureau's requests for funds have been pared down within the executive branch and then further trimmed by Congress. In the past 3 fiscal years the Bureau has received only $57.5 million for its work.

The number of personnel has been frozen at 382 since the early summer of 1968. This is 86 percent of the level authorized by Congress in June 1966, more than 2½ years ago. Dr. William Hadden, former Director of the Bureau, has estimated that the number of employees must be increased seven times to meet its statutory responsibilities.

Today, the staff remains skeletal in every area of operations. There are only 10 professional employees engaged in the defect review operation. In this situation it is small wonder that major defects, like that which caused the recall of 4.9 million General Motors cars, go unnoted for long periods of time, with disastrous consequences for the motoring public. Major divisions, such as Motor Vehicle Inspection and School Bus Safety, have only one employee. The Office of Product Cost and Leadtime Analysis, which this subcommittee was told would be established last year, is without a single employee. It exists only on paper.

The research program has suffered the same fate. Every responsible authority in the field is agreed that research must have a high priority if we are to extend our knowledge of the dynamics of highway safety. Yet the Bureau still has no in-house facility or capability to conduct research. Many of its limited research funds are, in fact, allocated for testing automobiles and tires to determine if they meet the safety standards. During the entire time of the Bureau's operation, research funds have never reached the level authorized for the first 18 months of the program.

Plainly, Mr. President, the traffic safety program has been starved and today is suffering from severe malnutrition. An organization, like a person, cannot function effectively unless it receives proper nourishment. If it does not, its actions become weak and lethargic. The Bureau, now, is unable to carry out its duties. And the American public is the loser.

The first step in establishing a strong Safety Bureau is funding in the manner Congress authorized, so that it will have the resources to launch an effective attack on the problems of traffic safety.

For too long Congress ignored the carnage on our highways. Then we passed two laws to expand the Federal role in this area and begin a program of national action. But this was not the last chapter. Now we must see that the Executive follows through on this commitment in the manner Congress intended.

The trouble is that the effort still is not commensurate with the size of the problem. We all know the statistics—more than 53,000 killed last year and 2 million seriously injured. But we do not fully realize what this means. Every year we wipe out a city the size of Palo Alto, Calif., or Greenwich, Conn., or Bethesda, Md. And the tragedy reaches into every city and town in America.

Mr. President, if there were some communicable disease which killed this number of people every year we would immediately start a crash program to bring it under control. But we accept the highway toll as if it were beyond our control. It is not. Technology and human effort together can reduce the horrible figures. But it cannot be done quickly or cheaply. Time and large sums of money will be required.

Beyond money, there must be organizational changes if the Bureau is to do its job effectively. Presently, the Safety Bureau is part of the Federal Highway Administration, along with the Bureau of Public Roads and the Bureau of Motor Carrier Safety. The Bureau of Public Roads far overshadows the other two agencies. It will administer about $4 billion in highway construction funds in fiscal 1969. By contrast, the Safety Bureau has a budget of $26.5 million and the Bureau of Motor Carrier Safety—which regulates interstate carriers—about $2 million.

In this organization the voice of traffic safety is muffled by those whose interest is building roads. Safety is a secondary concern in the Federal Highway Administration. The primary interest is simply extending the road network of the Nation.

The organization of the Highway Administration has interfered with the smooth functioning of the Safety Bureau. For example, the Bureau has been unable to obtain legal services responsive to its needs. The Administrator has used legal requirements as a way of exercising control over the details of the Bureau's work.

The current organization has also produced needless delay. All research projects must now be laboriously cross-checked with the other two Bureaus. This has led to protracted delays and in some cases, a pocket veto of certain projects.

The remedy for this organizational conflict is to separate the Safety Bureau and the Bureau of Motor Carrier Safety from the Bureau of Public Roads. A Highway Safety Administration should be formed, with an Administrator reporting directly to the Secretary of Transportation.

The new Administration should be composed of a headquarters unit and a group of regional offices, each headed by a regional administrator.

The headquarters staff would be responsible for establishing national safety policy, goals, and standards; providing specialized technical guidance and support; reviewing the adequacy of State highway safety program plans; performing technical and fiscal audits of State program performance; and planning and carrying out the research, development, and training programs.

The regional offices would have full responsibility and authority within their assigned geographic areas to implement the program, including the approval of grant applications and providing technical advice and assistance to the States in the carrying out of their programs.

This would give highway safety the voice and status it deserves in the Department of Transportation. The new Administration would have clear jurisdiction and authority to deal with all the human and vehicular aspects of traffic safety. Its work would be coordinated with that of the Bureau of Public Roads by the Office of the Secretary. Mr. President, I believe this is the most effective and efficient way to organize our highway safety program.

One hundred and eighty years ago Thomas Jefferson warned us that—

> The execution of the laws is more important than the making of them.

This lesson is as true today as it was in 1789. The distressing condition of our highway safety program is ample proof of that. So, as the 91st Congress begins its work, let us remember that oversight and restructuring of laws we have passed is a larger task than passing new ones. We have assumed a continuing commitment to the motoring safety of American people and we must be ever vigilant to assure that their interests and their needs are fully protected.

BALTIMOREAN HONORED AS OUTSTANDING COMMUNITY LEADER

Mr. TYDINGS. Mr. President, I invite the attention of the Senate to an article published in the Baltimore Sun of January 22, 1969, reporting the selection of

Mrs. Anna Clinkscales as one of the outstanding community leaders in America.

Mrs. Clinkscales' nomination was made on the basis of her unselfish efforts to improve her community through some 12 organizations including the NAACP, the YWCA, and the President's Council on Youth Opportunity. Last summer, Mrs. Clinkscales organized 500 volunteers who helped register 10,000 new voters in the central areas of Baltimore.

Her accomplishments in special education, civil rights, and neighborhood recreation have received national attention and the admiration of her Baltimore community.

The spirit and success of Mrs. Clinkscales' work should serve as an example to all who seek to make ours a more representative and democratic government.

With pride, I ask unanimous consent that the article honoring my fellow Marylander be printed in the RECORD.

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

SOME 5,500 NEW NEGRO VOTERS FOUND—NORTHWEST DRIVE HOPES TO ADD 5,000 MORE BY SEPTEMBER 21

A concentrated effort to register Negro voters in northwestern Baltimore netted more than 5,500 new names before last Monday's primary election deadline, a drive organizer said yesterday.

Negro leaders and "grass roots," workers will attempt to garner another 5,000 new voters before the September 21 closing date for registration for the November general election.

Spearheading the campaign is Mrs. Anna J. Clinkscales, a vivacious 33-year-old housewife who holds offices in several Negro organizations.

"We hope to get every living soul registered as a voter before that September 21 deadline," she said yesterday.

FIVE HUNDRED VOLUNTEERS

Mrs. Clinkscales has had the help of 500 volunteers, including housewives, working men and children. They began knocking on doors more than a year ago, but the campaign "has been going full steam" since January, Mrs. Clinkscales said.

In her own Edmondson Village ward, Mrs. Clinkscales noted, registration went from 2,316 to over 5,000."

The drive has the backing and support of local chapters of the National Association for the Advancement of Colored People and the National Council of Negro Women, the United Auto Workers and the Mother's Committee for Adequate Recreation, a northwest group that is pushing for a Robert F. Kennedy Memorial Park.

Mrs. Clinkscales, the mother of three small children, is president of the Council of Negro Women's local chapter, and is a board member of the local NAACP.

Although she was born in Baltimore, Mrs. Clinkscales has lived much of her life in Massachusetts. She found that almost every New Englander was a registered voter and was "proud of it."

Returning to Baltimore several years ago, she said, she was "shocked" by the low registration figures, especially among the Negro community.

She was an admirer of the Rev. Martin Luther King, Jr., and John F. Kennedy and she disavows racial extremism.

"The root of solving everything we need as Negroes is voting power," she said.

The late President Kennedy, she added, inspired her to be a "doer" instead of a "talker."

She was an unsuccessful candidate for the constitutional convention and she admits to political ambitions.

Her next target? "I would like to run for the mayor of the city," she said.

OIL POLLUTION

Mr. MUSKIE. Mr. President, for the past 3 years, national and international attention has increasingly focused on the problem of oil pollution. The *Torrey Canyon*, the *Ocean Eagle*, and the offshore well in the Santa Barbara Channel have been only the outstanding disasters.

Thousands of oil discharges, in varying sizes from many different sources, occur every year. Vessels passing our coast and using our harbors, some known and others unknown, spill oil which can seriously alter the ocean ecology and ruin our beaches. Oil drilling and production rigs, pipelines, and refineries, as well as storage tanks, terminals, and a multitude of industries, dump oil into the waters of the United States.

Last year the Senate enacted legislation which would have enabled Government to deal quickly and effectively with these offenses, but it was defeated in the House. Again this year, legislation will be presented which, I hope, will again receive unanimous support.

In order that Senators may review the oil pollution situation, I urge that they read Mr. Edward Cowan's article entitled "Oil on the Waters," published in the March 10 issue of the Nation. The article is an excellent summary of the situation with which we are all concerned.

I ask unanimous consent that the article be printed in the RECORD.

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

MANKIND'S FOULED NEST: OIL ON THE WATERS

(By Edward Cowan)

(NOTE.—Mr. Cowan, a foreign correspondent for the New York Times, now based in Toronto, covered the wreck of the *Torrey Canyon* for that paper and writes of it in great detail in Oil and Water: The *Torrey Canyon* Disaster (Lippincott).)

The escape of oil from Union Oil's offshore well opposite Santa Barbara, Calif, and the subsequent chain of events, political and natural, should be read as an object lesson in humility. The leak, the difficulties in plugging it, and the quick dashing of hopes that the shore line would be spared serious pollution, are all reminders that man has repeatedly and injuriously lost control of his own inventions, usually when he least expects to.

Fred J. Hartley, the aggressive marketing man who is president of Union Oil Company of California (record 1968 profits of $151.2 million on $1.9 billion of sales), argued that the eruption that produced the leak could not reasonably have been anticipated. Perhaps not. Nor could the loss of a hydrogen bomb over Spain. Nor the 1965 Northeast power failure. Nor the stranding two years ago of the supertanker *Torrey Canyan*, whose captain ran her onto a well-marked granite reef off England in broad daylight, causing the biggest shipwreck and oil pollution ever. Nor, just a year after that, the stranding and breakup of another Liberian flag tanker, the *Ocean Eagle*, at the entrance to San Juan harbor—hardly an uncharted shoal.

Surely no one could reasonably have expected in November, 1968, that an oil barge carrying more than 1 million gallons of heavy fuel oil would be torn loose from its tow by rough weather and grounded on Rehoboth Beach, Del., where Washingtonians soak up the summer sun. Or that, also last December, a Standard Oil of California hose would rupture and let 60,000 gallons of diesel oil pour in Humboldt Bay, not far from Eureka, Calif.

Who could reasonably be called on to anticipate that a 365-foot tanker would break in two in the Panama Canal in December, 1968, losing some of its cargo of fuel oil? Or that two days before Christmas, the little tanker *Mary A. Whalen* would run aground off Rockaway Point, N.Y., on the south shore of Long Island, hard by New York City's most heavily used stretch of beaches? Or that on Christmas Day Japanese authorities would have to close the Naruto Strait because of the danger to ships from gasoline that had escaped from a grounded tanker?

Who might reasonably be expected to warn the Coast Guard that quantities of what appeared to be heavy fuel oil would wash up onto the Rhode Island coast on Inauguration Day, 1969—but that there would be no clue to the ship or shore plant from which it escaped?

As any lawyer can quickly point out, there are differences in the origins of these several disasters which are worth defining if one is concerned about writing useful public policy. There are acts of God, such as violent storms; there is human error, such as putting a tanker on a known reef; there is the inevitable breakdown in any man-made mechanical system, such as the tendency of tankers with riveted sides (a construction technique largely discontinued about six years ago, according to one expert) to ooze oil around the rivets. That leakage may be only a barrel a day, but a barrel of crude oil, thick and persistent stuff, may be more than a drop in the ocean. In the Rehoboth Beach incident, the barge that was washed ashore lost, from a pipe that broke, a quantity of oil described by Interior Department officials as "very small," somewhere from 5 to 30 barrels. That "very small" dose of heavy oil, according to the officials, "marked" 2 to 3 miles of beach and caused substantial pollution to about three blocks of beach front.

Looking back over the two years since the *Torrey Canyon* disaster alerted the public and governments to the dangers inherent in the transportation of vast quantities of crude oil, it is startling to observe how many pollution incidents and near misses there have been; the list just recited is far from exhaustive.

It was instructive, for example, to learn from a trade publication this winter of two tanker casualties off southern Africa in the spring of 1968. On April 29, about 3 miles off the Cape of Good Hope, the *Esso Essen* struck an underwater obstruction and cut herself open at three points. She lost about 30,000 barrels of Arabian heavy crude oil. Esso said it applied its new dispersant, Corexit, "with great success." In the other reported casualty, the tanker *Andron*, whose owner is listed as a Greek company, split a seam in heavy seas. After discharging her cargo of Kuwait crude, she underwent temporary repairs at Durban, reloaded the oil, resumed her voyage for Venice, and sank about 10 miles off Southwest Africa. Exactly what happened to her cargo of about 16,000 tons (117,000 barrels) is not fully known but there are only two possibilities; immediate or gradual pollution of the sea.

In short, with the world's consumption of petroleum products—in homes, factories, office buildings, schools, chemical plants, aircraft, ships, motor vehicles and electric generating stations—increasing by 7.5 per cent a

year (it is now seven times what it was in 1938), the water-borne shipment of oil has become an industry in itself. Twenty-five years ago, the *T-2*, workhorse tanker of World War II, carried about 16,000 tons. By the early 1960s, Japanese shipyards, emerging as the world's busiest, were building ships to carry more than 100,000 tons and were "stretching" smaller ships. The *Torrey Canyon*, for example, built at Newport News, Va., to carry 67,000 tons, was jumboized in Japan to carry 118,000 tons. By keeping her original power plant and propulsion system, the most expensive part of a tanker, the *Torrey Canyon*, at only a slight sacrifice of speed, nearly doubled her delivery capacity. The saving worked out to roughly a penny a barrel. Show any international oil company how to add a penny a barrel to profits and it can make you very rich by cutting you in for only a few daubs of the extra icing.

The same economic logic lifted tanker size to 312,000 tons by 1968 with the launching of the *Universe Ireland*, first of six such ships to be operated by Gulf. Last November the Japanese yard that built her, Ishikawajima-Harima Heavy Industries Co., got an order for a 370,000-tonner, to cost between $22 million and $25 million. Disputing some industry experts, the buyer, Tokyo Tanker Co., said it thought that economies of scale would persist as capacity approached 500,000 tons.

The 370,000-ton tanker will carry three times as much oil as did the *Torrey Canyon*. The 50,000 tons or more of oil that she spilled contaminated 140 miles of English coast and a considerable stretch of Brittany's northern shore, 110 miles from the wreck.

Could a *Torrey Canyon* disaster occur again? Like today's new supertankers, she was well made and equipped with modern navigational aids. She stranded solely as the result of her captain's bad seamanship—an "aberration," one expert mariner called the performance. If it seemed too incredible to happen more than once in a lifetime, one had only to wait a year for the captain of the *Ocean Eagle*, which split in two, to fracture her bottom on the ocean floor in front of San Juan harbor.

Britain's aerial bombing of the *Torrey Canyon* (an attempt, successful said Whitehall, to burn the oil remaining in her tanks) and the struggle by troops and civilians to remove inches of oil from beaches and harbors attracted hundreds of newsmen. Overnight, governments, editors and the public discovered how much oil a single ship can carry; how persistent, noxious and, for waterfowl, lethal, crude oil can be; how emotional can be the argument about how to clean it up, with tourism-minded merchants advocating chemicals for a quick, thorough wash, and fishermen and naturalists preferring mechanical methods; how unprepared, in law and in practical arrangements, national states are to cope with, much less put an end to, oil pollution.

In the United States, the *Torrey Canyon* episode and unrelated instances of pollution to the New Jersey and Cape Cod shores a few weeks later dramatized not only the enormity of the (infrequent) major disaster but the fact that coastal oil pollution is an everyday problem. Despite efforts of the big tanker fleets to dispose of their residues innocuously, there is a lot of clandestine bilge washing by countless freighters, trawlers and tankers.

These events fired up a mood of reform in Washington. President Johnson directed the Secretaries of Transportation and Interior to make a study of oil pollution and recommend legislation. A number of Congressmen—and lobbyists—began to gird themselves for another round in the continuing conflict between public and private interests. In London, meanwhile, an emergency session of the Inter-Governmental Maritime Consultative Organization (IMCO), a UN body, had been convened at Britain's request. It began deliberations on two conventions to supplement existing international law. One would establish the right of a state to take action against a foreign-owned ship lying offshore, but in international waters, to protect the state's coast from pollution. (Britain, despite the readiness of the Royal Navy to try to fire the leaking *Torrey Canyon* immediately, stood aside for ten days of fruitless salvage attempts, in part because there was no legal authority or precedent for destroying someone else's property on the high seas.) The other convention would establish liability of ship owners for pollution damage. With uncommon dispatch, IMCO also adopted a package of recommendations to national states on technical safety matters and on tougher enforcement of anti-pollution law.

Another aspect of the tanker business that was illuminated by the *Torrey Canyon* and *Ocean Eagle* casualties is the role of the Republic of Liberia as the world's leading country in registered merchant marine tonnage. In 1947, because of difficulties with Panamanian consuls who, owners said, sought to collect "fees" every time a Panamanian-flag ship cleared their ports, United States shipping interests were looking for a new flag of convenience (or flag of necessity, depending on how one chooses to approach the wage and tax argument). That need coincided with the engagement of the late Edward R. Stettinius, Jr., to assist Liberia's economic development. The result was the drafting by three Wall Street law firms of legislation, duly enacted in Monrovia, that put Liberia in the business of registering ships.

In the ensuing twenty years, Liberia has taken great pains to rebut trade union accusations that hers is a "runaway flag," flown by unsafe, leaky old tubs whose crews are virtually galley slaves and incompetent, too. Without getting into that argument, it can be said that the jumbo tankers which today fly the Liberian flag are well-made vessels. The African state has what seem to be exacting regulations governing seaworthiness, loading and safety equipment. It issues officers' papers either reciprocally or after an applicant passes examinations which Liberia says are tougher than those of other countries. Liberia, says Albert J. Rudick, an American lawyer who is employed full time in New York with a staff of forty as Liberian Deputy Commissioner of Maritime Affairs, tries to make a ship owner's responsibilities commensurate with the benefits (no corporate income tax) of the Liberian flag.

Nevertheless, the Liberian maritime program remains very much as it was conceived—an affair for the benefit of American ship owners and quietly managed by them and their lawyers who decide, without "benefit" of public scrutiny or debate, how to balance private and public interest. (Mr. Rudick argued that there is meaningful debate in Liberia's Congress but he was unable to name the relevant committees or their chairmen.)

When the *Torrey Canyon's* board of investigation met, it had no rules of procedure to follow. Its mandate was a regulation for inquiries which stresses the possible negligence of the crew and thereby underplays the possible role in a casualty of the ship's mechanical condition or of acts or omissions by its owners. No wonder that the board failed to mention in its report certain things it learned about the condition and equipping of the ship—matters now very relevant to damage suits by Britain and France against the *Torrey Canyon's* owner (a phantom Liberian corporation with head office in Bermuda) and operator, Union Oil. Nor, one supposes, is it surprising that nearly a year after the *Ocean Eagle* casualty the report of investigation had not been released by Monrovia, where, it was explained, they have been very busy this winter celebrating William V. S. Tubman's twenty-fifth anniversary as President.

Similarly, Liberia has not released for discussion changes in its laws and regulations, soon to be put into effect. Surely, the maritime rules of the foremost "seafaring nation" are of interest outside Monrovia; but, except in Wall Street where the proposed changes were drafted, they are generally unknown.

The overriding issue posed by the *Torrey Canyon* disaster, the *Ocean Eagle* episode, the eruption of the well opposite Santa Barbara, and lesser instances of pollution is that of responsibility. Shall a tanker, drilling rig, shore installation (e.g., refinery, transshipment terminal, depot, etc.) or other oil facility be responsible for damage done by its oil? Shall it be responsible absolutely, that is, regardless of whether or not it is at fault, or only if negligent? And if liable shall it pay the full damages, or only up to a limited amount?

The questions are being debated in London at IMCO meetings of legal experts and in Washington in hearings before the subcommittee on air and water pollution of the Senate Public Works Committee. One of the conventions that IMCO experts hope will be completed at Brussels next November would deal with the liability of tankers for oil damage. The Brussels conference will have to decide how sweeping the liability shall be. A slight majority of the deliberating nations, including the United States, is said to favor absolute liability. More likely, the process of accommodation will produce liability based on fault, with the burden of proof on the ship.

The amount of liability will be limited, partly because it traditionally has been and partly because of the expense and difficulties of getting insurance for unlimited liability. How high the limitation should be will also be resolved at the conference. The United States has proposed two to four times the 1957 liability convention limit of $67 a gross registered ton, with a maximum of $15 million. (Washington has never signed that convention.) The International Maritime Committee, a small, little-known, powerful Antwerp-based network of lawyers, which has drafted several important maritime conventions, is expected to press for its 1957 formula or not much more. Undoubtedly, all opening positions on this point were taken for bargaining purposes. The issue may be argued as one of how much damage can be reasonably expected, with cleanup costs from various spills offered in evidence. At bottom, it is a matter of tanker owners and operators trying to minimize their extra insurance costs. Washington estimates the convention may add 10 per cent to a tanker's normal insurance costs, or about 2 per cent to operating costs. A 2 per cent rise in operating costs in any business is not trivial.

The same question has arisen before the Senate subcommittee, which is considering legislation (S. 7) sponsored by its chairman, Senator Muskie. It would, among other things, authorize the government to clean up oil spills in inland and territorial waters and require the tanker to pay the costs. The legislation proposes a limit of $450 a ton up to $15 million. Asserting that these levels would "amount to a denial of ship owners' right to limitation of liability," the Maritime Law Association of the United States, representing some 2,000 admiralty lawyers (who generally work for ship owners) urged the Congress to return to the $67 a ton and $5 million limits written in legislation passed by the Senate and weakened by the House Public Works Committee (where an oil man and a shipping man held sway) in 1968. The American Petroleum Institute proposed $100 a ton up to $10 million. Last year it proposed $250 a ton up to $8 million. It changed its mind, it said, to go along with the limits

adopted by seven major oil companies which have established a voluntary cleanup plan (which will come into effect only if a lot more tanker owners adhere). An API tabulation showed that the most expensive cleanup on record—for the tanker *General Colocotronis* in the Bahamas a year ago—was $800,000. Conveniently, the API explicitly excluded the *Torrey Canyon,* whose cleanup expenses it put at $8 million (half the claims of Britain and France), because of "technological progress over the past two years and many of the mistakes made in the *Torrey Canyon* incident would not be repeated, and, of course, research on cleanup methods is continuing." Those few words hardly justify ignoring $7.2 million of an $8 million cleanup bill.

The Maritime Law Association, seeking to establish limitation as something close to divine right, argued that it "is rooted in the universally recognized principle that it is of paramount consideration for maritime nations to preserve the continuity of maritime commerce as a matter of vital national interest." The association, noting that Congress granted limitation in 1851 (the legislation has not been significantly altered since then), went on to cite an 1871 Supreme Court decision which recognized that the law's object was "to induce capitalists to invest" in ships.

The argument could hardly be less relevant. Even if the asserted "paramount consideration" exists, it does not necessarily follow that it applies to the United States or that commerce cannot be sustained in foreign-flag bottoms, which are sent to sea to make a buck and presumably will be available. As for any national security argument, there is good reason (if only the multiplicity of pressures Washington can bring to bear) to believe that American-owned ships under foreign flags would be available in time of urgent need. As for persuading that legendary capitalist to invest in ships, the argument antedates common use of the corporation, when the investor was personally liable for the ship's damage, and the development of today's broad, deep, versatile insurance market. Because of these changed economic conditions, limitation is not so just, necessary or immutable as its beneficiaries argue. According to some qualified lawyers, the courts are moving away from it.

The Santa Barbara mishap and Senator Muskie's bill are forcing the Nixon Administration to review offshore drilling policy and regulation, and also what is known about materials and techniques for cleaning up spilled oil on sea and land without harming natural life. With the oil industry itself accepting Senator Muskie's principle that the government should be reimbursed for cleaning up spills arising from private commerce, it would seem likely that the President will sign the bill—if it is not stranded on one of those hidden shoals in the House Public Works Committee.

THE KUKUI GARDENS STORY

Mr. FONG. Mr. President, on February 11, it was my privilege to participate as a guest in a groundbreaking ceremony for the Kukui Gardens housing development project in Honolulu. I call attention to this event because the huge complex is said to be the largest single redevelopment project in the United States under section 221(d)(3) of the National Housing Act.

The project contemplates the construction of more than 800 apartment units for families of low and moderate income with financing assistance provided by mortgage insurance endorsed by the Federal Housing Commissioner. The $16 million project will be developed on 19.5 acres of land within the city of Honolulu.

Mr. Clarence T. C. Ching, of Honolulu, created the Clarence T. C. Ching Foundation as a nonprofit body to sponsor the project.

The "Kukui Gardens Story" has been published by the directors of the Kukui Gardens Foundation to describe the background, plans, and people involved in launching this important housing development project. I ask unanimous consent that the article be printed in the RECORD.

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

THE KUKUI GARDENS STORY

In 1966 the Honolulu Redevelopment Agency (HRA) in conjunction with the Department of Housing and Urban Development initiated a competition whereby various individuals and organizations were invited to submit proposals for the purchase and development of approximately 19.5 acres of land within the City of Honolulu and within the area identified as the "Kukui Project, Hawaii No. R–2," as part of its urban redevelopment program. The HRA required that in consideration of its sale of the property to the redeveloper, there be developed and operated on the property a housing propect for families of low and moderate income with financing assistance provided by mortgage insurance endorsed by the Federal Housing Commissioner (FHA Commissioner) under the provisions of Section 221(d)(3) of the National Housing Act. As envisioned by the HRA, the project was an ambitious program requiring that there be constructed not less than 800 apartment units at a total estimated cost of approximately $15,000,000.

Mr. Clarence T. C. Ching, who has had extensive experience in land development projects in the State of Hawaii and particularly with a Section 221(d)(3) housing project for a limited distribution mortgagor, believed that he could make a substantial contribution to the community by offering his experience in this type of activity to have the project realized as anticipated by the HRA, and he, therefore, submitted his proposal in the competition. The proposal was predicated on the assumption that the ultimate development organization would be a nonprofit organization and thereby qualify for 100% mortgage insurance under said Section 221(d)(3). The proposal was submitted to the HRA under the designation of The Clarence T. C. Ching Foundation (Foundation), a proposed charitable organization, with the explanation that if the project was awarded to the Foundation, Mr. Ching would cause to be organized a charitable trust which would serve as the sponsor of the project as required by the rules and regulations of the FHA. On January 19, 1967, the HRA informed Mr. Ching that the proposed The Clarence T. C. Ching Foundation had been selected as the redeveloper.

Immediately thereafter Mr. Ching proceeded with the organization of The Clarence T. C. Ching Foundation together with the Kukui Gardens Corporation (Corporation). To satisfy the various government agencies having an interest in the matter, and particularly the HRA, it was necessary that the organizational instruments be circulated with the FHA Commissioner, the HRA and Department of Housing and Urban Development, the Director of Regulatory Agencies, State of Hawaii, and the Internal Revenue Service. After several suggestions made by the various agencies were incorporated in the organizational instruments, it was further necessary to obtain the concurrence of St. Francis Hospital and Chaminade College in Honolulu, both of which have integral roles in the Kukui Gardens Corporation organization.

THE CLARENCE T. C. CHING FOUNDATION

By Trust Agreement dated August 8, 1967, Clarence T. C. Ching, as Settlor, and Clarence T. C. Ching, Henry C. H. Chun-Hoon, Jasper J. Jepson, Katsumi Kometani, and Ralph M. Miwa, as Trustees, created a charitable trust identified as The Clarence T. C. Ching Foundation. Mr. Ching funded the trust with an initial contribution of $10,000 in cash.

The Foundation has no limited or specific purposes and objectives other than the general purpose of engaging in charitable and other activities permitted under the Internal Revenue Code. Inasmuch as the Foundation is intended to have perpetual existence, the Settlor intentionally empowered the Trustees to have as much flexibility permitted by law and the Internal Revenue Code in the administration of the trust and the beneficial uses of the income earned by the trust. There are no specifically named beneficiaries who are entitled to the income or principal of the trust. However, there are some guidelines under which the Trustees are requested to consider benefits to the needy and destitute, the sick and the aged, scholarship aid and assistance, grants for research and study, and assistance for hospital and other public charitable or educational institutions.

By the terms of the Trust Agreement, the Trustees are directed that they may not in the administration of the trust perform any act which would cause the Foundation to forfeit its status as a tax exempt organization under the provisions of Section 501(c)(3) of the Internal Revenue Code. This is an express limitation of the Trustees' authority, and if the Trustees shall engage in prohibited transactions repugnant to a Section 501(c)(3) organization or if they shall distribute any part of the trust estate for purposes other than authorized in the Trust Agreement, upon petition of the Attorney General of the State of Hawaii or either of Chaminade College or St. Francis Hospital the trust will terminate and the trust estate will pass to Chaminade College and St. Francis Hospital. The aforementioned limitation is expressly designed to prevent the Trustees from permitting any of the income or principal of the trust estate to pass to private individuals for noncharitable uses. Every precaution has been taken in the Trust Agreement to ensure that no economic benefit will accrue to Mr. Ching or his family.

In the event of termination of the Foundation, all trust property will be vested in Chaminade College and St. Francis Hospital in the proportions of two-thirds and one-third, respectively. If at the time that they are eligible to receive such property, if either of them is not then in existence or qualified as an exempt organization under said Section 501(c)(3), its share will pass to the other.

The Foundation has been determined by the Internal Revenue Service to be a charitable trust exempt from Federal income tax as an organization described in Section 501(c)(3) of the Internal Revenue Code.

KUKUI GARDENS CORP.

Pursuant to a petition filed by the five Trustees of the Clarence T. C. Ching Foundation, acting as private individuals and not as such Trustees, the Director of Regulatory Agencies, State of Hawaii, issued a Charter of Incorporation on August 25, 1967, creating the Kukui Gardens Corporation, a Hawaii nonprofit corporation. The membership of the Corporation is comprised of fifteen persons, five of whom are Trustees of the Foundation, five of whom are members of the Board of Regents of Chaminade College, and five of whom are members of the Board of Lay Advisors of St. Francis Hospital. The names of the members are as follows:

Trustees: Clarence T. C. Ching, Henry C. H. Chun-Hoon, Jasper J. Jepson, Katsumi Kometani, Ralph M. Miwa.

Regents: Kenneth F. C. Char, Maurice J.

Sullivan, John J. Uehara, James W. Y. Wong, Watson Yoshimoto.

Lay Advisors: Hung Wai Ching, Alexander J. Coney, Campbell W. Stevenson, Vincent H. Yano, Sister Maureen, O.S.F.

It is expressly provided in the Charter that the membership of the Corporation shall at all times be in the proportions above described, and no persons other than such Trustees, Regents or Lay Advisors may be members of the Corporation.

The Charter of Incorporation expressly provides that all income earned by the Corporation shall be paid to the Trustees of the Foundation to be used for the purposes authorized under the Trust Agreement. If the Foundation shall not then be in existence and/or if it shall not qualify as an exempt organization under Section 501(c)(3) of the Internal Revenue Code, all such income shall be distributed to Chaminade College and St. Francis Hospital in the proportions of two-thirds and one-third, respectively. If the Corporation shall be dissolved for whatever reasons, all the assets of the Corporation shall be distributed in the manner provided for the distribution of income.

The Internal Revenue Service has determined the Kukui Gardens Corporation to be an organization exempt from Federal income taxes under the provisions of Section 501(c)(4) of the Internal Revenue Code.

THE PROJECT

The Kukui Gardens Corporation will be the developer and owner of the Kukui Gardens Project. It will borrow from The Ford Foundation the sum of $16,101,000 to be secured by a mortgage of the project property. The mortgage will be insured by the Federal Housing Commissioner under the provisions of Section 221(d)(3) of the National Housing Act, under which the FHA Commissioner is authorized to insure mortgages made for the purpose of purchasing, constructing, and operating rental projects for families of low and moderate income.

The maximum mortgage amount which the FHA Commissioner is authorized to insure for mortgages made by a nonprofit mortgagor is 100% of the funds required to purchase the land and to construct the rental project. The repayment of the mortgage loan is to be made over a period of 40 years from earnings of the project. During the effective period of the mortgage, the FHA Commissioner exercises strict control and supervision of the activities of the nonprofit mortgagor with respect to the operation and maintenance of the project.

The principal device by which such control and supervision are exercised by the FHA Commissioner is the Regulatory Agreement which must be executed between the FHA Commissioner and the nonprofit mortgagor at the time of initial endorsement for mortgage insurance. The Regulatory Agreement with reference to nonprofit mortgagors expressly requires, among other things, the prior written approval of the FHA Commissioner with respect to any disposition of mortgaged property, any amendments or repair of the mortgaged property, and any contract or contracts for supervisory or managerial services.

The Regulatory Agreement requires that all earnings of the nonprofit corporation in excess of all expenses, including such amounts required for mortgage amortization, are to be deposited in a "Residual Receipts Fund," and all monies in such Fund shall be under the control of the FHA Commissioner and shall be disbursed only on the direction of the FHA Commissioner, who has the power and authority to direct that such Fund, or any part thereof, be used for such purposes as he may determine in furtherance of maintaining the lowest rentals possible for families of low and moderate income.

Unless the FHA Commissioner so directs, there will be no income or earnings of the Kukui Gardens Corporation payable to the Trustees of the Foundation so long as the property shall be subject to the mortgage insured by the FHA Commissioner. Therefore, it may conceivably be that the Foundation will not receive any income from the Corporation for a period of as long as 40 years.

During the effective period of the mortgage, the Corporation assists the community in making available to families of low and moderate income attractive apartment units at very reasonable rents. Upon the full repayment of the mortgage debt, the provisions of the Regulatory Agreement will not thereafter be effective. At such time the Corporation will be the owner of 19.5 acres of land in downtown Honolulu with all improvements. It may be expected that at such future date the income generated from the ownership of the land will enable the Foundation to more effectively execute its charitable purposes.

FINANCIAL RESPONSIBILITY

The organization of the Foundation and the Corporation for the purchase, ownership, development and operation of the Kukui Gardens rental project has been recognized as being a unique concept for the development of a 221(d)(3) rental project. However, in many respects the organization is not unlike other 221(d)(3) projects. The distinguishing feature in the Kukui Gardens Project is that Clarence T. C. Ching contributed his knowledge, experience and organization, and equally important, made available those funds which are considered to be risk capital which most persons have neither the resources nor inclination to do.

With the cooperation and assistance of the Bank of Hawaii, which extended the courtesy of a prime rate, Kukui Gardens Corporation borrowed an amount in excess of $590,000, which was required to be expended by the Corporation prior to the closing of the mortgage loan. Inasmuch as the nonprofit corporation was organized with no capital, it was necessary that Mr. Ching offer securities and his personal guaranty for the repayment of the loan. It is expected that the loan will be paid from mortgage loan proceeds, but had any insurmountable obstacles been encountered in the period of fifteen months since the Project was first undertaken and had such obstacles resulted in a failure of the Project prior to closing of the mortgage, a substantial personal loss would have been suffered.

LITHUANIAN INDEPENDENCE DAY

Mr. WILLIAMS of New Jersey. Mr. President, recently, the 51st anniversary of the independence of Lithuania was celebrated. I am proud to extend my good wishes to this courageous nation which has fought hard for the reestablishment of complete independence and self-government.

It is indeed a tragedy that this anniversary is overshadowed by the all-too-brutal reminder that Soviet oppression is still present. Let us pray that the day will once again come when the great Lithuanian nation will be able to enjoy the era of the 22 years when she was free—free to enjoy a renaissance of educational betterment; free to enjoy the beauty of music, art and ballet; free to reach the heretofore unattained peaks of industry and commerce; free to enjoy the joy of owning one's own farm. These are the incredible accomplishments made by the Lithuanians in the two brief decades of freedom which were afforded them. Let us hope that the time is imminent when Lithuania will once again be restored to her rightful heritage of liberty and independence and will be able to lead a happy and fruitful existence.

Mr. President, I ask unanimous consent to have printed in the RECORD the text of the resolution which was adopted by the Lithuanian people at a mass meeting held February 16 in Newark, N.J., commemorating the 51st anniversary of the restoration of Lithuanian independence.

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

RESOLUTION OF THE LITHUANIAN COUNCIL OF NEW JERSEY

Unanimously adopted at a meeting of American-Lithuanians and their friends living in New Jersey, sponsored by the Lithuanian Council of New Jersey, held on Sunday, February 16, 1969 at St. George's Lithuanian Hall, Newark, New Jersey, in commemoration of the 51st anniversary of the establishment of the Republic of Lithuania on February 16, 1918.

Whereas the Soviet Union took over Lithuania by force in June of 1940; and

Whereas the Lithuanian people are strongly opposed to foreign domination and are determined to restore their freedom and sovereignty which they rightly and deservedly enjoyed for more than seven centuries in the past; and

Whereas the Soviets have deported or killed over twenty-five per cent of the Lithuanian population since June 15, 1940; and

Whereas the House of Representatives and the United States Senate (of the 89th Congress) unanimously passed *House Concurrent Resolution 416* urging the President of the United States to direct the attention of the world opinion at the United Nations and at other appropriate international forums and by such means as he deems appropriate, to the denial of the rights of self-determination for the peoples of Estonia, Latvia, and Lithuania, and to bring the force of world opinion to bear on behalf of the restoration of these rights to the Baltic peoples; now, therefore, be it

Resolved, That we, Americans of Lithuanian origin or decent, reaffirm our adherence to American democratic principles of government and pledge our support to our President and our Congress to achieve lasting peace, freedom and justice in the world; and be it further

Resolved, That the President of the United States carries out the expression of the U.S. Congress contained in *H. Con. Res. 416* by bringing up the Baltic States question in the United Nations and demanding the Soviets to withdraw from Estonia, Latvia, and Lithuania and be it further

Resolved, That the pauperization of the Lithuanian people, conversion of once free farmers into serfs on kolkhozes and sovkhozes, as well as exploitation of workers, persecution of the faithful, restriction of religious practices, and closing of houses of worship, and be it finally

Resolved, That copies of this resolution be forwarded this day to the President of the United States, Secretary of State William Rogers, United States Ambassador to the United Nations Charles Yost, United States Senators from New Jersey, Members of U.S. Congress from New Jersey, and the press.

VALENTINAS MELINIS,
President.
ALBIN S. TRECIOKAS,
Secretary.

THE SENTINEL SYSTEM

Mr. SYMINGTON. Mr. President, I ask unanimous consent that an interesting and constructive article from the Wall Street Journal of Thursday, March 6,

"The Sentinel: It Could Be 'Crazy' Diplomatic Ploy," be inserted at this point in the RECORD.

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

THE SENTINEL: IT COULD BE "CRAZY" DIPLOMATIC PLOY

(By Robert Keatley)

WASHINGTON.—Congressmen oppose it. Citizens are frightened by it. Scientists have called it a bad joke. Defense analysts wish it had never been started.

Thus bolstered in its wisdom, the Defense Department appears ready to proceed full blast with some sort of Sentinel anti-ballistic missile system, purportedly to ward off possible nuclear attacks ordered by a mad Communist Chinese ruler five years hence. President Nixon says the final decision will be announced early next week.

It all sounds supremely illogical. But there is one more apparent contradiction that may prove the crucial factor in any go-ahead decision: The Administration could order the controversial Sentinel's deployment to help ensure that the system will never actually be built.

EXPLAINING A PARADOX

Despite appearances, the explanation is a rational one, though it lies more in the area of international politics than of military weaponry. Mr. Nixon, who must choose one of several alternative ABM plans or none at all, is hearing influential advisers claim it is vital that America preserve appearances of deploying the so-called "thin" anti-Chinese defense system. This, the argument goes, will help push the Russians into meaningful arms control talks more quickly and, it's hoped, thus slow down or stop the costly weapons spiral. Step one in such negotiations would be a joint American-Russian agreement to scrap their respective ABM systems, followed by even more significant weapons controls.

"A tradeoff (with the Russians) would be truly revolutionary, something that has never happened before, and a good way to get something serious under way," says one deep thinker whose expertise keeps him close to policy planners.

Amidst the uproar and confusion surrounding ABM's fate, there are scattered signs that Defense Secretary Melvin Laird favors such a tradeoff approach—and left that recommendation with the President before journeying yesterday to Vietnam. At a Pentagon press conference, for example, he stressed, "We have an opportunity, I think, within the not too distant future to move into talks with the Soviet Union on offensive and defensive missile systems. And I do not want to be in a position when we go into those talks, if we do, with one hand tied behind our back." Thus, he added, fiscal 1970 budget plans for the ABM are important "for the position we hold at the time talks begin"—implying such plans could be changed later if arms negotiations were to show progress.

Since then, the Secretary's comments have placed more emphasis on Sentinel's military value, and he stressed—notably before Sen. William Fullbright's somewhat hostile committee—that "I do lean personally in favor of such a system." Such statements have aroused much opposition from critics who claim Sentinel is dangerous, costs too much and won't work anyway. But Mr. Laird's comments could be more of form than of substance, because Sentinel is useless for negotiating purposes unless deployment plans seem credible. If the Russians consider it all an empty bluff, the exercise obviously won't work.

To spread the word so deliberately about this nuclear gamesmanship, of course, requires that ABM plans appear credible enough to leave Moscow unsure whether they will ever be carried out. Sentinel alone probably doesn't worry the Russians very much—their sophisticated missiles can easily penetrate its defenses—but actual deployment could be prelude to another round of strategic weapons construction that Moscow does want to avoid. Rather than run the risk, the argument goes, the Soviets would leap at a chance to head off such a buildup.

Mr. Nixon professes to be still in the decision-making stage; yesterday he had a long meeting with his National Security Council advisers, and he promises additional ABM studies before announcing his judgment a few days hence. But Mr. Laird's departure on schedule indicates that the real choice has already been made, and that the present drill is for appearances' sake. It is possible that the White House will cave in under pressure from ABM opponents, but somehow that doesn't seem likely. And it's known that some extremely influential authorities, with intimate knowledge of plans for both ABM deployment and arms talks, want the program kept on the books for negotiating purposes.

"All things considered, I wish we hadn't started it," says one expert. "But since we have, it is not a bad idea to go ahead with Sentinel. It won't frighten the Soviets out of negotiations and can be the subject matter of initial talks. The last thing we should do now is to scrap it unilaterally as a gesture of our good faith; that won't impress the Russians at all."

Putting together facts, hints and guesses, this possible Sentinel decision emerges:

Deployment plans for a "thin" system are maintained, though the year's money request will likely be much less than the $1.8 billion sought in former Defense Secretary Clark Clifford's last budget. Sentinel sites would be switched from major cities, where many citizens worry about having nuclear warheads for neighbors, to remote Minuteman missile bases; this would change ABM's main mission from protecting the populace to protecting U.S. offensive weapons.

Such moves would defuse much political opposition to Sentinel deployment, many believe. But to make sure a Capitol Hill showdown is avoided, the Nixon team could also advise some Congressional skeptics privately that the whole exercise is a negotiating ploy, designed to bring about scrapping of the Russian Galosh system—a thin ABM defense near Moscow that apparently has technical problems.

(A more remote prospect, harder to sell: Arms talks could bring Russian-American agreement to go ahead with both systems on a "thin" basis, with both designed to protect against the Chinese. Either way, both sides agree not to build a "thick" system to protect against each other's missiles and thus set off a new arms spiral.)

Whether this would work with the Russians is another matter: "It's a crazy idea," insists one anti-ABMer with Pentagon experience. Like many others, he believes any deployment go-ahead would only stiffen the Kremlin's hard-liners and perhaps sabotage arms talks. Moscow is already eager for negotiations, he believes, and additional American arms buildups will only erode this willingness.

A BAD JOKE

Our leading Sentinel foe is Jerome B. Wiesner, who was a science adviser to President Kennedy. "We ought to regard the Sentinel as a bad joke perpetrated on us by Robert S. McNamara, former Secretary of Defense, and former President Johnson in an election year. It seems to me their very rationalization—that it was to defend us against the Chinese, but we would stop building it if the Russians agreed not to build one—demonstrates that well enough," he argues.

Even so, there are Sentinel supporters who want the system built for its defense value and not as a chip in high-stakes international poker.

Sentinel deployment plans (before the present review began) involved placing sites near 15 or 20 large cities. The system has four basic components: Perimeter Acquisition Radar (PAR), which detects incoming enemy missiles at long range; Missile Site Radar (MSR), which guides defensive missiles; Spartan, a long-range missile whose nuclear warhead is supposed to neutralize enemy nuclear explosives above the atmosphere; and Sprint, a short-range rocket to pick off enemy missiles that penetrate the Spartan defenses. Only a few of the sites would have PAR equipment, and only those with PAR would have Sprint missiles.

By expert accounts, the system is next to useless against any massive Russian attack. But many scientists believe it could nullify potential Chinese attacks during the 1970s, and could be modified to serve the same purpose well into the 1980s. According to Mr. Laird, Peking will test its first intercontinental ballistic missile within 18 months and will have 20 to 30 such missiles operational by 1975.

As previously planned, Sentinel would cost $5.8 billion, according to Army budgeteers; shifting it from cities to Minuteman sites would add $500 million or so more. But critics claim these figures understate fiscal realities (as is true with most Pentagon cost projections); Sen. Stuart Symington says Sentinel's true price would be $9.4 billion. And many foes claim the "thin" anti-Chinese system is merely step one in a devious military maneuver to construct a "thick" anti-Russian defense which, in addition to costing $60 billion or more, wouldn't work very well but would frighten the Soviets into another dangerous upward spiral of arms acquisition.

SOVIET ECONOMIC DRAIN

It is fear of starting such a costly chain reaction, many analysts claim, that now makes Moscow desperate for real arms control talks; weapons programs drain the Soviet economy much more severely than they do our own. Not that the Kremlin mood is entirely one of sweetness. One Soviet analyst says the Russian leaders want to adopt a "hold and explore policy"—a status quo on strategic weapons programs and East-West rivalries in Europe, while exploiting weak points elsewhere, such as in the Middle East, where political and economic gains against the West seem possible.

But even if such double-dealing is the Russian intent, most experts see advantages for the West. Some arms control agreement, however limited, could reduce international tensions and chances of major war—something is better than nothing. There are also economic advantages for both if weapons programs are scaled down, or at least not expanded. Meantime, Moscow probing of Western weak spots would probably continue with or without any strategic arms agreements so, in one sense, the two aren't necessarily related.

The Nixon team has made clear its desire for meaningful arms control negotiations, and a mutual scaling down of the wasteful arms race. It now must decide whether deploying Sentinel (or at least appearing to) will help speed such agreements, or whether it is just another "crazy idea."

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CHURCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. CHURCH. Mr. President, I ask unanimous consent that I may be permitted to proceed, as in legislative ses-

sion, for the purpose of bringing to the attention of the Senate several matters.

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

DEMOCRACY FLOURISHING IN VENEZUELA

Mr. CHURCH. Mr. President, there is so much bad news from Latin America these days that it is particularly gratifying to point out some good news.

I refer to the inauguration on March 11 of Rafael Caldera as President of Venezuela. Since the overthrow of Marcos Pérez Jiménez in 1958, Venezuela has had three free and hard fought presidential elections. Rómulo Betancourt, who was elected in 1958, became the first freely elected President in Venezuelan history to complete his term and to turn over his office peacefully to his freely elected successor, Raúl Leoni.

Now President Leoni is completing his term and is turning over his office peacefully to President-elect Caldera. What makes this particularly noteworthy is that Presidents Betancourt and Leoni were members of the Acción Democrática Party while President-elect Caldera is the leader of the Christian Democratic Party or COPEI as it is known in Venezuela.

Thus, we not only have a peaceful transfer of power, but a peaceful transfer from the ruling party to an opposition party.

This is indeed a most encouraging sign of political progress.

Venezuela has been fortunate in the last 10 years to have as its leaders some of the hemisphere's most outstanding statesmen. Dr. Caldera is in the same class.

United States relations with Venezuela have been excellent, and I am sure they will continue to be so during the Caldera administration in Caracas.

As Dr. Caldera takes office, men of good will throughout the hemisphere wish him well.

SHODDY TREATMENT OF GOVERNOR PAIEWONSKY

Mr. CHURCH. Mr. President, there recently appeared in the Home Journal, of the Virgin Islands, a shocking account of the manner in which Ralph Paiewonsky, who for the past 8 years has served as Governor of the islands, was removed from office by the new administration.

Governor Paiewonsky, the Journal account makes clear, was not even given the courtesy of being personally notified of his dismissal. He first learned of it through a radio broadcast.

There is no excuse for this type of action on the part of the new administration. In the words of the Journal's editorial on the subject, the action was "insulting to the people of the Virgin Islands who have a right to expect that the highest position in the territory would be treated with courtesy and respect."

I ask unanimous consent, Mr. President, that the editorial from the Journal, entitled "Paiewonsky's Resignation," be printed at this point in the RECORD.

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

PAIEWONSKY'S RESIGNATION

Governor Paiewonsky's resignation was accepted on Friday by President Nixon, effective at the close of business on Wednesday. It was taken for granted that Mr. Paiewonsky, a Democrat who had held the Governorship for the past eight years, would be replaced by a deserving Republican. The only surprising thing was the manner in which the resignation was accepted.

Up to the time of this writing, Mr. Paiewonsky has not been officially notified that he must relinquish the Governorship on Wednesday. There has been no communication whatsoever to the Governor. His only information was a United Press International news story broadcast over a local radio station. This type of action is insulting to the people of the Virgin Islands who have a right to expect that the highest position in the territory would be treated with courtesy and respect. If this is an indication of the regard which the Republicans in Washington have for the people of the Virgin Islands than we should expect rough sledding in the months ahead.

President Johnson set the stage for the nation by extending the utmost cooperation and courtesy to the incoming administration. Traditionally, the Republicans have treated the islands as if we are inferiors and not entitled to the same privileges as other American citizens, and apparently the new administration intends to live up to its reputation. After all, Virgin Islanders do not vote in national elections.

Governor Paiewonsky's retirement ends the most phenomenal period in the islands' history. His eight-year reign witnessed a fantastic increase in the territory's per capita income; an astounding increase in the tourist business; the attraction of major industries which have provided hundreds of new jobs at high wages. Gigantic strides were made in the field of education, capped by the establishment of the College of the Virgin Islands. The people came into ownership of the water and power facilities and most of the other assets of the Virgin Islands Corporation. Plans for a new jet airport were consummated. Through Paiewonsky's leadership Congress adopted legislation to permit the people to vote for their own governor.

The Paiewonsky era was both exciting and spectacularly successful, and as he leaves office he goes with the thanks, praise and appreciation of the overwhelming majority of our people for a job outstandingly done.

THE TIME HAS COME FOR TAX REFORM

Mr. CHURCH. Mr. President, since the beginning of this session of Congress nearly every office on Capitol Hill has been deluged with mail attacking our present tax structure and calling for a more equitable distribution of our Nation's heavy tax burden. We have been told that a tax revolt is in the offing and the mail from my State of Idaho would seem to confirm it.

From people of every walk of life I have heard an earnest indictment of our methods of taxation. From doctors, schoolteachers, and local government employees, from workingmen and housewives, the concern has been the same. They want to know why citizens with incomes in the millions sometimes pay little or no taxes at all while they must carry a constant and increasing taxload. They now bear the added weight of a 10-percent surtax—a tax upon a tax—to finance the war in Vietnam, while many war-related industries reap inordinate profits. The notes of discord are harsh; the taxpayers' chorus calls out for reform.

From a workingman in Blackfoot, Paris, Idaho:

> Something is wrong with the system when people can make over $200,000.00 and pay no taxes.

From a county government official in Paris, Idaho:

> I don't know if anything is trying to be worked out [about high taxes] or even if anyone but me wants things changed, but I think there badly needs to be some relief for low income people with families by higher exemption allowances.

From a laborer in Boise, Idaho:

> Senator, I ask you, how much longer do you feel that the people of the country can or will stand for this unreasonable taxation and see our money thrown away . . . all over the world . . .?

There are so many more, Mr. President, along the same lines. These are honest, hard-working men and women willing to pay their fair share of the tax burden but outraged at the inequities of the present system.

On February 12, 1969, the Washington Post published an editorial entitled "Time Has Come for Tax Reform." In a few words, it states the reasons tax reform has become mandatory and discusses the major proposals needed to put it into effect. I recommend the article and ask unanimous consent that it be printed at this point in the RECORD.

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

TIME HAS COME FOR TAX REFORM

Tax reform is still a rather amorphous concept in Washington, but it is beginning to get the attention it deserves. Both President Nixon and Secretary of the Treasury Kennedy have indicated their awareness of inequities in the present system and have promised a remedial program. Congress, too, is interested. The country is, apparently, about to embark upon another round of tax reform that could have very far-reaching consequences.

Fortunately, the talk is not about launching another exhaustive study. That kind of study has just been completed by the Treasury Department. Lyndon Johnson wisely avoided putting the seal of his approval on it so that the recommendations can be readily picked up by the Nixon Administration without risk of partisan controversy. Indeed, the study is not slanted toward partisanship but toward a modernized tax system, with equity for people in all income brackets.

Many tax bills have also been introduced independently on Capitol Hill, Secretary Kennedy has promised that his Department will soon have specific recommendations dealing with both the problems of inequity and tax incentives to help solve the problems of the cities. Out of these many sources should emerge a greatly improved tax system.

The place to start is unquestionably the over-taxation of the poor. The Treasury's 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 this group is especially indefensible.

The Treasury study offers at least partial relief for families in this category by raising

the standard deduction from a maximum of $1000 to $1800. No doubt many more taxpayers would use the proposed standard deduction instead of itemizing their contributions, medical expenses and so forth, and that would simplify the work of both taxpayers and tax collectors. An alternative would be, of course, to raise the personal exemption which has remained stationary at $600 for many years while incomes and living costs have mounted rapidly. Despite the high losses of revenue from raising the personal exemption, this would be an even more direct means of relieving the poor.

It is equally important to tap the big incomes now untaxed. The Treasury experts found that "many persons with incomes of $1 million or more actually pay the same effective rate of tax as do persons with incomes only one-fiftieth as large." To meet this situation the Treasury experts proposed a minimum tax graduated from 7 to 35 per cent to catch people with large incomes who now pay nothing because of the loopholes in the present law.

But the reform package is not a soak-the-rich device. Another provision would put a ceiling on individual income-tax liability. No individual, however affluent, would be required to pay more than half of his total income in income tax to the Federal Government.

There is much to be said also for the proposal that the transfer of property between husband and wife be freed from taxation. At present a husband must pay estate or gift taxes on anything over half of his property passing to his wife. We think a gift or inheritance tax is proper when property is transferred from one generation to another but not between the partners to a marriage.

One of the most conspicuous loopholes that needs to be closed is the lack of any tax on capital gains when stocks or similar assets are bequeathed to an heir. If the holder of such assets had sold them before his death, he would have had to pay the capital gains tax. But the heir will pay capital gains only on appreciation, in value, if any, after he receives the property. No such favoritism should be allowed.

Other major loopholes that need attention are the excessive oil and gas depletion allowances, excessive farm losses deducted by wealthy businessmen who are not farming for a living and the absence of taxation on many state and municipal bonds. Here the plan is to create an insuring institution and to pay interest subsidies that would eliminate the use of tax-exempt bonds. The task of closing all the loopholes is an immense one. No one bill is likely to accomplish everything. But vast improvements can be made if the Administration and Congress will now give this area of reform the attention that it merits.

ALLIANCE FOR PROGRESS FALLS SHORT OF GOALS

Mr. CHURCH. Mr. President, it has been apparent for some time that the Alliance for Progress has not been working.

Although 1968 was a reasonably good year for Latin America in economic terms, little progress was made toward the social reforms which are the heart of the Alliance and a good deal of ground was lost in political terms. The authoritarian Government of Brazil converted itself into an open dictatorship, and military coup d'etats overthrew elected Presidents in Peru and Panama.

Jeremiah O'Leary has written a perceptive critique of the Alliance in the Washington Sunday Star of February 2, and I ask unanimous consent that it may be printed in the RECORD at the conclusion of these remarks.

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

(See exhibit 1.)

Mr. CHURCH. Mr. President, Mr. O'Leary points out several of the difficulties and dilemmas of bilateral U.S. economic assistance to Latin America and suggests that a sweeping reevaluation of our programs and policies is in order.

I agree, and I hope that the Nixon administration will carry out such a reevaluation. In any case, I intend to urge the Foreign Relations Committee to do so when the foreign aid bill comes before us.

EXHIBIT 1

LATIN ALLIANCE FACES ITS MOMENT OF TRUTH

(By Jeremiah O'Leary)

A high-ranking U.S. official long connected with aid to Latin America asked aloud last week a question that preoccupies American and Latin leaders more and more.

"Where did we go wrong with the Alliance for Progress?"

It is a question that President Nixon intends to get answered soon through a study mission to the region. It is a question that is openly being asked in every U.S. embassy and every chancery in Latin America.

Congress is disillusioned with foreign aid and has made major cuts in alliance funds in the last two years.

The nurturing of democratic institutions was one of the major goals of the alliance when it was born eight years ago and yet only Chile, Mexico, Colombia, Venezuela, Uruguay and Costa Rica managed to keep the military subordinate to the democratic process in the 1960's.

MANY SHORTCOMINGS

The alliance has failed to keep pace with the housing needs of the 223 million Latins. A more equitable distribution of income has not been achieved.

Land reform has been trifling and tax reform nearly non-existent. Nationalism is rising perceptibly in all Latin nations.

Most of the peasants are simply outside the money economy and slum dwellers are increasing by the millions every year.

Only in education and health can the alliance be said to be making a major impact. By next year, more than 90 percent of the primary school age population will be in classes and the target of adding five years to the Latin American's life span (to about 62.5 years) is close to achievement.

The alliance was billed as the Revolution of Rising Expectations when the late President John F. Kennedy launched it. But the program has not accomplished much more than making Americans and Latins think about the problems of the region.

DREAMS AND PROPAGANDA

The expectations still are there but many officials now freely admit that the alliance was oversold with slogans, overweening optimism, dreams articulated as facts and propaganda reflecting only the silver lining of a very dark cloud.

"It isn't a case of the alliance being an unworkable idea," said one disillusioned U.S. aid official. "The trouble is that it never had a chance of remaking the face of Latin America in a mere 10 years, yet we were conditioned to believe that the alliance was going to provide magic answers for every problem and we tried to make the Latins feel that way, too.

"Bilateral aid, especially in the form of checks being made out to Latin governments, obviously has not been the answer. As a political and ideological matter, money does not buy love or support. There is something degrading about straight aid."

The dissatisfaction with the alliance reached a crescendo in 1968. The 90th Congress reduced the appropriation from $508 million in fiscal 1967 to $469 million in fiscal 1968 and even further to $336.5 million in fiscal 1969.

TO MULTILATERAL AID

Correspondingly, there was an increase in the allotment of funds to multilateral lending agencies, such as the Inter-American Development Bank. This change from bilateral to multilateral assistance is rooted in what many officials regard as sound concepts.

For one thing, the IDB, World Bank and similar institutions are run like banks, not like welfare organizations, and tend to administer funds on a more business-like basis than the Agency for International Development.

Also, the application of bilateral U.S. loans or grants can be viewed as a political lever and construed as support for one regime or one political group in a region where political animosities run high.

"If the U.S. continues major aid to big dictatorships like Brazil and Argentina, or smaller ones like Honduras and Nicaragua, opponents of the generals in those nations can only conclude that Washington prefers the dictators to democratic leaders," a U.S. official said. "We get the blame for the failures and precious little credit for any successes."

IMPOSSIBLE PARADOX

Said another official last week, "The alliance and the United States are committed to both revolutionary change and to the stability of the status quo and this is a paradox we can no longer live with."

Beyond a policy statement of Oct. 16, in which he enunciated six points in the most general terms, Nixon has not stated a true Latin policy.

The closest he came to anything concrete was to state that he prefers trade to aid. This was applauded by Latins, anxious for preferential or increased exports to the United States, but they universally believe trade cannot replace governmental aid in the foreseeable future.

James Fowler, deputy coordinator of the alliance, says that there is room for more trade but is skeptical that trade alone can change institutions. He feels trade without institutional and social change would only make the rich richer.

His position of more trade and aid is thus similar to the Latin point of view.

But Congress thinks otherwise. The mood of the legislators is protectionist toward U.S. domestic products and increasingly opposed to government-to-government aid programs.

MAJOR ACTION ASKED

President Johnson foresaw before the summit meeting at Punta del Este that the alliance needed indefinite extension past 1971. Others now contend the alliance should be revamped or abandoned.

It is not likely that Nixon will abandon the program, since it is a useful pipeline to an area believed vital to U.S. security as well as evidence of the brotherhood of the Organization of American States.

But the winds of change are very much in the air because of the evident shortcomings of the present system, the attitude of Congress toward it and even the evidence that the Latin American nations have lost any enchantment they may have had in the first flush of the Kennedy charisma.

The sweeping re-evaluation Nixon has called for may change the whole relationship between the United States and its southern neighbors.

WILLIAM C. FOSTER NOMINATED FOR NOBEL PEACE PRIZE

Mr. CHURCH. Mr. President, it was recently my pleasure to endorse the nomination, made by our colleague from Rhode Island, Senator PELL, of the Hon-

orable William C. Foster, retired Director of the Arms Control and Disarmament Agency, to receive the Nobel Peace Prize.

We all know of the untiring efforts of Bill Foster to further the cause of peace among all nations. At Geneva, at the United Nations, and here in Washington, Bill Foster worked for a better world. To him much credit is due for the Limited Nuclear Test Ban Treaty, the "hot line" agreement, the Outer Space Treaty, and the Nonproliferation Treaty. In all of these, his role was of major importance.

Mr. President, I ask unanimous consent that my letter to the Nobel Peace Prize Committee be printed in the RECORD.

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

FEBRUARY 4, 1969.

The NOBEL PEACE PRIZE COMMITTEE,
The Norwegian Parliament,
Oslo, Norway.

GENTLEMEN: This letter is to endorse for the Nobel Peace Prize the nomination of the Honorable William C. Foster, the recently retired Director of the United States Arms Control and Disarmament Agency.

For nearly eight years in that role, Mr. Foster has been in the forefront of the peacemakers of our world. He shaped and advocated tenaciously the policies that resulted in the negotiations of the Limited Nuclear Test Ban Treaty, the "Hot Line" agreement, the Outer Space Treaty, and the Nonproliferation Treaty. Not only that, but as its first director, he organized the U.S. Arms Control and Disarmament Agency to give meaning and emphasis to U.S. disarmament policy.

He represented the United States Government in these efforts toward peace not only at lengthy conferences at Geneva, but also at the United Nations General Assembly, where I had the honor to serve with him during the 21st session. In my report to the Senate on this session I noted:

"The delegation was fortunate to have as a member William C. Foster, Director of the Arms Control and Disarmament Agency. Indeed, we could not have afforded to be without his services. As chief spokesman for the United States at the Eighteen Nation Disarmament Conference in Geneva, he brought to the delegation an intimate knowledge of the disarmament issues on the General Assembly's agenda. I had the opportunity to work with him on a number of occasions, and I came away with the highest respect for his ability, his integrity, and his personal commitment to the thankless task of tempering the runaway arms race which so imperils the world. Bill Foster, together with Ambassador Goldberg, played a major role in the efforts which led to the treaty, soon due for Senate ratification, that bars nuclear weapons from orbit and precludes the extension of the arms race into outer space. (United States Senate, Committee on Foreign Relations, 'The United Nations at Twenty-one': Report by Senator Frank Church, February 1967)."

The Committee on Foreign Relations, of which I am a member, also commented on Mr. Foster's strenuous negotiations in its last report on the Agency: "Indeed, the Committee wishes to commend Mr. Foster and Mr. Fisher and their colleagues for their patient, arduous efforts at Geneva and the United Nations . . ." (Senate Report 1088, April 10, 1968).

That Mr. Foster has a breadth and scope beyond that of ordinary men is attested to by his service to five Presidents of the United States—Roosevelt, Truman, Eisenhower, Kennedy and Johnson—in responsible positions too numerous to mention.

Although Mr. Foster served the United States Government in many ways, he can truly be considered a servant of mankind, carrying forward the ideals of the United Nations "to save succeeding generations from the scourge of war . . ." Because of his dedication the dangers of nuclear devastation are less and the prospects for peace brighter, I sincerely recommend that this Advocate for Peace be given serious consideration for the Nobel Peace Prize.

Sincerely yours,

FRANK CHURCH.

THE CASE FOR ELECTORAL REFORM

Mr. CHURCH. Mr. President, recently, I submitted testimony to the Senate Subcommittee on Constitutional Amendments expressing my support for the proposal of the distinguished Senator from Indiana (Mr. BAYH) which calls for the election of the President and Vice President of the United States by a direct vote of the people.

In that testimony I detailed the reasons why I favor such an amendment. I ask unanimous consent to have my statement printed in the RECORD.

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

THE CASE FOR ELECTORAL REFORM

(Remarks of Senator FRANK CHURCH before the Subcommittee on Constitutional Amendments of the Senate Judiciary Committee, February 1969)

Seldom, Mr. Chairman, are we in the Senate afforded the opportunity to respond to so clear an expression of "the will of the people", as in the case of the electoral reform which this committee is now considering. A recent Harris Poll showed 79% of the American people favoring the direct election of the President. A more recent Gallup Poll indicated the support of 81% of our people for this same plan. Expressed in its simplest terms, eight out of every 10 Americans favor the election of the President by direct popular vote. It is obvious that a mandate for change confronts us—a mandate so clear that to ignore it would be to deny our role as representatives of the people.

The reason for the strong public sentiment favoring electoral reform stems from the uncertainties engendered by the closeness of recent Presidential elections, in which the people have witnessed the near possibility of a candidate winning the Presidency by capturing a majority of the electoral votes, while his principal opponent garners the largest number of popular votes. Never in recent times, has this anomaly been brought so close to home as in the election of 1968.

As the American people watched on their television screens through the night of November 5th and into the morning of November 6th, the possibility of one candidate receiving the most votes of the people, while another gained the White House, came near to becoming reality.

It had happened before. In 1876, Samuel J. Tilden received a majority of 250,000 votes over his opponent, and yet was denied the Presidency, which fell into the hands of Rutherford B. Hayes by one electoral vote. It happened again in 1888, when Grover Cleveland received 100,000 more popular votes than did Benjamin Harrison and yet, by an electoral vote of 233 to 168, Harrison became President.

The fact that a man not receiving the largest number of popular votes can nevertheless be elected President, is, in itself, enough to justify electoral reform. It is a contradiction of the sovereign right of the people to govern themselves.

But 1968 did not only expose again the dire defect in our electoral process which allows one man to claim the popular vote and another the Presidency. It also made clear that, under the present system, there exists no guarantee that electors who have held themselves out to the people as supporting a given Presidential candidate will, in fact, vote for the candidate to whom they pledged their support.

Originally, as we all know, electors were to be outstanding citizens from the various states. They were to be elected directly by the people for the purpose of choosing the President. Presumably, the electors were to be of such caliber that the people could place their trust in them to select a qualified leader for the Nation. But the system never worked as originally intended.

The birth of political parties, an eventuality not foreseen by the Founding Fathers, quickly reduced the role of the Presidential elector to one of mere ministerial duty. As a result, the Electoral College lost its reason for being. Today, when the people vote, they are seldom aware of the names, faces, or personal identity of the electors they select to choose the President. In fact, in a majority of our states, the electors' names are not even placed on the ballot. The people, as a practical matter, are voting for the man they wish for President, not for electors to select him. But because of the archaic system we still must use, the people have no guarantee that their wishes will be carried out. As Congress, itself, interprets the Constitution, a free agency still exists; an elector, if he chooses, may cast his vote as he pleases.

In 1968, we saw it happen. When Doctor Lloyd Bailey, an elector from the State of North Carolina, cast his vote in favor of third party candidate George Wallace, even though he was pledged to support President Nixon, who had carried his state in the November election, he became one of five electors in our Nation's history to disregard the wishes of the people who selected him. This latest case of a "faithless elector" should give us pause, particularly when we contemplate the potential for mischief in a closely divided electoral college. The very fact that such things can and do happen under the present system further underlines the need for reform.

The popular election amendment before this committee meets these problems head on. By placing the power to elect the President directly in the hands of the people, where it belongs, we would never again need fear the election of a President who lacks even the approval of a plurality. By elimination of the free agency of intervening electors, we abolish the possibility, in a close contest, that our people may be actually disfranchised by the capricious action of faithless men.

Moreover, the proposed amendment is in harmony with the historic trend toward broadening the role of the people in their government. We have moved, since the time of our creation as a nation, from a system in which only the propertied few had the right to vote to a time when universal suffrage is the rule. This is only proper in a country blessed by the best educated and politically sophisticated electorate on earth. Surely we have reached that stage when the people can be wholly entrusted with the power to directly elect their President and Vice President.

It was not so very long ago, in terms of history, that the 18th Amendment became part of our Constitution. That amendment, as we all know, provided for the direct popular election of United States Senators. The arguments raised against its adoption were strikingly similar to the ones we hear now

being voiced against the current amendment. Since that time, the Senate has not changed its essential character.

It remains the bastion of the states as it was intended to be. It stands not less, but greater in stature, because its legitimacy rests upon the direct vote of the people of the 50 states. If it is best for a Senator to be directly elected by the people of his State, then it must follow that it is best for the President to be directly elected by the people of the Nation.

Coming from a small state, I am well aware of the argument of those who maintain that popular election of the President would deprive the less populous states of the relative mathematical advantage they presently possess in the Electoral College. They contend, for example, that Alaskan voters, with three electoral votes, have more power than New Yorkers, with 43, because a much smaller number of Alaskans control the casting of each of their electoral votes than is the case in New York.

This is a classic instance of a case where mathematical ratios distort political reality. For the fact is that the emergence of political parties, which destroyed the original function intended for the Presidential elector, also destroyed such advantage as the mathematical ratio of a state's electors to its population (in number equal to each state's sum of Senators and Representatives in Congress) might otherwise have given the smaller states in the Electoral College.

With the advent of political parties, it became the practice for the states to cast all their electoral votes for the candidate who carried the largest number of popular votes in the state, regardless of the size of his margin. This "unit rule system" governs to the present day. It has undermined the apparent mathematical advantage of small states in the Electoral College. Indeed, populous states, such as New York and California, obtain greater importance than they should, since carrying them—even by the smallest margin—delivers their entire electoral vote to the prevailing candidate. Thus, these large states have come to wield a disproportionate influence over our public policy.

At the present time, it takes 270 electors to compose a majority of the Electoral College. That number of electors can be secured by carrying as few as a dozen of the largest states. It has, therefore, become the practice of our political parties to lavish their attention upon the most populous states in their quest for an electoral majority.

So it is that the present Electoral College actually gives the preponderant advantage to the big states. The importance of carrying them, if only by a handful of votes, in order to secure their entire electoral vote, is mandatory. Consequently, the big states have come to dominate our national conventions, unduly influence our party platforms, and exercise an inordinate power over the selection of our national candidates.

On the other hand, if the President were elected by direct popular vote, such states as New York, California, Pennsylvania, and Illinois would not loom so large in the national political picture. A Presidential candidate could lose them all by several hundred thousand votes, and easily make up the difference in the Intermountain West. Carrying the big states would no longer be so essential, thus giving the smaller states a better break in the politics of the nation.

In the final analysis, however, it is not for the purpose of securing any advantage for the smaller states, but rather to do equity to all, that I favor the abolishment of the Electoral College.

Under the direct popular vote amendment, all of our people would be given the same treatment. Different weights would no longer attach to the votes cast by the citizens of one state, as compared to those of another; no state would command special influence or advantage; each voter would stand equal with every other.

As the President of the United States represents all Americans, let us take the action that will allow all Americans equally to choose the President.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

HOW THE PENTAGON CAN SAVE $9 BILLION

Mr. FULBRIGHT. Mr. President, the March issue of the Washington Monthly contains a very timely and significant article entitled, "How the Pentagon Can Save $9,000,000,000." The article was written by Mr. Robert S. Benson, formerly of the office of the Assistant Secretary of Defense, Comptroller, and now on the national staff of the Urban Coalition.

At a time when we are in need of serious examination of budget priorities, this article represents an attempt by one analyst to suggest where responsible cuts could be made in defense spending. Mr. Benson points out that by halting the Sentinel ABM before it acquires irreversible momentum, we could save $1.8 billion this year, not to mention vastly larger sums during the next decade.

Mr. Benson notes that "the present balance of activities is anything but right. Unmet national concerns for human opportunity and the quality of life require an investment even larger than the amount that would be free," if all of the Pentagon reforms outlined in his report were carried out.

He cites some striking examples of the alternatives we have and the choices with which we are faced. Among them are: spending this year's Sentinel funds—or training 510,000 more hard-core unemployed; continuing to operate one of the marginal tactical aircraft carriers—or training 20,000 more Teacher Corps members; permitting excessive contractor costs to flourish unchecked—or providing Headstart education for 2,250,000 more children, plus enough school lunches to feed 20 million children for a whole year.

Mr. President, these questions merit our most serious consideration. I ask unanimous consent to have the article printed in the RECORD.

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

[From the Washington Monthly, March 1969]

HOW THE PENTAGON CAN SAVE $9 BILLION

(By Robert S. Benson, formerly of the Office of the Assistant Secretary of Defense (Comptroller), is now on the national staff of The Urban Coalition)

I have a modest proposal.

I should like to demonstrate, in as brief and as simple a way as the complexities permit, how $9 billion can be cut from the Pentagon budget without reducing our national security or touching those funds earmarked for the war in Vietnam.

Let me emphasize at the outset that this is truly a modest proposal, offered from an earnest belief in its practicality and with the conviction that savings from its adoption could be applied to our fiscally undernourished concerns for human opportunity.

The process by which the Pentagon budget—as well as the rest of the federal budget—is shaped and reviewed is a strange and not always wonderful thing. Any new program is usually given thorough scrutiny in Congress: debate rages over the program's purposes and over the level of funding required. Once it is accepted, however, only the funding level is certain to receive continuing Congressional attention. A nation's needs change, but rarely is a program's reason for existence ever challenged again, either in the executive branch or on Capitol Hill. On the contrary, its administering agency and its Congressional advocates, cheered on by its beneficiaries, strive to perpetuate or expand it, seldom pausing to ponder whether it is still worthwhile or whether something else is needed more.

The process can be insidious. Man, the social animal, takes comfort from acting in accord with the wishes of friends and associates. But over years of advocacy he loses some ability to discriminate, to relate the particular to the whole. In the case of Pentagon outlays, the built-in protection inherent in established programs often achieves invulnerability.

Because a mystique of secrecy and complexity surrounds the Pentagon, most Americans feel uncomfortable, or even vaguely unpatriotic, if they question any part of the military budget. But the fact is that the federal budget's provisions for defense far exceed our national security requirements. Although not many Americans realize it, a great deal of information about the threats to our security (and the forces we procure to meet them) can be gleaned from unclassified papers: budget statements of the President every January, annual posture statements by the Secretary of Defense, transcripts of Congressional hearings, and articles in the newspapers. Any serious student will soon discover that items in the defense budget, as in any other, range from fundamental to marginal. The difference is that in the Pentagon budget (a) vastly larger sums are involved, and (b) far less Congressional scrutiny is applied to them.

I

Using the sources above, my two years of experience in the Comptroller's office of the Department of Defense, and my own judgment of the issues. I hope first to outline how the budget can be trimmed by $9 billion and then proceed to a discussion of the weaknesses in the system which allowed this fat to survive even in the cost-conscious regime of Robert S. McNamara.

In our budget-cutting exercise these ground rules will apply:

None of the cuts is related to the war in Vietnam.

None of the cuts would impair our national security requirements.

All of the cuts are in what the Pentagon calls ongoing core programs.

All of the cuts could be effected within the next 24 months, which would allow the savings to be applied rather quickly to unfilled domestic needs.

The focus is on areas where forces or weapons systems are either duplicated or outmoded, where an enemy threat is no longer credible in today's political and technological environment, or where money is being lost through grossly inefficient performance.

Perhaps the best place to begin is with the Manned Orbiting Laboratory, which receives half a billion dollars a year and ought to rank dead last on any rational scale of na-

tional priorities. The MOL, a carbon copy of the National Aeronautics and Space Administration's spacecraft operation, is in the budget because the Air Force wants a piece of the extraterrestrial action, with its glamor and glory, and Congress has been only too happy to oblige.

Although there have been valiant attempts to make the MOL seem different, Pentagon space research is alarmingly similar to that of NASA. Listen as Dr. Alexander H. Flax, Assistant Secretary of the Air Force for Research and Development, tries to draw the distinction for members of the House Appropriations Committee:

"If you view the objectives of these programs as being simply to get data on humans exposed for some period of time, I think you have to conclude that there is a great deal of duplication, but I tried to make the point that our objective is primarily to test equipment, not humans. The humans interact with the equipment, of course."

True, there are potential military uses for space vehicles. But little thought appears to have been given to whether a separate program was required or whether the same results could have been achieved through slight adjustments in the parallel NASA activities. The MOL program is duplicative and wasteful. Of the $600 million requested for it last year, Congress approved all but $85 million. This year's budget calls for $576 million. I would strike all of it.

As for grossly inefficient Pentagon performance, the most obvious example is manpower management and utilization. Manpower is the single largest commodity the Defense Department buys; this year, the Pentagon will directly purchase the services of nearly five million Americans. Assuming an average of $7,000 each in pay, allowances, and supplementary benefits, the department payroll is about $34 billion, of which about $22 billion goes to military personnel and $12 billion to civilians.

The Pentagon has little direct control over the costs of its civilian personnel, who are recruited mainly through a government-wide civil-service pool. But its control over military personnel is complete, covering not only the $22 billion payroll but also about $7 billion annually in training costs and nearly $2 billion in moving expenses for men changing assignments.

Most men enter the armed forces either because they are drafted or because they enlist in preference to being drafted. All enlisted men entering the service receive basic training, which in the Army takes eight weeks and costs about $1,000 per head. After advanced training in a specialty, these short-term new servicemen generally spend the rest of their hitches on assignments requiring that specialty.

A more flexible training policy would not employ such a lockstep approach. Some basic training is needed for everyone, and combat infantrymen certainly need the full eight weeks. But not all of the Army's 535,000 new soldiers this year will serve in combat, and four weeks would suffice for the others. The Navy and Air Force have already abbreviated their basic training; for the Army to do so would yield, in direct training savings alone, $50 million.

Although the pattern of training and assignments for officers is far different, even greater economies are possible—and with a clear gain in individual job performance. After initial training, which is more diverse than it is for enlisted men, almost every officer is shuttled around through an amazing variety of assignments and further training designed to give him enough breadth of experience to become Chief of Staff some day, often at the sacrifice of obtaining no deep experience in any one field. The expectation is that every seasoned officer can lead an infantry battalion through a swamp on one assignment, promulate personnel promotion policies behind a Pentagon desk on the next, and discuss black separatism with Ethiopians as a military attache in Addis Ababa a year later.

In this age of specialization, such a philosophy is anachronistic and expensive. No efficient business would move its men around in so illogical a pattern. By perpetuating the illusion that every officer can aspire to the top organizational position, rather than screening the candidates earlier in their careers, the services suffer from having an excessive number of men struggling to learn totally unfamiliar jobs. Moreover, today's technological and analytical complexities demand the development of specialists whose entire experience is focused on performing one particular function well. By attempting to fill the growing number of specialist slots with generalists, job performance diminishes for all.

If we were to reduce by a modest one-fourth the present number of assignment changes (whereby servicemen move almost once a year), the annual saving in transportation and moving costs alone would be slightly over $500 million, to say nothing of the improvement in work effectiveness.

A further saving can be accomplished by changing the way the military calculates individual manpower requirements. Unlike business, which requires work units to absorb the impact of absences, the Pentagon includes a cushion to compensate for men absent on leave, in the hospital, in school, and en route to new assignments. And the military's 30 days of annual leave—which all servicemen get—is far more than the norm for civilian work forces of comparable age and experience, even acknowledging that the 30 days includes weekends. The military argues that this amount of leave time is compensation for being on duty 24 hours a day, seven days a week—but this is a myth long in need of explosion. Except for those at sea and in Vietnam, most military men work evenings or weekends no more and no less than civilians do. Cutting leave time to 20 days a year—with the exception of men on hardship duty overseas—would reduce the total armed forces manpower requirements enough to save $450 million annually.

Thanks to Beetle Bailey, Catch 22, and the fact that so many Americans are veterans, the supernumerary theory of military staffing has had great visibility. But an area of far greater inefficiency—supplier performance on large weapons system contracts—draws almost no attention at all. This is especially serious because the same contractor who can be extremely efficient under the conditions imposed by the private competitive marketplace can waste millions when working under a government contract. Few Americans are aware that about 90 per cent of the major weapons systems that the Defense Department procures end up costing at least twice as much as was originally estimated. Some of this cost growth comes from Pentagon-ordered changes in design or configuration, but much of it results from inefficient contractor practices or from his knowledge that the government will underwrite his excessive overhead.

It is up to the government, therefore, to impose on a non-competitive defense contractor the same cost discipline that the contractor would be forced to impose on himself in a competitive situation. Instead, the present procurement system is geared almost exclusively to securing timely delivery and good technical performance. Cost comes last.

The engine contract for the controversial F–111 fighter-bomber offers a classic illustration of what happens to costs after a decision is reached to proceed with procurement.

An aircraft of this kind has three major components: airframe (wings and fuselage), avionics (electronic navigation and weapons-guiding gear), and engines. For a technologically advanced fighter-bomber, the airframe will account for about 55 per cent of total cost, avionics 25 per cent, and engines 20 per cent. The initial F–111 contract for 2,053 engines was awarded to Pratt & Whitney on the basis of an estimated cost of $270,000 per engine. Today the engines are expected to cost more than $700,000 each.

In the F–111 case, and in general, four major factors account for such cost escalation:

1. The Buy-In. Our procurement system encourages contractors to play the game called "buy-in." The rules are simple. Contracts are awarded to the company which offers the lowest bid with a straight face. Later cost over-runs may bring a mild reproach or a stern reprimand, but they will not prevent the contractor from getting enough money to cover all his costs and pocket a profit. A contractor rarely takes these reprimands seriously; he knows that his competitors have similar experiences. Besides, the procurement officials have told him to worry about performance and prompt delivery, not about cost. So the buy-in game produces initial cost estimates that everyone knows are unrealistically low.

2. Design Changes. From the time bids are requested on a new weapons system until final delivery, a great many changes in design specification develop. These changes are often initiated by the Defense Department, although some reflect contractor production problems. In either case, the costs change—usually justifiable, but almost always upward.

3. Volume. Changes in volume are even farther beyond the contractor's control. In large contracts, economies of scale are often achievable; if a weapons system is found highly useful, as was the F–4 fighter, and more units are ordered than were initially planned, the later unit costs are lower. In the case of the Air Force F–111, however, cancellation of British orders and the Congressional decision to kill the Navy version reduced the number of aircraft to be purchased, thereby raising the unit cost.

4. Sheer Inefficiency. These costs arise because a contractor has slipshod purchasing procedures, poor scheduling of men and machines, ineffective work standards, or other managerial deficiencies. Such extra costs would be a threat to a company's survival in the competitive private marketplace; they should not be tolerated in defense procurement.

In calculating how much of the F–111 engine's cost growth was due to this intolerable fourth factor, we need to begin by figuring how much the first three factors cost.

We know that the original $270,000 estimate was artificially low. Allowing for buy-in fibbing and for some early required changes in design, an initial figure of $450,000 would have been more realistic. Later design changes may have raised the allowable price to $500,000. But the contractor's final estimate of $700,000-plus, made after the British action but before the Congressional cutback, probably should not be adjusted for volume changes, because the British buy was to have been proportionately very small and there are good indications that this actually enabled Pratt & Whitney to disengage itself from some expensive subcontracts. So unjustifiable contractor inefficiency amounted to around $200,000 per engine.

It could have been worse. Past practice in such cases, where the government is dealing with a single supplier rather than with several competitors, has been to accept whatever price is commensurate with the costs the supplier has incurred, regardless of how efficient or inefficient he is. But, in an unprecedented action, the Defense Department ordered an investigation of Pratt & Whitney operations to determine how much

such an engine ought to cost if produced under efficient manufacturing procedures. After that, the Navy—which had contract responsibility for all F–111 engines—took the further unprecedented step of unilaterally setting the price it intended to pay. Indications are that the Navy compromised its position somewhat after some hard bargaining, but the final contract did reduce by about 15 per cent the price proposed by the company, which customary procedure would have accepted outright. This saved the government roughly $200 million.

Two other good examples of spiraling costs were described in recent hearings before the Congressional Joint Economic Committee. A. E. Fitzgerald of the Defense Department reported that the C–5A transport may cost $2 billion more than the original contract ceiling of $3 billion; yet when Defense negotiated the contract with Lockheed, then-Secretary of Defense Robert S. McNamara described it as "a model method of doing Defense business . . . a damn good contract." In another case, retired Air Force Colonel Albert W. Buesking, a former financial officer for the Minuteman intercontinental ballistic missile, said the Minuteman contractors received a 43 per cent pre-tax profit based on net worth, or about twice the normal industrial return; he estimated that defense contract costs are 30–50 per cent "in excess of what they might have been under conditions of competitive-type commercial environment."

Conservatively assuming that aerospace and shipbuilding contractors harbor an inefficiency of 15 per cent and figuring that the average annual amount provided for research and procurement of such systems over the past three years is about $17.9 billion, then wiping out the inefficiency would annually save the government $2.7 billion.

This is no pipedream. It requires no dramatic breakthrough in management techniques. Such savings could be achieved quickly if the Secretary of Defense and the Secretaries of the individual services resolved to focus the energies of their top financial and engineering men on procurement of these major weapons systems. What is needed is some truly independent cost-sleuthing into contractors' operations, with firm backing from top Defense management for appropriate follow-up efforts.

The most fruitful way of all for saving defense dollars is to eliminate forces which no longer pack a credible punch or which were designed to meet a threat that is no longer credible.

The Navy's Polar/Poseidon fleet ballistic missile program is vital to our national security. But the Navy's three primary and independent conventional warfare missions—tactical air, amphibious operations, and shipping protection—are overequipped, as are their associated support units. Current force levels cannot be justified by any potential threats. In my view, President Nixon was misguided when he decried America's loss of sea power during the campaign last fall. He made the mistake of applying the same argument the admirals use when they attempt to eternalize and expand their favorite programs: that the United States must have superiority in numbers, ship-type by ship-type, over the Soviet Navy. This is a legacy of late-1940's thinking, when it was assumed that we must always be ready to fight and win an extended war at sea. In the nuclear age, such thinking is highly unrealistic.

Fifteen aircraft carriers are presently assigned to the Navy's tactical air mission. Since the wallop they pack is purely the firepower of their aircraft, they should be compared with the alternative means of delivering that firepower—Air Force tactical aircraft. Carriers can deploy quickly to areas where we have no airfields, and they are safe from insurgent attacks (though they now appear to be vulnerable to Russian Styx missiles). But this flexibility comes at a high price. Independent studies place the cost of carrier-based tactical missions at three to four times that of similar missions flown from ground fields. Because of the many air bases we have built all over the world, we can rapidly deploy land-based aircraft to most areas. Carriers still play a necessary role in providing the potential to fight in a handful of otherwise inaccessible places and in meeting initial "surge" requirements for a non-nuclear war. But there is no justifiable reason to use them on extended deployments in major wars as we do now in Vietnam. Although the Defense Department will never admit it, the only reason we continue to employ carrier-based air strikes there is that the jealous Navy doesn't want to be shut out of some role in the war.

Tactical aircraft carriers could be cut from 15 to 10 without risk to the country's security. The average annual peacetime operating and modernization/replacement cost per carrier appears to be about $120 million. Assuming that the costs of expanding Air Force tactical missions to take up the slack were one-third as much, the net annual saving from the elimination of five carriers would be $400 million.

Marine Corps amphibious assault tactics have been used in minor contingencies such as Lebanon and the Dominican Republic, but against a major power they would be highly vulnerable to a tactical nuclear weapon. Nor are Marine forces now structured logistically for sustained combat, the type of war that Vietnam would suggest is most probable. Without eliminating any Marine troops, we could—by restricting their amphibious training and equipment and phasing out a proportionate share of assault ships—save $100 million annually.

A classic example of continued spending for protection against a no longer important threat is the third major area of Navy tactical forces—protection for shipping. The structuring of our anti-submarine and supporting anti-aircraft and fleet escort forces harks back to the post-World War II prospect of a sea war with Russia. If we ever do begin destroying each other's ships, there seems little prospect of avoiding escalation to nuclear war, which would make shipping protection irrelevant. Further, as various jumbo aircraft near production, the cost gap between a ton-mile of plane transportation and a ton-mile of ship transportation is narrowing. Yet instead of scaling down our protective forces, we are keeping them up and even expanding them, through last year's implausible decision to begin procuring VSX anti-submarine aircraft. Killing this program and reducing overall shipping defenses to a sensible level—four anti-submarine carriers and three air groups rather than the present eight carriers—would save an annual $600 million.

Another major area in which our involvement is unreasonably large is our troop commitment in Europe. We have about 310,000 soldiers there now, accompanied by more than 200,000 dependents. Such a staggering share of the NATO burden was appropriate while our World War II allies struggled to get back on their feet, but they can now afford a larger load. Part of the thesis behind U.S. deployments is to make certain that any substantial attack by Warsaw Pact forces would engage American forces, thereby creating potential consequences that the Soviet Union would find untenable. But this could be assured with far fewer than 310,000 U.S. troops. Says Senator Stuart Symington (D-Mo.), a former Air Force Secretary recently assigned as chairman of a Foreign Relations subcommittee that will investigate the involvement of U.S. forces abroad: "Surely 50,000 American troops would be sufficient to make sure that no Soviet probe could succeed in Berlin or elsewhere in Europe without a direct confrontation with the United States."

In the event of a truly major Soviet attack, not even 310,000 U.S. troops plus the NATO allies' forces would be sufficient to thwart it. But both sides recognize that an assault of such proportions is likely to evoke a nuclear response.

Psychological reasons prevented us from making a major cut in our European forces close on the heels of the Russian takeover in Czechoslovakia last year. But that should not deter us from effecting the cut this year. If anything, our non-response to the Czech invasion simply reinforces the reality learned in Hungary in 1956—that the United States is not about to send troops into Eastern Europe no matter what the Soviet provocation.

Realistically, we could cut back to a total of 125,000 troops in Europe plus 50,000 at home earmarked for NATO contingencies, and cut by one-fourth the air power assigned to the European theater (a McNamara comparison shows that NATO air forces can deliver a payload more than three times greater than that of their Warsaw Pact counterparts). Altogether, these reductions would annually save about $1.5 billion.

The final two programs of questionable value—the SAGE-Air Defense Command system and the Sentinel anti-ballistic missile system share some common characteristics. Both are defensive, in an age when the balance of terror rests on offensive missile strength. Both encompass a detection function and an intercept guidance function. And numerous technical experts express serious doubts about the potential operational effectiveness of either.

SAGE represents yesteryear's attempt to defend against the Soviet version of our Strategic Air Command. It is widely conceded that the Soviets have grounded their bomber development efforts and no longer pose their primary strategic threat in this area. Nonetheless we persist in trying to further refine our bomber defenses, when in face we have already achieved a satisfactory capability in the detection sphere. Moreover, SAGE's role as a guide to interceptor pilots is rather superfluous, given its imperfections and our primary reliance on a strong offensive deterrent. Some reductions have already been effected in the Air Defense Command, but conversion from a full defensive system to purely a warning system ought to save $600 million annually.

If SAGE is intended to sustain a mostly futile yesteryear system, the Sentinel ABM represents a misguided attempt to provide protection tomorrow. Against the destructive power of the missile, our best defense is a good offense. Particularly tragic is the staggering cost of a full-blown "thin" Sentinel system. Because it is so expensive, and the work is therefore parceled out to many Congressional districts, many politicians have favored it. It therefore may be difficult to stop before we have spent $40 billion. However, the Sentinel program faces increasingly fervent opposition in the Senate this year—partly because residents in four cities where ABM sites are being developed have objected so loudly.

Sentinel would make some sense if it truly promised blanket protection against strategic offensive missiles. But it doesn't. As Secretary McNamara said in a speech in San Francisco 18 months ago: ". . . any such system can rather obviously be defeated by an enemy simply sending more offensive warheads, or dummy warheads, than there are defensive missiles capable of disposing of them."

Secretary McNamara opposed the Sentinel, but President Johnson overruled him and de-

cided to proceed with the program. Today we are on the road toward building a $5 billion ABM system, ostensibly for protection against Chinese missiles—as yet undeveloped—should Peking miscalculate our potential response and attack us.

It seems unrealistic not to expect the Soviets to perceive the $5 billion "thin" Sentinel as a first stage in a $40 billion "thick" defense against themselves. Senator Richard B. Russell (D-Ga.) said as much last year when he was chairman of the Senate Armed Services Committee: ". . . there is no doubt that this is a first step in a defense system against an atomic attack from the Soviet Union." Yet all seven of the men who have served over the past decade in the jobs of Science Adviser to the President or Director of Research and Engineering in the Defense Department have recommended against deployment of a "thick" ABM system designed to protect our population against a Soviet attack.

By halting the Sentinel now, before it acquires irreversible momentum, we could save $1.8 billion this year, not to mention vastly larger sums during the next decade.

The items above do not exhaust the list of things to cut—there are other savings to be made in such areas as mapping operations, the reserve forces, logistics—but the total here will serve as a start. It amounts to: Total savings, $9,276,000,000.

II

If all these Pentagon budget cuts are so obvious, why didn't the cost-conscious McNamara regime push them through? Did the Whiz Kids fail? Were they really trying? I think a fair assessment would have to conclude that they were trying hard but were only partly successful, for five basic reasons.

First, McNamara's Band was greatly outnumbered by experienced adversaries bound together by a shared goal—more and bigger military programs. All the elements in this military-industrial-Congressional complex are served by an enlarged defense budget, though their motivations are different. Industry wants greater sales and profits. The military wants expanded power, plus the assurance that they will be in the forefront of technology. Congressmen respond to pressure from contractors and military employees in their districts, and those on the military committees yearn for the prestige and power that comes from presiding over a bigger slice of the federal pie. The combination made life difficult even for a man as strong and courageous as Robert McNamara.

Second, in selecting systems to analyze for effectiveness, the Whiz Kids chose to concentrate on the relatively uncluttered strategic programs instead of digging into such fat and messy activities as we have catalogued here. Within their selected framework, they generally performed technically sound, objective initial analyses. Once they arrived at a position, however, they too often "overdefended" their conclusions; that is, they were unwilling to reassess them against subsequent cost experience, technological advances, or a changing international political environment. For example, the current structuring of our programmed airlift/sealift needs emanates from a carefully developed linear programming model. This model attaches a high value to rapid deployment, stemming from an early 1960's Europe-oriented study which showed high benefits in terms of political bargaining power and casualty minimization. This analysis still makes good sense in Europe, but now appears grossly misapplied in Asia. Yet nothing has been done to revise the high value placed on rapid deployment. Such a change would point to a different desired mix of airlift and sealift.

Third, the Defense Department's budget review process concedes too much at the beginning. Last year's budgeted amounts are generally taken by everyone as this year's starting points. This practice ignores the possibility that fat crept into preceding budgets or that some of last year's activities are now outmoded. Consider, for example, the subject of training, in which the armed services have been pioneering for years by applying new technology to education. This area should be a prime candidate for frequent review from the ground up (what the managers call "zero-base" budgeting). Rather, the Defense Department budgeting process virtually concedes last year's amount and focuses on whatever incremental changes have been requested. The result, of course, is higher budgets, with past errors compounded year after year.

A fourth limitation also derives from the planning and budgeting system. Discussions about the desirable level of various forces are conducted in terms of numbers of things—missiles, carriers, fighter wings. This flows naturally out of intelligence estimates of enemy forces and subsequent analyses of how much counterforce the United States needs to nullify them. Approval is then given to the Air Force to buy 40 more fighters or the Navy to buy four more submarines, each with specified capabilities. But carrying out such purchases is not like walking into an automobile showroom and asking for a yellow Plymouth Belvedere sedan with power steering. As a submarine is built, many unanticipated choices present themselves; they involve different levels of effectiveness or convenience for different levels of dollars. Inevitably the generals and admirals want to buy as much capability as possible; it is almost always more than is required to meet the threat. For want of adequate follow-up by top procurement officials, the generals often have their way.

Finally, the President and the Budget Bureau have shied from making public any meaningful comparisons between military and domestic programs. Systems analysis, the technique that aims to measure the relative national worth of results obtained from alternative programs, cannot precisely compare the benefits to be gained from highly diverse activities. Yet inexact as such comparisons may be, the Budget Bureau does make them and present them to the President from time to time. If the President, for his part, were to discuss national priorities more frequently and candidly with the public, then Congressmen might be less likely to base their judgments on the only other available view—that the present balance of activities is about right.

The present balance of activities is anything but right. Unmet national concerns for human opportunity and the quality of life require an investment even larger than the amount that would be freed if all of the Pentagon reforms outlined in this report were carried out.

Perhaps the clearest, most thorough delineation of these high-priority social needs is found in the report of the National Advisory Commission on Civil Disorders. To redress root causes of despair and frustration, the Commission recommended a long series of measures which, if enacted in full, would cost between $13 billion and $18 billion a year over their first several years.

The only way to begin addressing these unfilled needs is to take money away from Pentagon programs that must rank lower on any rational national-priority scale. Examples provide compelling support for this argument. We have such choices as:

Funding the Manned Orbiting Laboratory—or providing Upward Bound summer courses for the 600,000 additional ghetto students who have the potential to go to college;

Spending this year's Sentinel funds—or training 510,000 more hard-core unemployed;

Continuing to operate one of the marginal tactical aircraft carriers—or training and supporting 20,000 more Teacher Corps members:

Maintaining our full troop complement in Europe—or diverting an additional $10 million to each of 150 Model Cities;

Permitting excessive contractor costs to flourish unchecked—or providing Head Start education for 2,250,000 more children, plus enough school lunches to feed 20 million children for a whole year.

These alternatives are real and immediate. They do not represent wishful dreaming. The choices are up to Mr. Nixon, to the Congress, and ultimately to ourselves.

WASHINGTON POST'S EFFORTS TO RESTORE BALANCE BETWEEN THE MILITARY AND CIVILIAN FORCES OF GOVERNMENT

Mr. FULBRIGHT. Mr. President, the Washington Post is performing a much-needed public service in its editorial columns. It is playing a very important role in its efforts to restore some balance between the military and civilian forces in our Government.

I ask unanimous consent that a recent example of an editorial written by the Washington Post on this subject be printed in the RECORD.

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

PUBLIC RELATIONS AND THE PENTAGON

Secretary Laird has acted wisely in disapproving the Army's self-described "master plan" for a campaign to promote the virtues of the Sentinel anti-ballistic missile system. An outline for that promotion campaign, consisting of a letter to Secretary Clark Clifford from Secretary of the Army Stanley Resor and a memorandum written by Lt. Gen. Alfred D. Starbird, was described in *The Washington Post* on Feb. 16. Thereafter Secretary Laird declassified the confidential plan and now he has announced that the plan itself will not be carried out.

While this is all to the good, it does not dispose of the questions raised by the Sentinel promotion campaign. Why was such a plan kept "confidential" in the first place? How did this propaganda-type program, designed covertly to influence public opinion, fit within the bounds of proper, authorized public information policy? Are the taxpayers subsidizing programs to brainwash themselves—as distinct from programs to provide required information? How many such "confidential" promotion campaigns on matters other than the Sentinel ABM system are under way at the present time?

The Sentinel promotion story was, in a curious and peculiarly Washingtonian way, news that is at once known and unknown. That is, while no one who has been around very long could have been astonished to discover that the Pentagon was indulging in above-and-beyond-the-call-of-duty promotional schemes, there was something more than a little startling in an actual confrontation with such documents, in pondering the minute detail in which the military had laid its plan for the "education" of Congress and the public—or for banishing our "confusion" as it was put. Apparently, Secretary Laird has ordered a Pentagon review of its own public affairs programs in which—he has said—"propaganda has no place." So far so good. But Congerss, which controls the Government's pursestrings and which is empowered to oversee its activities, could do a lot worse than bend its attention to the larger Pentagon public relations operation of which the Sentinel campaign was only a part.

AMERICAN MILITARY POWER

Mr. FULBRIGHT. Mr. President, recently, the Wall Street Journal published one of the most perceptive and penetrating editorials on American military power I have ever read.

I ask unanimous consent to have the editorial printed in the RECORD.

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

[From the Wall Street Journal, Feb. 27, 1969]

THE IMPOTENCE OF POWER

A rather surprising measure of agreement is emerging about the shape of America's post-Vietnam foreign policy. On this vital question, for example, these columns can be found in the unexpected company of former Presidential adviser Arthur Schlesinger Jr.

Perhaps it isn't really so surprising; the Vietnam war, in all its demoralizing aspects, has shaken people's thinking to the very foundations and created a kind of consensus among observers who ordinarily see most things quite differently. As Mr. Schlesinger writes in an article in the current Harper's, "The tragedy of Vietnam is the tragedy of the catastrophic overextension and misapplication of valid principles"—chiefly the principle of collective security.

What was wrong about Vietnam, he explains, was not this country's initial involvement there; that is, the attempt to save some millions of human beings from being overrun by communism and at the same time thwart Red China's ambitions of territorial aggrandizement.

The trouble, instead, was the messianic approach, which led the Government to lose the sense of the relation between means and ends. "The wreckage we wrought in Vietnam had no rational relationship to a serious assessment of our national interest or to the demonstrated involvement of our national security."

A big part of the cause of that misjudgment, Mr. Schlesinger believes, was a failure to perceive the changes in world power contexts since World War II. Specifically, Vietnam is further evidence that the age of the Superpowers is at or near its end. No longer can the U.S. and the U.S.S.R. achieve their objectives simply by virtue of their might.

Here is the U.S., the greatest military power in the world and in history, unable to bring a military conclusion in Vietnam; the Vietnamese Communists, with more than substantial military aid from Russia, can't either. The same paradoxical impotence can be seen elsewhere.

America cannot influence its European allies as it could in the immediate post-World War II years. The Soviets, even with their brutal invasion of Czechoslovakia, cannot bring the Czechs or the rest of Eastern Europe back into line. Also, despite enormous effort, the Soviets have been unable to pick up reliable satellites in Africa or most of Asia. Even in the Arab states the Soviet sway is not absolute.

We would insert a caution at this point: None of the foregoing is intended to imply an equating of U.S. and Soviet motives. The basic Soviet motive has ever been conquest, direct or indirect. U.S. policy has ever been well intentioned, designed to make or keep people free, albeit with untoward results such as Vietnam. But Mr. Schlesinger's central thesis seems correct; strictly in terms of power politics, the rampant rise of nationalism in the world limits the effectiveness of both U.S. and Soviet policy.

Another cause of the U.S. trouble in Vietnam, the author suggests, is the development since World War II—and atypically for this country—of a powerful warrior class. Mr. Schlesinger is not at all denouncing our military leaders as evil men; in effect he is echoing President Eisenhower's valedictory warning against the possible dangers emanating from the "military-industrial complex."

The basic danger, we would guess, is the faith put in military solutions, even when, as Vietnam shows, they can be unavailing. Mr. Schlesinger quotes the economist Joseph Schumpeter, writing of the military establishment in ancient Egypt: "Created by wars that required it, the machine now created the wars it required." That is of course extreme as far as contemporary America is concerned; it nonetheless points up the danger.

The mistakes of Vietnam indicate the outlines of a more appropriate foreign policy for the future. Much as this newspaper has been writing in recent years, Mr. Schlesinger includes the following criteria in his list:

Everything in the world is not of equal importance to us (the effort in Vietnam has been disproportionate to its intrinsic importance and any gain to us). We cannot do everything in the world. We cannot be the permanent guarantor of stability in a world of turbulence. All the problems in the world are not military problems, and military force is not always the most effective form of national power. Accordingly, the basis for our international influence in the coming period will lie less in the power of our arms than in the power of our example.

It should be noted, finally, that many of us who are advocating change are not advocating a new isolationism in the literal sense. In a world in which Communists do continue to commit aggression, it would be unwise—and all but inconceivable practically—for the U.S. to withdraw to its own shores.

What is being advocated is a far more discriminating, and a less militarily oriented, foreign policy. We have to stand up to the Communists, but let us choose the stand. We should eschew military involvement unless our interests are unmistakably and directly involved.

Granted, stating the generalities is a lot easier than applying the specifics. Still, the generalities must precede the specifics. And the fact that so many, including men in the Nixon Administration, are thinking along new lines may prove to be one of the extremely few rewards of the Vietnam war.

S. 1453 AND S. 1454—INTRODUCTION OF BILLS—NORTH LOUP DIVISION, AND O'NEILL UNIT, MISSOURI RIVER BASIN PROJECT

Mr. HRUSKA. Mr. President, as in legislative session, on behalf of myself and my colleague from Nebraska (Mr. CURTIS), I am introducing, for appropriate reference, bills to provide for the construction, operation, and maintenance of the North Loup division, Missouri River Basin project, and the O'Neill unit, Missouri River Basin project, both in Nebraska.

Mr. President, I ask unanimous consent that the text of these bills be printed in the RECORD at the conclusion of these remarks.

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

(See exhibit 1.)

Mr. HRUSKA. Mr. President, the North Loup project is a multiple-purpose water resource development in the North Loup River Basin in east-central Nebraska which will provide irrigation development, recreation, and fish and wildlife conservation. Calamus Dam and Reservoir, with a capacity of 108,600 acre-feet, will be constructed on the Calamus River. From it water will be diverted into a distribution system composed of five major canals, one major and nine small pumping plants, and laterals. Davis Creek Dam and Reservoir will provide offstream storage of 22,400 acre-feet. In all, the development would serve 52,570 acres of land. The estimated construction cost of the division is $47,531,000.

The North Loup project's original authorization was contained in the Flood Control Act of 1944, but the addition of a storage dam on the Calamus River and other changes in the preliminary engineering plan necessitated that a revised report be submitted to Congress. The Secretary of the Interior's feasibility report on the North Loup was sent to Congress in 1962 and in January of 1963 Senator CURTIS and I introduced a bill to authorize the project which was referred to the Committee on Interior and Insular Affairs. Similar legislation was introduced again in 1965. Although reports were requested from the Department of Interior and the Bureau of the Budget, the two agencies did not make their reports. Since this is a prerequisite to congressional action, the Interior Committee took no action.

This project has been proposed in a number of Congresses. Our efforts in the Senate have been paralleled in the House of Representatives by Congressman DAVE MARTIN, of Nebraska's Third District.

Mr. President, it is my sincere hope that our efforts over the years have not been in vain. This year, I look forward to receiving the necessary reports from the Department of Interior and the Bureau of the Budget. With favorable reports, the Interior Committee will be in a position to move ahead with this worthwhile project.

Mr. President, the second bill I am introducing together with Senator CURTIS, the O'Neill unit, was authorized by the act of August 21, 1954. Reauthorization is, in effect, required under the provisions of the act of August 14, 1964.

The Department of the Interior has sent to Congress a favorable feasibility report on the project with the recommendation that the proposed development be authorized for construction. The desirability of the project from an economic standpoint is extremely high. Total annual benefits are estimated at $5,881,100 compared with an annual cost totaling $2,710,000. This is very favorable benefit-cost ratio of 2.17 to 1. Although the primary benefit of the unit will be from irrigation, there also will be secondary benefits from recreation, fish and wildlife enhancement, and flood control.

The area surrounding the O'Neill unit is very much dependent upon a sound agricultural economy. According to the 1960 census, 99.8 percent of the land in the project area is farmland, and 79 percent of the population lives on farms or rural communities of less than 2,500 population. The O'Neill unit would provide irrigation for some 77,000 acres of land in an area which is experiencing difficulties in water quality and the depletion of ground waters. Without supplemental

water from the O'Neill unit the ground waters will soon be depleted and the land returned to range or dry cropland jeopardizing the economy of the entire area.

That the project has strong local support is evidenced by the formation of a reclamation district and the approval by the district voters of a mill levy against all of the tangible property.

Because of my strong belief in the worthiness of the project, I am happy to introduce the bill.

I ask unanimous consent that the press release of the Department of the Interior describing the O'Neill unit be printed in the RECORD.

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

[From the Department of the Interior, Bureau of Reclamation, August 9, 1968]

INTERIOR SENDS FAVORABLE FEASIBILITY REPORT ON O'NEILL UNIT, NEBRASKA, TO CONGRESS

The Department of the Interior today reported it has approved a feasibility report on the O'Neill Unit of the Bureau of Reclamation's Missouri River Basin Project in Nebraska and is forwarding it to the Congress with a recommendation that the proposed development be authorized for construction.

The proposed unit, in the north-central Nebraska counties of Cherry, Brown, Keya Paha, Rock, and Holt, would supply irrigation water for 77,000 acres and also would serve the functions of flood control, recreation, fish and wildlife, and the enhancement of fish and wildlife resources.

The proposed plan of development for the O'Neill Unit calls for construction of Norden Dam, a 155-foot high earthfill embankment that would create a reservoir on the Niobrara River with a total initial storage capacity of 542,500 acre-feet. A 60-mile long gravity canal would be constructed running generally parallel to the river, and a series of branch canals, laterals, and associated pumping plants would supply water to the project lands.

Project cost of the O'Neill Unit is estimated at $72,503,000. Allocations are: irrigation, $68,856,000; recreation, $2,078,000; fish and wildlife enhancement, $1,249,000; and flood control, $320,000.

The irrigation allocation is proposed as reimbursable, partly by the project's beneficiaries and partly by power revenues of the Missouri River Basin Project. The cost allocated to flood control would be nonreimbursable as would $1,936,000 of the cost allocated to recreation and $1,115,000 of the cost allocated to fish and wildlife enhancement. The remainder of the costs allocated to recreation and fish and wildlife enhancement which constitute one-half of the separable costs allocated to those functions and total $276,000, plus $9,000 interest during construction would be borne by a non-Federal public body in accordance with the provisions of the Federal Water Project Recreation Act. The Nebraska Game, Forestation, and Parks Commission has indicated a willingness to assume the operation, maintenance, and replacement costs of all recreation and fish and wildlife enhancement lands and facilities. Economic studies estimate total annual benefits at $5,881,100 as against annual costs totalling $2,710,300, resulting in a favorable benefit-cost ratio of 2.17 to 1.

The States of the Missouri River Basin and the interested Federal agencies have reviewed the report and have offered no objections to construction of the multiple-purpose development.

The bills, introduced by Mr. HRUSKA (for himself and Mr. CURTIS), were received, read twice by their titles, referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the RECORD.

EXHIBIT 1

S. 1453

A bill to authorize the Secretary of the Interior to construct, operate, and maintain the North Loup division, Missouri River Basin project, Nebraska, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the North Loup division is hereby authorized as a unit of the Missouri Basin project for the purposes of providing irrigation water for approximately fifty-two thousand five hundred and seventy acres of land, enhancing recreation opportunities, conserving and developing fish and wildlife resources, and for other purposes. The construction, operation, and maintenance of the North Loup division shall be in accordance with the Federal reclamation laws (Act of June 17, 1902 (32 Stat. 388), and Acts amendatory thereof or supplementary thereto). The principal features of the division shall include Calamus Dam and Reservoir on the Calamus River, Davis Creek Dam and Reservoir on Davis Creek, the necessary diversion facilities, pumping facilities, canals, laterals, drains, and other works needed to effect the aforesaid purposes.

SEC. 2. The conservation and development of the fish and wildlife resources and the enhancement of recreation opportunities in connection with the North Loup division shall be in accordance with provisions of the Federal Water Project Recreation Act (79 Stat. 213).

SEC. 3. North Loup division shall be integrated physically and financially with the other Federal works constructed under the comprehensive plan approved by section 9 of the Flood Control Act of December 22, 1944, as amended and supplemented.

SEC. 4. For a period of ten years from the date of enactment of this Act, no water from the unit authorized by this Act shall be delivered to any water user for the production on newly irrigated lands of any basic agricultural commodity, as defined in the Agricultural Act of 1949, or any amendment thereof, if the total supply of such commodity for the marketing year in which the bulk of the crop would normally be marketed is in excess of the normal supply as defined in section 301(b)(10) of the Agricultural Adjustment Act of 1938, as amended, unless the Secretary of Agriculture calls for an increase in production of such commodity in the interest of national security.

SEC. 5. The interest rate used for purposes of computing interest during construction and interest on the unpaid balance of the capital costs allocated to interest-bearing features of the project shall be determined by the Secretary of the Treasury, as of the beginning of the fiscal year in which construction is initiated, on the basis of the computed average interest rate payable by the Treasury upon its outstanding marketable public obligations, which are neither due nor callable for redemption for fifteen years from date of issue.

SEC. 6. There is hereby authorized to be appropriated such sums as are necessary to carry out the purposes of this Act.

S. 1454

A bill to authorize the Secretary of the Interior to construct, operate, and maintain the O'Neill unit, Missouri River Basin project, Nebraska, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the O'Neill unit, heretofore authorized as an integral part of the Missouri River Basin project by the Act of August 21, 1954 (68 Stat. 757), is hereby reauthorized as a unit of that project for the purposes of providing irrigation water for seventy-seven thousand acres of land, flood control, fish and wildlife conservation and development, public outdoor recreation, and for other purposes. The construction, operation, and maintenance of the O'Neill unit shall be subject to the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and acts amendatory thereof or supplementary thereto). The principal features of the unit shall include Norden Dam and Reservoir, related canals, a pumping plant, distribution systems, and other necessary works needed to effect the aforesaid purposes.

SEC. 2. The conservation and development of the fish and wildlife resources and the enhancement of recreation opportunities in connection with the O'Neill unit shall be in accordance with provisions of the Federal Water Project Recreation Act (79 Stat. 213).

SEC. 3. The O'Neill unit shall be integrated physically and financially with the other Federal works constructed under the comprehensive plan approved by section 9 of the Flood Control Act of December 22, 1944, as amended and supplemented.

SEC. 4. For a period of ten years from the date of enactment of this Act, no water from the unit authorized by this Act shall be delivered to any water user for the production on newly irrigated lands of any basic agricultural commodity, as defined in the Agricultural Act of 1949, or any amendment thereof, if the total supply of such commodity for the marketing year in which the bulk of the crop would normally be marketed is in excess of the normal supply as defined in section 301(b)(10) of the Agricultural Adjustment Act of 1938, as amended, unless the Secretary of Agriculture calls for an increase in production of such commodity in the interest of national security.

SEC. 5. There are hereby authorized to be appropriated such sums as are necessary to carry out the purposes of this Act.

INSIGHT 1969—URBAN PROBLEMS OF THE NATION

Mr. HRUSKA. Mr. President, it was my privilege to participate in the seventh annual Association Public Affairs Conference, sponsored by the U.S. Chamber of Commerce, which was held here in Washington on Monday and Tuesday of last week. The theme of the conference was "Insight 1969"—a look at President Nixon's administration. Vice President SPIRO T. AGNEW, a member of the Council on Urban Affairs and supervisor of the recently created Office of Intergovernmental Relations, delivered his first major address on the critical problems of the cities since President Nixon assigned him major responsibility for urban affairs. In his remarks, the Vice President spoke of a totally new approach to urban problems by the administration—an approach of viable federalism and realistic, practical, and achievable goals rather than unfulfillable promises. Among the goals mentioned by the Vice President were: elimination of the duplication and overlap that now exists in the present Federal aid system and substituting the broad for the narrow and the general for the specific in grants-in-aid; a more effective waging of the war on poverty; and a greater emphasis on solid achievement through private investment rather than public expense.

President Nixon has stated the need for a working partnership among all

levels of government and a more practical role for State and local government officials in the formulation of Federal policies. As a practical means to achieve these ends, the administration already has taken an innovative advance to urban problems through the creation of the Council on Urban Affairs and the Office of Intergovernmental Relations. With Vice President AGNEW as a viable part of both units, we can be assured that practical solutions to the problems will be sought and attained wherever possible.

I ask unanimous consent that the important and timely remarks of the Vice President be printed in the RECORD, as well as the press release of February 9, 1969, on the subject.

There being no objection, the address and press release were ordered to be printed in the RECORD, as follows:

AN ADDRESS BY THE VICE PRESIDENT OF THE UNITED STATES, SPIRO T. AGNEW, AT NATIONAL CHAMBER'S 1969 ASSOCIATION PUBLIC AFFAIRS CONFERENCE LUNCHEON, WASHINGTON, D.C., FEBRUARY 18, 1969

The present urban crisis stems from a history of human problems compounded by diminishing tax returns and burgeoning demands. Beneath the shiny glass and steel facade rising in every large city's commercial core lurk forbidding problems—of crime, blight, pollution and unemployment, of inadequate housing and education.

We cannot escape these problems. We can only confront and conquer them. And to do this we must put aside the pettiness of provincial thinking, the dubious luxury of political partisanship, the delusion that government can restore our cities alone.

The crisis of our cities does not call for panic but commands a response that is immediate, rational and practical. Permanent solutions require a full working partnership among all levels and branches of our society.

The Chamber of Commerce has recognized the scope and seriousness of urban problems. It has displayed admirable leadership and initiative in this sphere.

Your efforts merit tribute from a grateful nation. Your "Forward Thrust" program; Urban Action Clearinghouse, and Urban Leadership Workshops have awakened and inspired and involved the private sector. Your foresight in sponsoring scholarly research has produced broader insight in the field of urban affairs. Your Construction Action Council has become a focal point for attacking compelling environmental problems.

Your contributions offer dramatic proof that the private sector is both willing and able to supplement public efforts on a volunteer basis.

The March 26th closed-circuit telecast, beamed to civic and business leaders in more than 26 American cities, marks another tremendous effort by this organization. I hope to join Secretary Finch and Secretary Romney in this unprecedented program.

Throughout his campaign, President Nixon continually expressed his confidence in the great, untapped potential of the private sector. This was echoed in the words of his Inaugural, when he said: "We are approaching the limits of what government alone can do. Our greatest need now is to reach beyond government, to enlist the legions of the concerned and the committed."

Certainly, you will play an even greater role in future approaches directed by our President who gives priority to urban problems and emphasis to partnership with the private sector.

In creating a Council on Urban Affairs and placing it in a position of importance comparable to the National Security Council, President Nixon gives tangible evidence that our cities shall receive the highest priority.

Prior to this action, the President—then President-elect—determined that I should serve as his personal representative in developing more effective working relationships among federal, state and local governments.

In announcing that the office of Vice President would provide this liaison capacity, President-elect Nixon said, "Absolutely essential to my Administration is a more practical role for state and local government officials in the formulation of federal policies . . . We must have a working partnership among all levels of government. I attach such great importance to this objective that I am asking the Vice president-elect to assume the responsibility for seeing it is accomplished."

The linking of state and local liaison responsibility in the Vice President's office is a new and promising approach. Prior to the Nixon Administration, liaison responsibility was split between the Vice President, who was the contact for the cities and counties, and the Office of Emergency Preparedness, which acted as liaison to the states. While both Vice President Humphrey and OEP Director Price Daniels did admirable jobs, the very division of their labor circumvented a comprehensive, coordinated approach to domestic policy development.

One of the most persistent difficulties in urban affairs is intergovernmental competition. We must encourage local and state authorities to sit down together and thrash out their problems with each other as well as their common difficulties with the Federal Government. If permanent resolution is to replace temporary accommodation, we must have accord among all levels of government.

While the problems of our cities will not disappear completely because of intergovernmental coordination, they will never diminish without it. The pace and effectiveness of programs and policies depend on intergovernmental cooperation.

In order to provide a vehicle with services sufficient to meet the task, the President has asked me to supervise the new Office of Intergovernmental Relations.

In a statement delivered on the signing of the Executive Order creating the Office of Intergovernmental Relations, President Nixon outlined the purposes of this unit.

"The Office of Intergovernmental Relations will aid the Vice President in his liaison responsibility between the President and the state and local officials.

"Among its many functions, the Office will assure state and local officials access to the highest offices of the Federal Government, especially those having a direct impact on intergovernmental relations, so that federal programs, policies and goals will be more responsible to their views and needs. It will seek to strengthen existing channels of communication and to create new channels among all levels of government."

It should be clearly understood that state and local governments will continue to have direct access to federal departments and agencies, and in fact this office will encourage even greater communication.

As our office works on a day-to-day basis with America's mayors, county officials and governors, we will inevitably become more sensitive to their problems and priorities. We hope to become a highly responsive mechanism to transmit their views.

Working in close harmony with the Council on Urban Affairs, our office will report recurring problem patterns to the Council.

The Urban Affairs Council—created in the President's words, to develop "coherent, consistent positions as to what the national government would hope to see happen; what it will encourage, what it will discourage"—offers the avenue for policy adjustment.

Finally, the Office of Intergovernmental Relations—part clearinghouse; part court of last resort—will remain primarily the forum for dialogue; the focal point where all levels of government will be encouraged to substitute cooperation for competition and coordination for duplication in intergovernmental affairs.

Again this represents a totally new approach to urban problems by the Administration. It is a practical means to achieve workable answers through viable federalism. It is not an expensive instrument but an essential one. It is ambitious in a professional way, but its goals are achievable.

As such, it mirrors much of the policy I believe will be forthcoming from the new Administration. President Nixon has gone on record saying, "One thing worse than not keeping a promise is making a promise that cannot be kept . . . What we do not need now is another round of unachievable promises of unavailable federal funds."

President Nixon will not promise, knowing he cannot deliver. This does not mean that the President does not find promise in the future; but that his goals are realistic, practical, deliverable.

The importance of this policy of candor with the people is immeasurable. Promises followed by dashed hopes too often result in violence.

What goals are realistic, practical, achievable?

First: A strengthening of "Fiscal Federalism" to enlist federal aid more effectively. Here I believe we can anticipate a pluralistic approach to reforming present grants-in-aid programs.

Presently, most significant federal aid is by way of categorical grant. In many cases, the incompatibility of such restrictive assistance with existing state programs prohibits full use of the aid. Actually out of the approximately 400 grants now in existence, a mere 30 account for 89 cents out of every federal-aid dollar.

Everything is to be gained by reforming the present system, substituting the broad for the narrow and the general for the specific. The economics of the situation alone present a cogent argument. We will free more money just by eliminating the duplication and overlap that now exist. Flexibility and efficiency are primary objectives, but at no time should any move toward bloc grants be construed as handing the states blank checks. Congressional intent must be followed. I do not see bloc grants as a device to favor one level of government over another, but rather as a way to provide each level of government with a definite role and responsibility to fulfill.

The pluralistic approach takes into account the continuance of those categorical grants-in-aid which serve the national interest. It also calls for the full exploration of additional methods of federal-aid distribution.

Second: The development of a national urban policy disciplined by clear cut goals and priorities. As President Nixon says, "Having a policy in urban affairs is no more a guarantee of success than having one in foreign affairs. But it is a precondition of success."

Important new approaches to existing metropolitan patterns must be explored. The development of "new towns" or satellite cities, carefully planned to include every income group, sufficient services and a self-sustaining economic base offers an exciting alternative to urban squalor and suburban sprawl.

However, "new towns" cannot be created at the expense of old cities. With America's population projected to increase 73 percent by the year 2000, we must promote the proper development of both if we are to prevent the abrasive impaction which contributes so greatly to present urban problems. In addition, we must concurrently assure the effective development of our nation's growth centers, cities of 30,000 to 50,000 people which have great potential to facilitate and accommodate future expansion.

At the same time we must recognize one compelling reality, that the federal and state

governments are going to have to put forth an extra effort in those cities with a high ratio of the socially and economically deprived. These are the areas where blight and impaction are most critical. These are the areas with the heaviest concentration of uneducated, unemployed, and impoverished. These are not simply structural problems but agonizing human ones which command our immediate concern.

Third: A dynamic and different approach to the human problems of our cities.

Here I think we can take a clue from the words of HEW Secretary, Bob Finch, "It's not tears we need now, it's innovation."

One fresh approach I have long advocated is the gradual establishment of national welfare standards. This would relieve hard-pressed urban centers of an untenable financial burden and reduce the disparity in welfare payments between states.

Secretary Finch is also correct in indicating the Federal Government's need to rationalize existing poverty programs, so that we can wage our war on poverty more effectively. This I foresee to include emphasis by the OEO on pilot and experimental projects; transfer of successful programs to their proper federal department or agency; reassessment and reform of questionable efforts; tightening of appropriate program management responsibility through state and local governments.

Fourth: a far greater emphasis on solid achievement through private investment rather than public expense. In his campaign President Nixon proposed incentives to industry willing to invest in inner-city development, in providing jobs and job training. He said, "Helping provide these incentives is the proper role of government—actually doing the job is not—because industry can do it better."

The Nixon Administration intends to move in this direction. We intend to propose legislation which will allow federal surplus property to be made available to state and local governments at less than fair market value where its proposed use will create substantial employment in depressed areas. The transfer to New York City of the Brooklyn Navy Yard near Bedford Stuyvesant, one of the most severely depressed areas in the country, is an example.

In his response to the problems of the ghetto, the President has proposed the development of "minority entrepreneurship," an investment in ownership and management by groups long unable to finance an adequate share of the action. This is the chance to reverse decade-old patterns which "fed the stomach but starved the soul."

It is realistic, for social progress is linked to economic progress. All the fair housing legislation on the books has little meaning if a man lacks the income to buy a house in the neighborhood of his choice.

Fifth: The last new direction I will discuss with you today is not one of approach but of attitude. It is not a program that can be measured by appropriated dollars or the assignment of priorities, but it is of paramount importance.

In his Inaugural Address, President Nixon noted that in this past third of a century, we have passed more laws, spent more money, initiated more programs, than in all our previous history.

Yet "We have found ourselves rich in goods, but ragged in spirit . . . caught in war, wanting peace . . . torn by division, wanting unity."

To this crisis of the spirit, President Nixon proposed an answer of the spirit. His answer is a new attitude. It is to be part of a cause larger than any one of us; a life of "High adventure—as rich as humanity itself, and exciting as the time we live in."

For as President Nixon said, "What has to be done has to be done by government and people together or it will not be done at all. The lesson of past agony is that without the people we can do nothing; with the people we can do everything."

NATION'S BUSINESS LEADERS WILL HEAR AGNEW AND DISCUSS NATIONAL ISSUES AT CHAMBER PUBLIC AFFAIRS CONFERENCE

WASHINGTON, February 8.—More than 1,000 business leaders from across the country will get their first good look at the Nixon Administration at the seventh annual Association Public Affairs Conference sponsored by the Chamber of Commerce of the United States at the Sheraton-Park Hotel, Feb. 17–18, it was announced today. Conference theme is "Insight '69."

Vice President Spiro T. Agnew will deliver his first major address on the critical problems of the cities since President Nixon assigned him major responsibility for urban affairs. He will speak at the second-day luncheon.

The conference will also include a special seminar on tax incentives for business investment in the solution of urban problems, panel discussions on the legislative and economic outlooks and the power centers in Washington, briefings with high officials at three federal agencies, and a reception honoring Secretary of Commerce Maurice H. Stans and his chief aides.

The Tuesday afternoon incentives workshop will dig into the questions of tax and other stimulants. Leading spokesmen on both sides of the concept will participate. They are: Sen. Charles E. Goodell (R–N.Y.), Sen. William Proxmire (D–Wis.), Dr. Richard Rosenbloom, professor, Harvard Business School, and John G. Heimann, vice president and director, E. M. Warburg & Co., New York. Carl H. Madden, National Chamber chief economist, will moderate.

National Chamber Vice President Jenkin Lloyd Jones, publisher of "The Tulsa Tribune" and syndicated columnist, will preside and deliver the opening address.

Other highlights:

Legislative Insight panel debate by congressional leaders Sen. Birch Bayh (D-Ind), Sen. Roman L. Hruska (R-Neb.), Rep. Albert H. Quie (R-Minn.) and Rep. Richard Bolling (D-Mo.). Arch N. Booth, National Chamber executive vice president, will be moderator.

Insights on the Dollar discussion by Walter W. Heller, former chairman of the Council of Economic Advisers under Presidents Kennedy and Johnson, and Dr. Beryl Sprinkel, senior vice president, Harris Trust and Savings Bank, Chicago. James J. Kilpatrick, nationally syndicated columnist and *ABC–TV* commentator, will serve as moderator.

Participants will visit the Commerce and Labor Departments and the Federal Trade Commission to discuss issues such as administration of the Wage-Hour Act, foreign trade and consumer affairs.

Editors of "Nation's Business" will conduct a luncheon panel exchange on "Now Who's Really Running Washington?" They will address themselves particularly to labor relations, foreign affairs and politics.

The reception honoring the Commerce Department will be held on Monday evening.

MILITARY SPENDING

Mr. FULBRIGHT. Mr. President, before I proceed to discuss the Nonproliferation Treaty, I wish to say a word about the speech of the Senator from Wisconsin (Mr. PROXMIRE) concerning the military expenditures of our Government, which he made a moment ago. I could not be here, but I read his speech with a great deal of interest, and I wish to congratulate him on making a very fine contribution to the discussion which is currently underway with regard to the enormous imbalance that has developed in our governmental expenditures between the civilian and military departments.

TREATY ON THE NONPROLIFERATION OF NUCLEAR WEAPONS

The Senate resumed the consideration of Executive H, 90th Congress, second session, the Treaty on the Nonproliferation of Nuclear Weapons.

Mr. FULBRIGHT. Mr. President, I consider it a privilege to present to the Senate, on behalf of the Foreign Relations Committee the Treaty on the Nonproliferation of Nuclear Weapons.

In my remarks, I should like to comment briefly on the political and national security aspects of the treaty. But before examining the wisdom of this or that provision of the Nonproliferation Treaty, I would urge my colleagues to consider for a moment the enormous problems confronting us if these weapons continue to spread throughout the world.

The United States has long been acquainted with the dangers as well as the uncertainties in dealing with a world where only a few nations have nuclear weapons. In the years since Hiroshima and Nagasaki, the United States and Soviet Union have come to appreciate the dangers as well as the limitations of nuclear weapons. This relationship of mutual understanding, born of the capacity for mutual destruction, was first disturbed by the entry of France into the nuclear weapons field—and then shaken by the arrival of Communist China.

In considering this treaty, I ask Members to contemplate the potential horrors of a world in which pigmy nuclear weapons powers abound; a world where Middle Eastern crises are compounded by the introduction of nuclear weapons; a world where an African or Asian breakaway state close to suppression resorts to nuclear weapons to bring the temple down on both friend and enemy; a world where a small state can trigger a "small nuclear war" which may bring the major powers to a confrontation involving nuclear weapons; a world where the tons of plutonium that will soon be produced—by the nuclear plants of states now without nuclear weapons—is actually diverted into the manufacture of hundreds of atom bombs a year.

Let us then be completely clear at the outset of this debate on the Nonproliferation Treaty as to what this treaty is all about.

The treaty's fundamental purpose is to retard the further spread of nuclear weapons by prohibiting the nuclear weapons states party to the treaty from transferring nuclear weapons to others and by barring the nonnuclear-weapons countries from receiving, manufacturing, or otherwise acquiring nuclear weapons.

In other words, this treaty is designed to lift from the world's already burdened shoulders some of the potential problems I have cataloged. This is not to say that the Nonproliferation Treaty is a panacea for all the ills besetting the world with regard to nuclear weapons.

The treaty has been ignored by some nations and flatly rejected by others. Those nations which are nearest to developing their own nuclear weapons, and which refuse to sign the treaty, will weaken it. This treaty, unfortunately, is not the final answer to the problem of nuclear proliferation, I do not present it as such. I do present it, however, as a significant barrier to the further spread of these weapons and as the framework for cooperation among the major powers to establish and maintain that barrier.

With all its limitations, I hope the Senate will agree with me that placing a barrier to the further spread of these weapons is not only in our national interest but in the interest of all nations and peoples. Most of us in the Senate have long shared the hope that ways could be devised to slow the further spread of these weapons. The Senate in 1966 voted 84 to 0 in favor of Senate Resolution 179. That resolution, introduced by the distinguished Senior Senator from Rhode Island (Mr. PASTORE), encouraged the President in his efforts to negotiate a treaty to slow the spread of nuclear weapons. We now have a treaty that gives substance to that hope, a treaty approved by two Presidents, two Secretaries of State, two Secretaries of Defense, and twice by the Joint Chiefs of Staff.

Let us also be clear at the outset that the treaty before the Senate is not an act of unilateral disarmament on the part of the United States—or any other nation. This treaty does not take a single weapon from our arsenal. Far from disarming, the United States and the Soviet Union are on the verge of a new phase of the nuclear arms race. This treaty, I am sorry to say, imposes no flat commitment on the nuclear powers to avoid a further round of nuclear weaponry. The treaty requires simply that the major powers "pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date." And even that limited obligation under article VI has been interpreted by the Director of the Arms Control and Disarmament Agency to mean that there is no inconsistency with possible plans to deploy antiballistic missiles before the United States has exhausted every possibility of beginning negotiations with the Soviet Union on strategic arms limitation.

The United States has no desire or intention to give the control of nuclear weapons to any other state. We have prohibited it by law. To describe this treaty as a step in the direction of unilateral disarmament is rather farfetched, to say the least.

The fact that the United States has no desire or intent to give the control of nuclear weapons to other nations is no assurance, however, that other nuclear nations share our determination not to give nuclear weapons to other states.

Although I personally believe that the Soviet Union would not give control of its nuclear weapons to other nations, the fact is that at the present time there is no restraint whatsoever on the Soviet Union. If the Russians should, in a moment of national folly, decide to give nuclear weapons to a small power, they can do so now and neither we nor anyone else can stop them.

When this treaty enters into force, however—and it cannot enter into force without the Soviet Union—there will be an obligation imposed on the Russians not to hand these weapons over to nations who may today be the Soviet Union's controllable friends—but tomorrow may be her uncontrollable enemies or allies.

There will be some few who will argue that one cannot rely on the Russians—that they will ignore the treaty at their pleasure. The point is that some international restraint is better than none at all. Furthermore, this treaty—as the Antarctic Treaty—is in the Russian interest as much as in our own interest. And there is reason, therefore, to think they will abide by the treaty if we do.

I may say that in the consideration of the Antarctic Treaty it was alleged that the Russians would not abide by it and there was no use in having such a treaty. The fact is that the Russians have abided by it, as we have, and as all other members have, and it has worked very well, indeed.

Unfortunately, there is no present nuclear restraint on France or Communist China. But when it comes to the further spread of these weapons, we should be thankful for what can be achieved. And if it is generally accepted, those two countries might change their views.

As to the objectives of the treaty itself, I shall briefly develop the ways in which the Nonproliferation Treaty can be expected to advance our overall national interests; but I urge Senators to give serious attention to the more than 500 pages of testimony taken by the Foreign Relations Committee from two administrations. I particularly recommend that Senators study carefully the report of the Committee on Foreign Relations. It was drafted with special care by members of the committee, who participated in the discussions at considerable length; and I believe it is an excellent report.

During the hearings on the Nonproliferation Treaty last July, the Committee on Foreign Relations was joined by the Senate members of the Joint Committee on Atomic Energy. It was a particular pleasure to have the assistance of the senior Senator from Rhode Island. He helped the committee develop and understand many of the more difficult technical considerations relating to the field of atomic energy and international safeguards systems. No man knows more about this important but esoteric field than my distinguished colleague from Rhode Island; no man in this body has done more to advance the cause of harnessing the nuclear weapons capacities of the world.

Mr. President, in deciding whether to give its advice and consent to the Nonproliferation Treaty, the Senate must consider a number of basic questions: First, does the treaty safeguard our national security interests? Second, what new obligations, if any, will the United States undertake if the treaty is approved? Third, does the treaty advance the broad interests of American foreign policy?

On the basis of the hearings conducted by the committee, I believe that the treaty safeguards our national security, and is in the national interest.

As for the effects of the treaty on our national security, the Chairman of the Joint Chiefs of Staff, Gen. Earle G. Wheeler, testified that the Joint Chiefs of Staff were unanimous in supporting the treaty: In the words of General Wheeler:

> The nonproliferation treaty—
>
> Does not operate to the disadvantage of the United States and our allies.
>
> Does not disrupt any existing defense alliances in which the United States is pledged to assist in protecting the political independence and territorial integrity of other nations.
>
> Does not prohibit deployment of U.S. owned and controlled nuclear weapons within the territory of our nonnuclear NATO Allies.
>
> Does not prohibit the United States from using nuclear weapons in any situation wherein nonuse of nuclear weapons would be inconsistent with U.S. security interests.

The committee has also made clear in its report that the treaty in no way affects the right of the United States to enter into agreements to station nuclear weapons under U.S. control on the soil of an ally.

During the hearings, questions were raised as to the implications of a United Nations Security Council resolution which the United States, Great Britain, and the Soviet Union introduced in June of 1968. By that resolution, and by identical declarations made in the Security Council the signatory nuclear powers stated that they would seek immediate Security Council action to provide assistance, in accordance with the U.N. Charter, to nonnuclear signatories that are threatened by aggression with nuclear weapons. Of considerable concern to members of the committee was the possibility that its support of the Nonproliferation Treaty would be taken as approval of the Security Council measure as embodied in the United Nations resolution or in the supporting U.S. declaration.

Lest there be any doubt as to whether this security guarantee resolution could be construed as involving a ratification of prior commitments or establishing new U.S. commitments, the report of the Committee on Foreign Relations includes the following language of interpretation of the relationship of the security guarantee resolution and the treaty——

Mr. ALLOTT. Mr. President, will the Senator yield for one question?

Mr. FULBRIGHT. I yield.

Mr. ALLOTT. Is that Resolution No. 255 of which the Senator is speaking?

Mr. FULBRIGHT. Yes; in the Security Council.

Mr. ALLOTT. Resolution No. 255?

Mr. FULBRIGHT. The Senator is correct.

Mr. ALLOTT. I thank the Senator.

Mr. FULBRIGHT. I quote from the committee report:

> The Committee records its firm conclusion, reached after extensive testimony, that the Security Council Resolution and the Security Guarantee declaration made by the United States in no way either ratify prior *national* commitments or create new commitments.

It has been suggested in this Chamber that because of the Security Council resolution and the accompanying U.S. declaration, approval of the Nonproliferation Treaty will obligate the United States in the event of an aggression to come to the defense of any nonnuclear signatory to the treaty. In other words, this treaty, it has been suggested, pledges the United States to become a policeman to all the world's conflicts involving nuclear weapons.

In my view, there are few subjects that have been given more attention by the Foreign Relations Committee than the subject of international commitments. Two administrations have been thoroughly interrogated as to what new responsibilties or commitments the United States would be undertaking by acceptance of the Nonproliferation Treaty.

I want to repeat, therefore, that the committee has made it unmistakably clear in its report that the Security Council resolution in question and the U.S. declaration are separate and distinct from the Nonproliferation Treaty. In recommending approval of the Nonproliferation Treaty, the Senate is not thereby approving or disapproving the security guarantee measures embodied in the United Nations resolution or the supporting U.S. declaration.

I repeat, Senate approval of this treaty neither broadens nor narrows U.S. obligations under the United Nations Charter or resolutions passed in the United Nations. Furthermore, the Secretary of State has testified that "as a matter of law and as a matter of policy" no additional obligations were assumed by the United States in connection with the United Nations security guarantee resolution.

I turn now to article V to call attention to certain obligations and potential problems regarding its interpretation. The treaty gives assurances to the nonnuclear weapon states that they are to be enabled to share on a nondiscriminatory basis in the benefits of the peaceful application of nuclear explosive devices. When the committee first considered the Nonproliferation Treaty last summer, there were members who were concerned lest the language of this article could be interpreted as a positive commitment to provide explosive devices for research and development that would further the commercial interests of domestic and international firms without regard to cost and to the relationship of these services to the U.S. public interest.

As a result of the careful attention of the distinguished senior Senator from Vermont, the committee states its satisfaction with the assurances of the administration, particularly the Atomic Energy Commission, that article V will not result in an open-ended subsidy commercial of interests. The committee expects that the U.S. responsibilities under article V will be carried out on a full-cost recovery basis and that projects under this article will be undertaken only when the best interests of the United States are clearly evident.

I might say that we had, I thought, very clear and positive statements, verbally and by letter, from the chairman of the Atomic Energy Commission with regard to this point.

During consideration of the treaty, the committee was also aware of the potential problems in the safeguard field. There is no doubt that the credibility and reliability of international safeguard systems is still to be determined. The committee, however, was satisfied with the statements of Dr. Seaborg of the Atomic Energy Commission that the International Atomic Energy Agency safeguards system and staff would be more than adequate to carry out the IAEA's responsibilities under the treaty.

If Senators are concerned about this question of safeguards, they should bear in mind that this effort to extend international safeguards to the nuclear facilities of the countries who will sign this treaty brings to the international community something it has not had before. I consider this mandatory extension of the International Atomic Energy Agency's safeguards to the nuclear facilities of nonnuclear signatories as a significant advance in international affairs. Heretofore, IAEA safeguards have been applied only to projects receiving assistance from the agency or projects voluntarily placed under IAEA controls. Under this treaty these safeguards become a mandatory obligation of the nonnuclear signatories. The international community is, therefore, gaining a capacity to keep nuclear materials safe—something we did not have before.

Finally, I call Senators attention to article VII of this treaty. If the United States ratifies the Nonproliferation Treaty, this country will have undertaken a pledge, in good faith, to seek agreements that would limit nuclear arms competition between the major powers.

Article VI of the treaty is explicit on this point. The text reads:

> Each of the Parties of the Treaty undertakes to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date.

Such an obligation on our part makes sense because we possess the largest arsenal of nuclear weapons and, therefore, bear a special responsibility for the prevention of a further escalation of the arms race. This special responsibility under article VI also makes sense because we have an important obligation to those nations capable of producing nuclear weapons which we are asking not to follow our example. Nonnuclear states signing this treaty are signing away the option to manufacture or acquire nuclear weapons for their defense. We can do nothing less than show our good faith by being responsive to the desires of the smaller powers to halt the nuclear arms race and to reduce existing nuclear arms arsenals.

It was the conclusion of the Committee on Foreign Relations that in order to give effect to article VI, it believes that the administration should consider deferring the deployment of new forms of strategic offensive and defensive missiles "until it has had time to make an earnest effort to pursue meaningful discussions with the Soviet Union.

In conclusion, the committee believes that the Nonproliferation Treaty now before the Senate represents an important beginning in controlling the further spread of nuclear weapons.

In my view, however, unless the signatories move swiftly to achieve a cessation of the nuclear arms race, the nonnuclear states which are being asked to abstain from that race will soon reconsider. If that happens, we will be accused by future generations of having given our advice and consent to a meaningless gesture.

Mr. President, it is because of my belief that the United States will meet all of its responsibilities under this treaty that I urge the Senate to give its advice and consent to ratification of the Nonproliferation Treaty.

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

The VICE PRESIDENT. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Is there further debate on the treaty? If not, without objection, the treaty will be considered as having passed through its various parliamentary stages up to and including the presentation of the resolution of ratification, which will be read for the information of the Senate.

The legislative clerk read as follows:

> *Resolved* (Two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty on the Nonproliferation of Nuclear Weapons, signed in Washington on July 1, 1968, on behalf of the United States of America, the United Kingdom of Great Britain and Northern Ireland, the Union of Soviet Socialist Republics, and 53 other states (Ex. H, 90th Congress, 2nd session).

The VICE PRESIDENT. Debate on the resolution of ratification is now in order.

EXECUTIVE RESERVATION NO. 2

Mr. ERVIN. Mr. President, I send to the desk a reservation, and ask that it be read.

The VICE PRESIDENT. The reservation will be stated.

The legislative clerk read as follows:

> Before the period at the end of the resolution of ratification insert a comma and the following: "subject to the reservation that the United States does not obligate itself by this treaty to use its armed forces to defend any non-nuclear-weapon State or any member of the United Nations against any acts or threats of aggression even if such acts or threats are accompanied by the use or threatened use of nuclear weapons".

Mr. ERVIN. Mr. President, I am prompted to submit this reservation because of certain events which transpired in the United Nations Security Council meeting on June 19, 1968. These events transpired 11 days before the signing of the proposed treaty. On June 19, 1968, this resolution, Resolution 255, of the United Nations Security Council was adopted:

> *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.

It will be observed that this resolution was passed by the Security Council for the purpose of emphasizing the fact that certain nonnuclear nations were desirous of signing the so-called Nonproliferation Treaty but were hesitant to do so because they feared for their safety in the event that they renounced the right either to make for themselves or to receive from nuclear powers some security against an act of aggression accompanied by nuclear weapons or a threat of aggression where the threat was that nuclear weapons would be used against them. They were rightly concerned with the surrendering of the right to make or to receive from others nuclear weapons for their self-defense.

As a result of this apprehension and concern, the United Nations passed this resolution. The United Nations Security Council emphasized in this resolution that an act or threat of aggression with nuclear weapons against a nonnuclear state would require immediate assistance.

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

Mr. ERVIN. I yield.

Mr. FULBRIGHT. Would it require that action under the U.N. Charter or under this treaty?

Mr. ERVIN. That is what I am concerned about.

Mr. FULBRIGHT. It is quite obvious they are talking about the charter, not this treaty. It is obvious that this treaty does not require the action the Senator refers to.

Mr. ERVIN. But if they had said in a more forthright manner, and had not used so many weasel words as they did in reply to this resolution, "We will give you such security and only such security as we are obligated by the Charter of the United Nations to give you," that would have meant one thing. It could not have been misconstrued. But from these weasel words and these numerous words that the United States did use in replying to this resolution, I believe that those nations would infer that the United States was pledging armed assistance to those nations if they would sign the Nuclear Treaty.

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

Mr. ERVIN. I yield.

Mr. FULBRIGHT. I do not see how the Senator can reasonably interpret it that way.

Let me read what the resolution says:

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.

Those are the key words. This is a statement in the United Nations, and it does not refer to this treaty. It says "In accordance with the United Nations Charter." Why the Senator wishes to try to confuse whatever goes on in the United Nations with this treaty is beyond my comprehension. This treaty does not identify or adopt in any respect any part of the United Nations Charter by reference. They are entirely separate matters.

I confess that I do not see why the Senator wishes to confuse the issue by trying to inject into the treaty all the Charter of the United Nations.

Mr. ERVIN. If the Senator is firm in that conviction, he should accept this reservation, because the reservation says exactly what the Senator is saying.

Mr. FULBRIGHT. This proposed reservation has implications far beyond that, which I will mention in a moment. I do not want to go into that now. This reservation has interpretations which could be very inimical, for example, to our NATO Alliance. I do not believe the Senator wishes to cast doubt upon the NATO Alliance, for example.

Mr. ERVIN. No.

Mr. FULBRIGHT. But I think his reservation would.

Mr. ERVIN. If the Senator will read my reservation, I only mention this treaty. I do not undertake to say how we obligate ourselves in the NATO Alliance or under the Charter of the United Nations. I am just making clear that this treaty does not impose on us any obligation to go to war either in behalf of a nonnuclear nation or on behalf of a member of the United Nations.

Mr. FULBRIGHT. I agree with the Senator that it does not have any such implication at all. But as a reservation, distinguished from an understanding, it does attempt to change some substantive meaning of the treaty. Otherwise, it would not be offered.

Mr. ERVIN. I have an understanding phrased in the same words.

Mr. FULBRIGHT. I think it is equally superfluous. If the Senator wishes to isolate his reservation from applicability to NATO, it should also be isolated from the United Nations. It seems to me to be inconsistent. I do not see what purpose the Senator, has, other than to confuse the understanding of this treaty.

Mr. ERVIN. I am trying to make clear what the Senator from Arkansas says is the truth. That is what I am trying to do.

Mr. FULBRIGHT. It is quite clear to everyone else, including the Secretary of State. This is what he said. I refer to the present Secretary of State. We asked him about this, and this is his reply:

With respect to the broader question of security assurances, I wish to make clear that the Nonproliferation Treaty does not create any new security commitment by the United States abroad and that it does not broaden or modify any existing security commitments abroad. My understanding of the effect and significance of U.N. Security Council Resolution 255 (1968) and the related U.S. Declaration is in complete accord with that expressed in the committee's report on the treaty last September.

That is the interpretation of the present Secretary of State, which is the same as that of the committee.

Mr. ERVIN. Unfortunately, the Senator from North Carolina is not gifted with powers of interpretation of the Secretary of State. The Senator from North Carolina just wants to have the Senate say in its words that what the Senator from Arkansas says and the Secretary of State says is the truth. That is all the Senator wants. I am surprised that my good friend the Senator from Arkansas is not willing for the Senate to state what the truth is, as the Senator from Arkansas views the truth.

Mr. FULBRIGHT. I would like to go on for a moment into another aspect.

The PRESIDING OFFICER. Does the Senator from North Carolina yield?

Mr. ERVIN. Mr. President, suppose I first read what the United States stated, and then I will be glad to return to the Senator from Arkansas.

Mr. FULBRIGHT. Very well. I did not wish to interrupt.

Mr. ERVIN. I wish to read what the United States said in response to this inquiry. That is what I call this resolution. There was an inquiry made of the United States, for all practical purposes.

Mr. FULBRIGHT. Does the Senator mean in the United Nations?

Mr. ERVIN. Yes; in the United Nations.

Here is what the United States said in reply on the same day in the same meeting of the United Nations Security Council:

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 nonproliferation 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 States 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.

Mr. President, it is to be noted that this language refers expressly to article 5 of the Charter of the United Nations and states that under that article the United States reaffirms that any nation subjected to nuclear attack or threat of nuclear attack has a right individually and also collectively to take measures necessary to maintain international peace and security pending such time as the United Nations can take action.

What was the United States doing there, by insinuation, except to say that the nonnuclear nations under this treaty have a right to self-defense pending the time the United Nations can act individually and collectively?

If I were a member of a nonnuclear nation and I read that, I would draw the deduction that the United States was impliedly agreeing that it would join the nation subject to attack or threatened attack in defending itself until the time the United Nations could take action, which might be, the way they debate things, about the time the last lingering echoes of Gabriel's horn trembled into ultimate silence.

A Philadelphia lawyer reading that might discover it did not put a new obligation upon us, that the United States was making a statement which was calculated, if not actually intended, to induce the nonnuclear nations to agree to the Nonproliferation Treaty. I think we have had less than that get us into war. We are in a war today, in a war in which over 32,000 American boys have been killed in South Vietnam. We were placed in that war by the act of a President of the United States. He did not have a single statement to make as strong as this as a reply of the United States to the resolution in the United Nations Security Council to justify his actions.

I am trying to make certain that no nonnuclear nation will sign this treaty under the misapprehension that the United States, by these words, has obligated itself to send our boys into battle again to die, without authorization from the Congress of the United States.

Frankly, I would confess that a Philadelphia lawyer would probably interpret this statement made on behalf of the United States and United Nations Security Council as the Senator from Arkansas does, and as the Secretary of State does; but there are some people, like the Senator from North Carolina, who cannot rest assured that that is the interpretation that will be given to it by a President of the United States; and, as the Senator from Arkansas says, he and the Secretary of State agree that this treaty does not impose any such obligation upon the United States, that it merely imposes an obligation assumed by the United States under the authority of the United Nations and under the agreements which brought into existence the NATO manifesto.

So, why not say it in plain words? Why not have the Senate say it in plain words, so that he who runs may read and not err in so doing?

I would say that anyone who is not skilled in the use of complex language could reasonably come to the conclusion that this treaty does impose upon us an obligation. If it does not, as the Senator from Arkansas says it does not, and as the Secretary of State says it does not, then why not make it plain so that simple-minded people like the Senator from North Carolina can so understand it?

Mr. CRANSTON. Mr. President, will the Senator from North Carolina yield?

Mr. ERVIN. I am happy to yield to the Senator from California.

Mr. CRANSTON. I believe that the risk that there can be a misunderstanding of our obligations is a most serious matter. I believe that the Senator from North Carolina is rendering a great service in making certain that there can be no such misunderstanding on this point.

The Committee on Foreign Relations considered this matter, as indicated in its report, and I should like to read from it, if I may, briefly:

In considering the resolution and its relationship to the pending treaty the committee sought to determine whether the Security Council resolution and the U.S. declaration in explanation of its vote commit the United States to any additional responsibilities other than those already assumed under the United Nations Charter.

The committee wishes to make it unmistakably clear that it considers the Security Council resolution and the U.S. declaration as separate and distinct from the Nonproliferation Treaty. This resolution and the accompanying declaration, are solely executive measures. However, because these actions are linked politically to the treaty, the connection could convey the impression that approval of the treaty by the Senate also means approval of the Security Council resolution. For this reason, the committee wishes to make the record clear that support of the Nonproliferation Treaty is in no way to be construed as approval of the security guarantee measures embodied in the United Nations resolution or the supporting U.S. declaration. It is appropriate, however, for the committee to express its interpretation of the United Nations resolution on security guarantees, since the pledge and resolution bear upon the constitutional right of the Senate to approve formal security commitments by the United States and upon the constitutional right of the Congress to declare war.

The committee is constrained to point out that, in its view, this United Nations resolution and its accompanying declaration in no way involve a ratification of prior commitments or establish new commitments. In the event that action is contemplated by the United States, by reason of its declaration in the Security Council, such action can only be taken with due regard to proper constitutional processes.

There is also in the record of the Armed Services Committee where the Senator from North Carolina was quizzing General Wheeler and posing the question, If the United States, pursuant to its obligations, brought before the Security Council and posed to it the question that an aggression had been committed, would we then be obligated to proceed to go along with the Security Council's resolution calling for action against the aggressor? General Wheeler replied as follows:

I would find nothing incompatible between calling the attention of the Security Council to the danger to world peace, and then vetoing any specific action that might be advocated by the Council.

Mr. President, in view of that clear record in the committee report, the record from General Wheeler in the Committee on Armed Services, and the record now being established on this floor, the Senator from California would like to ask the Senator from North Carolina if this does not make it clear enough to anyone who doubts that we are not committing ourselves in any further way by adoption of this treaty.

Mr. ERVIN. I do not think so. I think the message from the President of the United States transmitting the Treaty on Nonproliferation of Nuclear Weapons,

signed in Washington July 1, 1968, engenders great confusion in this area.

The Senator from California knows, as does the Senator from North Carolina, that many of the nations on this earth, and their peoples, do not know anything about our constitutional system. They often hear it proclaimed by writers that the President has the power to conduct foreign affairs, but they do not have the fine knowledge which enables them to make a distinction between what the Senate of the United States does and what the President of the United States does and says, and also what the representatives of the United States in the United Nations Security Council do and say.

The very document that was sent to the Senate by the President of the United States, when he asked the Senate to ratify this treaty, has incorporated, right on the pages following the treaty, the statements which I have read, the United Nations Security Council resolution and the declaration of the Government of the United States in reply thereto. I see no harm that could be done by my reservation, which I am willing to alter into an understanding, because it would make clear to the nations that signed the treaty, and it would make clear to the American people, that the United States is not assuming any new obligations under this treaty, with respect to its Armed Forces, other than those it has assumed under the United Nations Charter and under agreements relating to NATO.

Having seen the United States, in my lifetime, placed into two wars by the President of the United States without action by Congress authorizing it, and realizing that 32,000 Americans have been killed in South Vietnam, I want to make this matter plain. I cannot see any reason why this reservation—which, as I say, if it were acceptable, I would be glad to change into an understanding—should be objected to.

If General Wheeler was right, and if the Secretary of State was right, and if the Foreign Relations Committee is right, in saying that this treaty does not impose any additional obligation on the part of the United States to go to war, I cannot, for the life of me, see any reason why anybody would object to the Senate of the United States saying the same thing, and saying that it placed the same interpretation upon these matters that the Senator from Arkansas places upon them, and that the Secretary of State placed upon them, and that General Wheeler placed upon them, and that the Senate Foreign Relations Committee placed upon them. If they had wanted to make the thing clear and avoid any possibility of misunderstanding, why did not the United States, in responding to the resolution of the United Nations Security Council, say, in plain and obvious and unmistakable English words, "We do not assume any obligations, by reason of this treaty, to use our armed forces other than the obligations we have already assumed under the United Nations Charter or under our agreements with the other NATO countries"?

Instead of doing that, we have used a multitude of words, and one can almost read this without seeing any reference to the United Nations, because it takes only about one one-thousandth of the number of words that are used in the reply of the United States to the United Nations Security Council.

I certainly read those words to impose an implied obligation on the part of the United States, and I think anyone, other than a Philadelphia lawyer, or a Secretary of State, or other man unusually gifted, would probably follow the same course. At least, it causes us confusion, and if we can avoid confusion, we ought to do so.

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

Mr. ERVIN. I yield.

Mr. FULBRIGHT. I think the Senator, with all respect, is the one who is about to cause confusion. The Senator's modesty about my being a Philadelphia lawyer or likening me——

Mr. ERVIN. If the Senator will pardon me, I never accused the Senator of being a Philadelphia lawyer. I will put him on the intellectual plane and philosophical plane of the Philadelphia lawyer.

Mr. FULBRIGHT. The Senator professes his lack of skill. I believe he called himself a simple-minded fellow from North Carolina. Everybody recognizes him as the most astute constitutional lawyer in this body, and he has dealt with these matters very successfully. I do not accept that characterization at all. He is a former judge, with extremely subtle reasoning.

The Senator from North Carolina is offering this proposal in either alternative: reservation or understanding. If he is not intending to change the meaning of the treaty, his language is superfluous. If he is trying to change it, we would like him to say in what way he is trying to change it. I do not think it ought to be changed.

The Senator cannot find one word in this treaty that in any way refers to our Armed Forces, in any respect, and yet he is trying to inject into this treaty concepts of the United Nations Charter, which is a very complicated charter. There is nothing in this treaty that incorporates by reference the United Nations Charter, and there is nothing in this treaty which refers to the use of our Armed Forces in any way, under any circumstances, that I am aware of.

What the Senator is doing is raising a question by implication, if his words mean anything at all, if they are not utterly meaningless. It should be made clear whether they have any meaning at all. Some people will think they mean something. If they mean something, even what the Senator says they mean, I can well imagine that the members of the North Atlantic Treaty, which is the one treaty which has had, and still has, very general support in this country and elsewhere, might raise questions.

Take two of our allies, for example, Italy and Germany, we consider them very important in many respects. If the Senator's language means anything, they could reason that by this pronouncement accompanying a later treaty, a treaty later than the NATO treaty, we are undertaking to weasel about our obligations to treat an attack upon them as an attack upon us. In other words, we are putting in a qualification. And the Senator, in his effort to avoid a commitment, is casting doubt upon a preexisting commitment. If we want to do that, we ought to do it in a direct way, and not in this indirect way. I think it raises a possibility of misinterpretation if we adopt this language.

Mr. ERVIN. If the Senator will yield, I think the Senator from Arkansas has taken a very simple statement made by me and misapplied it.

Mr. FULBRIGHT. I protest again. The Senator is not that simple. He is not simple minded in any respect. He is an accomplished and subtle lawyer. He has been an accomplished lawyer for many years. I hesitate to engage him in debate, because I know he had a good advantage. Nevertheless, I submit, on the one hand he says he is saying what the treaty says; he is not seeking to change it. If he is not changing the substance of the treaty by this proposal, but is merely saying that we should accept it because it means nothing, I think that could lead us into a great disservice and a great mistake. I do not think it means anything. I have said that. I think the Senator is reiterating what is explicit—if not explicit, certainly implicit—in the treaty. Two Secretaries of State, not only Secretary Rogers, but Secretary Rusk, both in the former hearing and in the recent hearing, said the same thing. For the RECORD, I would like to read what Secretary Rusk said last year. Let me ready the colloquy which appears on page 15 of the hearings of last year:

> Senator SPARKMAN. Let me ask you this question: Does the Security Council resolution and the U.S. declaration commit the United States to any additional responsibilities other than those already assumed under the United Nations Charter?
>
> Secretary RUSK. I would think not, Mr. Chairman, both as a matter of law and as a matter of policy.

There is more, but I shall not read it. It appears on page 15 of the hearings last summer.

I contend that the Senator raises a question which could be misinterpreted. I submit that any reservation that is not really substantive, one that it is said should be put in because it does not mean anything, should not be put in a treaty of this kind, because it is an invitation to every nation, especially some of the 40 nations who had reservations about signing away their right to develop this process, may say, "We signed it, but now with this reservation or understanding in it, we will reconsider."

We have deliberated a longer time than was anticipated in giving approval to ratification of the treaty. Certainly the two other major nuclear weapons powers, might misunderstand this as an attempt on our part to weasel on our obligations under the treaty, under the United Nations. I do not think we ought to accept a reservation that is meaning-

less. It could mean a great deal, especially with regard to NATO, as I have just mentioned.

Mr. ERVIN. Mr. President, without intending to do so, the able and distinguished Senator from Arkansas has just made a fine speech in support of my desire to have this reservation adopted by the Senate.

I wish Senators would look at what is involved here. Here is all of this Philadelphia lawyer talk in the United Nations Security Council resolution and in the reply of the U.S. Government. That covers 89 lines. I do not know how many hundreds of words it includes.

The Senator from Arkansas says that nobody could possibly misunderstand their meaning. Those 89 lines, in more or less diplomatic and legal gobbledygook, he says, cannot be misunderstood by anybody.

Mr. FULBRIGHT. No, the Senator misunderstood me. I am talking about the treaty not about the declaration. The declaration is no part of the treaty. I am not trying to justify that.

Mr. ERVIN. I should like to know why the President of the United States saw fit to send these things down here with the treaty. If they have no relationship to the treaty, that is just more confusion.

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

Mr. ERVIN. I yield.

Mr. CASE. I think the answer to that is a very simple point, namely this: The President wanted the Senate to have before it when it acted upon the treaty the whole background and knowledge of the fact that there were surrounding facts in the negotiation of the treaty and in its consideration by this country and by the other countries of the world. I think it is a very simple answer.

Mr. ERVIN. Yes, it is. Entirely too simple, I think.

Mr. CASE. The Senator has, as the Senator from Arkansas pointed out, a subtle mind, but will he not share his intuitions with those of us whose minds operate in simpler fashion?

Mr. ERVIN. If I asked the Senator from New Jersey what security I was going to have, and the Senator from New Jersey said, "You have the right of self-defense and you have the right to have the assistance of other people," I would take that as meaning that the Senator from New Jersey was encouraging me to believe I was going to have his assistance if I were attacked.

Mr. FULBRIGHT. But it says, if I may be permitted to interrupt, "in accordance with the United Nations Charter."

That is a statement of fact, that we are members of the United Nations and are committed to abide by the United Nations Charter. Of course, those obligations are many and varied, but in this connection, the use of our Armed Forces is subject to the veto. As General Wheeler said, nothing that comes out of that United Nations Security Council comes out except subject to our veto. If we do not wish it to come out, it will not, and any such obligations are subject to that.

Mr. ERVIN. Well, I would say, Mr. President, that nobody would need 89 lines to say that. If all we are saying is, "You have such security as you are entitled to receive under the United Nations Charter," why takes 89 lines to say it?

Mr. CASE. Will the Senator permit one observation at this point?

Mr. ERVIN. Yes.

Mr. CASE. I should like to hear the Senator complete his statement, and I shall surely read it in the RECORD, but I am called away.

I should like to point out, however, as the chairman has already done, but to emphasize the point, that this whole question, the effect of the treaty, the effect of our voting for the resolution in the United Nations, the effect of the declaration, were all matters of the greatest concern to the Committee on Foreign Relations. We went into the matter several times from every possible angle, and satisfied ourselves, as the chairman has stated, that no commitments are being made by this treaty in respect to the used of the Armed Forces of this country, that were not already in existence, and that Senate ratification of this treaty, beyond that point, does not and will not constitute the affirmance or approval of any commitment made by the President or the executive branch of the Government.

If I may inject a personal note here, in addition to those matters that have already been referred to, the former Secretary of State, Secretary Rusk, agreed with the interpretation that I offered on one occasion, that the pending treaty would in no way "eliminate the necessity for adoption of whatever constitutional processes may be applicable in the event the question arises as to the use of the Armed Forces of the United States in the future."

I think that the chairman of our committee, the Senator from Arkansas, is absolutely correct when he says that to make a great point of saying something that need not be said arouses all sorts of questions that ought not to be raised, and that it may have a very serious effect upon our relations with the other parties or putative parties to this treaty.

Mr. ERVIN. I am just trying to say what the Senator from New Jersey says is the truth, and I cannot see any valid reason why the Senator from New Jersey would object to the Senate saying amen to what the Senator from New Jersey says. That is what my reservation would do.

Mr. CASE. If the Senator will permit me, I think the best way that can be done is to vote "yea" without reservation, without understanding, because the simple words of the treaty itself, plus the record that we have made in our committee and have laid before this body, make it absolutely clear that approval of the treaty by the Senate has none of the effects that the Senator from North Carolina and all of us have imagined might be the case, which required our deep consideration and investigation, as a result of which we bring to the Senate the unanimous satisfaction of our committee on this point.

Mr. ERVIN. As I say, the Committee on Foreign Relations took 20 pages to talk about this matter and other matters germane to the same.

Mr. CASE. As the Senator says, other matters.

Mr. ERVIN. And there is a whole lot more danger of a mistake when you have to go through 20 pages to find out what is meant instead of three or four lines.

We once had a case on appeal before the Supreme Court of North Carolina, while I happened to be a member of that court, in which the record showed that the judge took 4½ hours to charge the jury. Our chief justice, who was a very wise man, said he did not believe anybody could talk 4½ hours without committing error.

I think when you talk for 20 pages, you are the more likely to give cause for misunderstanding. In fact, I do not know why they had to elaborate on this so much, in a 20-page report, if there was not some basis for the feeling that I have that this can be interpreted, or may be interpreted, as a pledge of the United States to go to war for any nonnuclear nation which signs this treaty, or any nation which becomes a member of the United Nations.

The Senator from Arkansas said it was impossible for anybody to misunderstand the meaning of the 89 lines involved in the United Nations Security Council resolution and the response of the United States thereto; but he says that some of our NATO allies may misunderstand these few simple words in the proposed reservation. They cover only six lines, and here is all they say:

Subject to the reservation that the United States does not obligate itself by this treaty—

Now, what treaty am I talking about? The Nonproliferation Treaty. That is the only treaty I am talking about. I am not talking about the United Nations Charter, and I am not talking about NATO. Not a word is said about any other obligation under any other treaty, but the reference is to this treaty, the Nonproliferation Treaty—

the United States does not obligate itself by this treaty to use its armed forces to defend any non-nuclear-weapon State or any member of the United Nations against any acts or threats of aggression even if such acts or threats are accompanied by the use or threatened use of nuclear weapons.

There are six short lines written in plain English. They are not written in legal gobbledygook or any legal meanderings. There are six short lines. If they can be misinterpreted by the rulers of Italy, I conclude that these other 89 lines can also be misinterpreted.

Mr. CASE. Mr. President, I wonder if the Senator, by his proposed reservation, may not be forgetting some of the other concerns that the Foreign Relations Committee dealt with here. For example, it was not necessary in our judgment if it were proven that the treaty did not obligate us to use our Armed Forces under any circumstances whatever. It did not say so, and the Foreign Relations Committee, faced with a treaty that says this is a black rose, did not have to add a reservation to the effect that this means it is not a red rose.

That seems very clear. It is unnecessary to be concerned about it. We were

concerned about some of the events which had taken place prior to our receipt of the treaty from the executive branch. One was a resolution in the United Nations Security Council. Another was a declaration. We went into these matters and the effect on the Senate's ratification of the treaty beyond those actions, and whether the Senate ratification of the treaty could be considered possibly to be a grant of power to the executive branch to do in the future what it did not have the power to do under the Constitution, without congressional approval.

These were the kinds of things that were far more important than doing what the Senator would do by his reservation, which we think we have dealt with adequately and fully. I believe that the adoption of a resolution of the type suggested by the Senator from North Carolina might very well raise a question as to whether, not saying anything about these matters, he was approving them, and that the Senate, not saying anything about these matters when it made a reservation about something it was completely unnecessary to make a reservation about, was not passing them over and getting us into deep water.

Mr. ERVIN. Mr. President, I say to my good friend, the Senator from New Jersey, that, like the Senator from Arkansas, he has just made an argument which shows why my reservation ought to be adopted by the Senate.

He called attention to the fact that when they received this statement from the President of the United States along with the treaty containing the resolution of the United Nations Security Council and the reply of the U.S. Government to that resolution, the Committee on Foreign Relations was so concerned about the question of whether the United States has assumed the obligation to go to war under the treaty that they investigated that question.

Mr. CASE. Not under the treaty.

Mr. ERVIN. And after they investigated that question, they undertook to write out a long report in which they emphasized their view that it did not do so.

If the Foreign Relations Committee was puzzled by that question, then people who do not speak our language can become confused or can tend to be confused about it.

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

Mr. ERVIN. I yield.

Mr. FULBRIGHT. Mr. President, I think the Senator may be confused about another matter that might be before the Senate.

Mr. ERVIN. I am glad the Senator said that. A while ago the Senator said that I could not be confused about this. I am confused about it. And I think that the Foreign Relations Committee was confused about it, or it would not have investigated the matter and written a long report on it. I plead guilty to being confused.

Mr. FULBRIGHT. I think the Senator is confusing two different things. The Foreign Relations Committee is deeply interested in the question of commitments. Last year it voted on a resolution, called the commitments resolution, which I introduced. I believe that the distinguished Senator from North Carolina then expressed his approval of it. We talked about it.

Mr. ERVIN. The Senator is correct. And I would vote for it right now.

Mr. FULBRIGHT. That resolution is again before the committee, and I hope to take it up very soon. The committee is very sensitive about any commitments being made by the Executive by any such informal or casual statements, wherever they may be made. In that sense, the committee has already evidenced its interest. However, the point is that in the Nonproliferation Treaty the commitments, of course, are in accord with that resolution. In other words, this is a case—whatever the commitments contained within the treaty are—being made in accordance with the Constitution. That is what we are engaged in today—the procedure set out in the Constitution.

The point I make is that the committee is not confused at all that this treaty incorporates by reference what was said in a conversation or a speech by a member of the executive branch in a meeting in New York. We reject that as being a genuine commitment. That is the point of the resolution of which I am the author. It is to prevent that. What I am saying about our interpretation is entirely consistent with the theory of that resolution.

Mr. ERVIN. Mr. President, the Senator's illustration which cites the sense of the Senate resolution is another illustration of the wisdom of adopting my reservation. That reservation deals with the confusion that has grown up out of the words of the Constitution, under which the President claims he has certain powers. The Senator from Arkansas and I deny that he has them.

I have six little words here to keep down the confusion and not increase it. And for the life of me, I cannot understand why the Senator would object to the entire Senate or two-thirds of the Senate, or whatever number may see fit to vote for my reservation, saying amen to this.

Mr. FULBRIGHT. I am perfectly willing to say amen to the debate in the Senate. I agree to what the Senator says. However, I object to it as a matter of procedure, being attached to the treaty. This raises very serious procedural questions.

Some nine countries have already passed upon the treaty, among which the most important and largest is the United Kingdom. It is one of the three indispensable members. They attached no reservation. They did not change it in any respect.

I think this is a procedural matter, and it raises a very serious problem.

This question has arisen in the consideration of nearly every treaty. It was considered in the Test Ban Treaty and the Antarctic Treaty. We always go over this matter.

Whenever it involves a substantive change and the Senate is not in accord with the substance of a treaty, a reservation is then proper. And we submit the matter to a vote. Everybody is then on notice that we have undertaken to change, in effect, the treaty. That usually calls for renegotiation and reconsideration by everybody.

The Senator, however, is offering an interpretation which he says is really an interpretation. I agree with the interpretation. I disagree, not with the meaning of the words, but with the procedure of attaching it as a reservation to the treaty.

I do not think it is very significant as to how much attention the committee paid to this.

The committee really should always deal with anything of this character and nature that is bruited about. It was well known that the question was raised. Therefore, the committee ought to deal with it.

That is what that meant. It did not mean any uncertainty in the minds of the committee about what the committee means.

Mr. ERVIN. Mr. President, I could talk longer. I think, however, that what has been said here indicates that there was some confusion about the meaning of the treaty in the Committee on Foreign Relations. There was some confusion about the meaning of the treaty in the Senate Armed Services Committee concerning the military aspects of the matter.

I think that this is a very simple reservation. It states that that is what we think it means. It seems to me that cannot militate against the Foreign Relations Committee or the Security Council or anyone else. It states their position. I think they ought to welcome the support, regardless of the source.

Mr. FULBRIGHT. Did I correctly understand the Senator to say that the Committee on Armed Services had recommended a reservation?

Mr. ERVIN. The Armed Services Committee looked at the military aspects of it, and the Armed Services Committee took no official position with respect to it.

Mr. FULBRIGHT. That is my understanding.

Mr. ERVIN. I believe a number of members of the Armed Services Committee share the views I have about this matter—that this resolution and an answer to the resolution and what has happened before have caused confusion and misunderstanding and may continue to do so unless clarified by an appropriate reservation or understanding.

Mr. FULBRIGHT. I regret that the members do disagree. As the Senator knows, no member of the Senate Committee on Foreign Relations voted against—in fact, the vote was 14 affirmative, and one member did not vote against it. He voted "present."

Mr. ERVIN. The last time this matter was considered by the Committee on Foreign Relations, a report was submitted by a number of Senators, most of whom have left the Senate since that time, most of whom were exceedingly wise men.

Mr. FULBRIGHT. But those matters have been clarified, obviously.

Mr. ERVIN. I am trying to clarify it a little more.

I yield the floor.

The PRESIDING OFFICER. Is there further discussion of the reservation?

Mr. FULBRIGHT. I ask unanimous consent to insert relevant memoranda and communications on the subject of treaties and reservations.

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

RESERVATIONS AND UNDERSTANDINGS: PAPER PREPARED BY THE STAFF OF THE FOREIGN RELATIONS COMMITTEE

As the Senate uses the language of "understanding", the implication is that the contractual relationship is not being changed, only clarified. So long as the language of the "understanding" does not substantively affect the international obligations of the Treaty or relates solely to domestic matters there would be no legal effect on the Treaty.

On the other hand, a reservation limits the obligations of the United States under the Treaty. It may be of such significance as to lead other parties to file similar reservations or even to refuse to proceed with ratification.

Senator Ervin has presented his change to the resolution of ratification in both the form of a reservation and an "understanding"—although the text is identical. Senator Tower has presented his simply as a reservation.

What must be established in both cases is whether the content or effect of the statements affect the terms of the international obligations of the Treaty. If this is the case, the following procedural points are appropriate:

1. A reservation by one of the Depositaries would certainly lead other signatories to believe that reservations are in good form.

2. A U.S. reservation would have to be acquiesced in by the other two Depositaries: The U.K. and U.S.S.R.

3. The terms of the Treaty provide that it will enter into force when instruments of ratification are deposited by the three Depositaries plus forty other states. Accordingly, a reservation by any of the three Depositaries, even if accompanied by the other two, would have to be acquiesced in by forty other states.

In conclusion, if the statements of Tower and Ervin have the content or effect of a reservation the net result of these reservations to the Treaty might make it necessary to start the negotiation process all over again.

DEPARTMENT OF STATE,
Washington, D.C.

Mr. CARL M. MARCY,
Chief of Staff, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR MR. MARCY: I have reviewed the enclosed materials which I understand were furnished to the Committee by ACDA and I concur with them.

Sincerely yours,

LEONARD C. MEEKER,
Legal Adviser.

COMMENTS ON SUBSTANCE OF PROPOSED ERVIN UNDERSTANDING

This understanding is unnecessary, since there is nothing in the treaty itself that could possibly be construed to impose an obligation on the United States to use its armed forces for any purpose.

To the extent that it is aimed at the separate UN Security Council resolution and accompanying US declaration, a close reading of those documents will show that:

They do not commit us to take any military action;

They go no further than the UN Charter, except to say we will immediately call a Security Council meeting in certain circumstances;

They do not remove our veto power in Security Council, or in any way affect US constitutional requirements with respect to international military commitments; and

They preserve, but do not commit us to exercise, the right of individual and collective self-defense.

These points have been made clear by testimony of two successive Secretaries of State and in reports by the Foreign Relations Committee in both the 90th and 91st Congresses.

COMMENTS ON SUBSTANCE OF PROPOSED TOWER RESERVATION

(As printed at pages 4437–4438 of CONGRESSIONAL RECORD for February 25, 1969)

1. Insofar as it seeks to preserve the right to provide nuclear weapons *under US custody and control,* (or training of allied forces in their use) the reservation is unnecessary, since the treaty would not prohibit such an arrangement.

2. Insofar as it seeks to preserve the right to provide other materials—such as delivery systems—for such a nuclear defense, it is likewise unnecessary, since the treaty does not deal with such other materials.

3. Insofar as it seeks to carve out a right to provide *nuclear weapons* in peacetime, *free of US custody and control,* to regional defense organizations, we have never had this right under US domestic legislation, and do not have it now.

4. A reservation for the purpose indicated in 3 would be in direct contravention of one of the principal provisions of the treaty, and hence would wreck the treaty.

5. Limiting of the reservation to weapons provided for 'nuclear defense" is illusory, since there does not exist a nuclear weapon that can be used purely defensively. If one could be invented, other countries would have little confidence in its purely defensive character. Moreover, if we allowed non-US personnel to maintain the weapons, sensitive weapons design data would be compromised.

6. No nuclear defense system that would effectively protect our NATO allies against the Soviet threat has yet been designed, and none of our allies has indicated that it wants such a system.

DISTINCTION BETWEEN RESERVATION AND UNDERSTANDING

Section 124 of the Restatement of the Foreign Relations Law of the United States defines a reservation as follows:

"A reservation is a formal declaration made by a signatory before it becomes bound by an international agreement, that the agreement will not be binding upon it except upon terms that it regards as changing the effect of the agreement under international law."

It contains the following pertinent comments:

"a. *Purpose of reservation.* A reservation to an international agreement is made by a signatory when it wishes to specify as a condition of its becoming a party that one or more provisions of the agreement shall not apply to the reserving signatory, or shall apply only under specified circumstances or in a specified way.

* * * * *

"c. *Unilateral statement of understanding distinguished.* A party may make a declaration which indicates the meaning that it attaches to a provision of an agreement but which it does not regard as changing the legal effect of the provision. Such a unilateral statement of understanding, if it does no more than state with greater precision the meaning of the provision without changing its legal effect, is not a reservation but is an interpretative statement or understanding. It is relevant only to interpretation of the agreement. . . .

"Even though not intended to have legal effect as modifying an international agreement, a unilateral statement of understanding may be so objectionable to the other state as to cause it to refuse to ratify the agreement, or make a reservation contradicting the statement. This would force the first state to take a position as to the international legal effect of its declaration not originally intended by it to have that effect. In practice unilateral statements of understanding are sometimes used as a convenient way of reserving issues of interpretation on certain aspects of the agreement not immediately material to the objectives of the parties but as to which there might otherwise be domestic difficulties as to ratification or implementation. In such instances a unilateral statement of understanding is actually of mutual interest to the parties and is tolerated for that reason, but without enlarging its strictly interpretative character."

JULY 20, 1968.

Mr. CARL MARCY,
Chief of Staff, Committee on Foreign Relations, Washington, D.C.

DEAR CARL: You have asked for an explanation of the effect that a reservation to the Non-Proliferation Treaty could have on the ratification process, and on the viability of the treaty itself.

I believe the following observations are relevant to this inquiry:

1. A reservation by one of the Depositaries would certainly be considered by other signatories as a sign that reservations are in good form. This would very likely start a stampede which might well mean the demise of the treaty.

2. A U.S. reservation would have to be acquiesced in by the other two Depositaries, the U.K. and the U.S.S.R. If these countries should object to a U.S. reservation, they might well withhold their own ratifications, thereby preventing the treaty from coming into effect.

3. The terms of the Treaty provide that it will enter into force when instruments of ratification are deposited by the three Depositaries plus forty other States. Accordingly, a reservation by any of the three Depositaries, even if accepted by the other two, would have to be acquiesced in by forty other states.

4. Even if the treaty came into force with a U.S. reservation, states objecting to the reservation could well take the position that the text as modified by a U.S. reservation was different from the text they had signed. Article 17(4)(b) of the International Law Commission's Draft Law of Treaties states that "An objection by another contracting State to a reservation precludes the entry into force of the treaty as between the objecting and reserving States unless a contrary intention is expressed by the objecting State." Therefore, any state that objected to a U.S. reservation could claim that since the treaty did not enter into force between it and a Depositary (a necessary party), the treaty is not in force for it at all. This might have the effect of preventing accession to the treaty by many of the states whose participation in it is considered important.

In conclusion, it is my considered judgment that the net result of a reservation to this treaty would be to make it necessary to start the negotiation process all over again.

The Office of the Legal Adviser of the Department of State concurs in the foregoing views.

Sincerely yours,

ADRIAN S. FISHER,
Acting Director.

(NOTE.—The following material is from the document: "Background Information on the Committee on Foreign Relations," committee print, January 1968: page 27 and following.)

TREATIES

Treaties constitute a large part of the committee's work. In recent Congresses the

number of treaties submitted for approval has averaged about 20 per Congress.

Senate responsibility in the field stems directly from article II, section 2(2) of the Constitution, which states that the President "shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two-thirds of the Senators present concur."

In performing this function, the Senate has several options. Normally, the procedure for unconditional approval of a treaty is by adoption of a resolution of advice and consent to ratification which in the case of the nuclear test ban treaty reads as follows:

"Be it resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the treaty banning nuclear weapon tests in the atmosphere, in outer space, and under water, which was signed at Moscow on August 5, 1963, on behalf of the United States of America, the United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics."

Reservations, understandings, amendments, etc.

The Senate may, however, reject a treaty in toto, or stipulate conditions in the form of amendments, reservations, understandings, declarations, statements, interpretations, or statements in committee reports. For example, the Statute of the International Atomic Energy Agency was approved subject to an "interpretation and understanding." In that case, so that no uncertainty would exist as to whether the United States might be obligated by some future amendment that the Senate saw fit to reject, the resolution of ratification was approved "* * * subject to the interpretation and understanding, which is hereby made a part and condition of the resolution of ratification, that (1) any amendment to the Statute shall be submitted to the Senate for its advice and consent, as in the case of the Statute itself, and (2) the United States will not remain a member of the Agency in the event of an amendment to the Statute being adopted to which the Senate by a formal vote shall refuse its advice and consent."

This "interpretation and understanding" in no way affected the international obligations of the United States. It was, however, made a part of the operating instrument of ratification and Presidential proclamation and circulated to the other parties to the treaty with the following statement:

"The Government of the United States of America considers that the above statement and understanding pertains solely to United States Constitutional procedures and is of purely domestic character."

The Senate also approved the NATO Status of Forces Agreement subject to an "understanding." Article III of that agreement provided that under certain conditions members of a military force were to be exempt from passport and visa regulations, from immigration inspection, and from regulations on the registration and control of aliens. The effect of article III on U.S. immigration laws was not entirely clear, and in order to remove all doubt about the matter and to make sure that the United States could take appropriate measures to protect its security, the following language was made part of the resolution of ratification:

"It is the understanding of the Senate, which understanding inheres in its advice and consent to the ratification of the agreement, that nothing in the agreement diminishes, abridges, or alters the right of the United States of America to safeguard its own security by excluding or removing persons whose presence in the United States is deemed prejudicial to its safety or security and that no person whose presence in the United States is deemed prejudicial to its safety or security shall be permitted to enter or remain in the United States."

This "understanding" was also included in the instrument of ratification and the Presidential proclamation which was circulated to the other parties to the agreement. Here again, however, it had no effect on the international obligation of the United States.

Another, and perhaps better known, case involves the so-called Connally reservation to the compulsory jurisdiction clause of the Statute of the International Court of Justice. In that instance the Senate gave its advice and consent to the deposit by the President of a "declaration" under paragraph 2 of article 36 of the statute—the so-called "optional clause." By accepting the "optional clause," the United States agreed that in certain types of legal disputes it would recognize the compulsory jurisdiction of the International Court of Justice. However, in accepting that jurisdiction, the Senate stated that it did not apply to matters essentially within the domestic jurisdiction of the United States *as determined by the United States*. The "Connally reservation" was communicated to other parties and the obligation of other parties with respect to the United States is no greater than that assumed by the United States.

As a practical matter, if the Senate attaches a "reservation" to its resolution of advice and consent, the inference is that the contractual relationship is being changed. However, if the Senate uses language of "understanding," the implication is that the contractual relationship is not being changed, only clarified.

Irrespective of what term is used to describe a condition imposed on a treaty, however, the view of the U.S. Government when it serves as a depositary is that the *content* or *effect* of the statement is of prime importance. If, despite the designation, the executive branch believes that the condition has the actual character and effect of a reservation, it would be so treated and thus would open the treaty to further negotiation.

A distinction should be made between an "amendment" and a "reservation." The difference between the two is that an amendment, if it is accepted by the President and the other party or parties to the treaty, changes it for all parties, whereas a reservation limits only the obligation of the United States under the treaty, although a reservation may, in fact, be of such significance as to lead other parties to file similar reservations or, indeed, to refuse to proceed with ratification of the treaty.

In summary, therefore, and in order of importance so far as the effect on other parties is concerned, the Senate might take the following steps to make its views known or to qualify its consent to ratification of a treaty:

(1) The Senate may advise and consent to ratification, but make its views known in the committee report. This would have no more nor less legal effect on the treaty than other negotiating background or than "legislative history" has on public laws.

(2) The Senate may include in its resolution language expressing its "understanding" or "interpretation." So long as this language does not substantively affect the terms or international obligations of the treaty, or relates solely to domestic matters, there would be no legal effect on the treaty. Under existing practice, however, the executive would communicate such understandings or interpretations to the other parties.

(3) The Senate may include in its resolution language expressing its "reservation." Normally reservation language would involve some change in the international obligations of the treaty and might affect its terms in such a significant manner as to require the executive to communicate the terms of the reservation to other parties to the treaty, thus enabling them to take such action as they felt appropriate, including reservations of their own or even refusal to proceed with the treaty.

(4) Finally, the Senate may "amend" the terms of the treaty itself. In this instance, there would be no question but that the treaty would need to be renegotiated.

Mr. CRANSTON. Mr. President, I should like to address a question to the chairman of the committee.

Was it the statement of the Senator from Arkansas that thus far no reservation has been attached to the treaty by any ratifying nation?

Mr. FULBRIGHT. There are 87 signatories. Nine have deposited their ratifications, including the United Kingdom, and there have been no reservations of this character—of any character—attached by any of those who have ratified it.

Mr. CRANSTON. Is it the Senator's judgment, based on past history, that attachment by the United States of one or more reservations to this treaty could lead to a proliferation of reservations by other nations which could endanger the acceptance of the treaty by an adequate number of nations?

Mr. FULBRIGHT. It obviously would raise the question. It would be a precedent for those who have reservations about whether or not they want to sign it, for various reasons. There are a number, particularly the nonnuclear states and those who are about to become or think they have the capacity to become nuclear states, who have reservations about wanting to sign it, because it obviously is an infringement upon their independence and their right to do as they please about this matter. I believe it would give those who have already signed it an out, by saying, "Well, we must reconsider it if the United States has a reservation." There are some who have not signed it, but among those 87 it it would give them an opportunity to say, "We reconsider it, in view of this purported change by the United States." I do not believe they would be justified in that, but it would be a change which would at least raise the question, and it would be a precedent for them to attach their own reservations to it.

I have said that I do not object to the substance of what the Senator from North Carolina has said. His interpretation is the same as mine. I object to the procedure.

This situation has arisen in the case of nearly every treaty that has come before the Senate. Everyone wishes to make clear some of his own views about it. But unless there is real significance and unless there is serious doubt about it, I do not believe reservations should be attached. It is poor procedure. It does raise doubts. It implies the treaty is not clear. I believe it is clear. Not one word in the treaty has reference to our use of the Armed Forces. It has only to do with stopping the proliferation of these weapons. It does not have anything to do with the use of our Armed Forces. There is no restriction or inhibition or obligation in this treaty as to the use of our Armed Forces. We use our Armed Forces just as we do now. This treaty does not attempt to deal with that. It is just trying to stop the spread of nuclear weapons, and that is all.

Mr. ERVIN. People frequently misunderstand things, do they not?

Mr. FULBRIGHT. The Senator is quite correct.

Mr. ERVIN. If this treaty had been so plain, there would not have been any necessity for the extensive consideration of this possibility by the Committee on Foreign Relations, would there?

Mr. FULBRIGHT. Well, one reason is that I had heard that the Senator from North Carolina was going to raise this question; and in order to anticipate it, obviously, I thought it my responsibility to give attention to it.

The Senator will recall a little exchange we had at a luncheon one day. The Senator was not giving notice. He was discussing this matter. He said he was concerned about it. I thought it would be proper to go further into it, and I asked the staff to look up all these things.

I know that the Senator is a very able advocate, and any time he chooses to advocate anything like this, one has to go all out.

Does the Senator recall our conversation at luncheon?

Mr. ERVIN. I do.

Mr. FULBRIGHT. The Senator said he was concerned about this, and I thought it was my duty to undertake to clarify it. No one else had raised this matter. But the Senator is such a persuasive and important Member of this body that he deserves special attention, and we gave it that in this report.

Mr. ERVIN. Many of the nations that would adhere to this treaty or would consider adhering to it are composed of people who in a large measure speak other than the English language.

Mr. FULBRIGHT. The Senator is correct.

Mr. ERVIN. As illustrated earlier, the Senator introduced his sense-of-the-Senate resolution because of confusion on the part of the President of the United States and some Members of Congress about the respective interests of the President and Congress—and particularly the Senate—in foreign policy. If people who speak the same language as their mother tongue can become confused about things like that, it is quite possible, is it not, that people who speak other tongues might be confused?

Mr. FULBRIGHT. I do not believe it is so much confusion on the part of the executive branch with regard to the resolution as it is that they simply feel it their duty to take over this power. The Senator will recall that the former Attorney General, Mr. Katzenbach, when he was Under Secretary of State, said before the committee that he was not confused about the power of the President to act without Congress. He was just dead wrong, in my view, as to his interpretation of the Constitution.

Mr. ERVIN. I agree. And this treaty will have to be implemented by the executive branch of the Government, which likes to make excuses to assume further power.

Mr. FULBRIGHT. The proper place to do that is in the sense-of-the-Senate resolution, and I hope the committee will vote favorably on that within the next few days; and before this treaty becomes effective, I hope the Senate will adopt that resolution. It will be a warning.

Mr. ERVIN. It has not been reported yet.

Mr. FULBRIGHT. It has been introduced.

Mr. ERVIN. We could take a good stride in that direction by just adopting this reservation.

Mr. STENNIS. Mr. President, I ask the Senator from Arkansas whether this is a convenient time for me to ask him some questions.

Mr. FULBRIGHT. Certainly.

Mr. STENNIS. As the Senator from Arkansas knows, the Committee on Armed Services had some informal and unofficial hearings on this matter. We did make a special examination of competent witnesses, and went into the question of any implications in this treaty that put our military preparedness at any disadvantage or put any limitations on it.

Frankly, after going into the matter from that viewpoint, primarily, and considering the testimony of competent witnesses, I was satisfied that it does not put any limitations upon our capacity or our freedom—no roadblocks or disadvantageous situations of that type—with reference to our present or future preparedness in the military field. I am glad to state that on the floor of the Senate. The Senator from Arkansas had that opinion beforehand.

Also, as I understand now, in the case of an urgent emergency, involving our security or safety, we can abrogate or come out from under the terms of the treaty, or give 90 days' notice without stating any reason. That is correct, is it not?

Mr. FULBRIGHT. That is correct. But, of course, as the Senator has already stated, there is no inhibition in the treaty on the use by the United States of its Armed Forces.

Mr. STENNIS. Oh, no.

Mr. FULBRIGHT. So I cannot quite anticipate what kind of situation would arise under which we would want to take such action. There may be other reasons, such as a violation by another country, which might cause us to want to abrogate the treaty, but I do not think they would arise from the use of our Armed Forces.

Mr. STENNIS. No; with the treaty in effect, I do not think there would be any radical reason.

Mr. FULBRIGHT. No; we are in accord on that.

Mr. STENNIS. I wish to ask the Senator about article VI, in which we make a promise to negotiate with other countries relative to disarmament. I have always favored the idea of negotiating. That section does not bother me in any way. I merely refer to it now to show that in its terms—and I think all the members of the Committee on Armed Services were in agreement on this—it was nothing more than a committal; but it includes actions that we have previously taken whenever there was a chance to try to negotiate a treaty that we considered was to our advantage. The Senator would not interpret it to provide for anything more than what we can do in the present situation, would he?

Mr. FULBRIGHT. I think the Senator is correct. As a matter of fact, if my memory serves me correctly, we approached the Soviet Union with regard to some negotiations to try to slow down the spiraling arms race even before and aside from the treaty. This particular article is in accordance with our policy.

But in addition, the smaller, nonnuclear states were very much interested in the two superpowers—the Soviet Union and the United States—undertaking in good faith to participate in this treaty. This would be to their advantage as well as to ours. There used to be a statement in the preamble, but it was taken out of the preamble and placed in the body of the treaty to give it emphasis, providing that we will undertake in good faith to negotiate. But if we cannot reach agreement, that will be that. We will have complied with the treaty. We will have undertaken to abide by it.

Mr. STENNIS. For instance, a troublesome question has been the subject of inspections. The Soviet Union and the United States have never been able to get together on that point. Let us review that fully, as all other subjects are under title VI. There is just title III to negotiate.

Mr. FULBRIGHT. The only inspection in here refers to nonnuclear countries; that is, they do not apply to the United States and to the Soviet Union under any reference in the treaty itself.

Mr. STENNIS. The Senator from Mississippi doubts that there will be any real agreement or major treaty with the Soviet Union at any time soon unless that inspection problem is satisfactorily adjusted. I doubt we will be able to accept anything Russia would propose at any time soon. That does not mean we should not try or negotiate; on the contrary, it means we should try.

Mr. FULBRIGHT. I agree.

Mr. STENNIS. That is all article VI provides.

Mr. FULBRIGHT. I am prompted to say, as the Senator has brought out, that this treaty does not mean that, as the Senator said.

I personally believe, to show our good faith at least for a reasonable time, if we are to abide by what I consider to be the spirit of that section, that we should not in any substantial way increase our deployment of either offensive or defensive weapons. That is my personal view, as a matter of abiding by the spirit of the language. This language speaks for itself and it does not require that.

Mr. STENNIS. My impression and view would be to the contrary, particularly with reference to defensive weapons, and particularly trying to protect our people and our arsenal. However, the Senator is entitled to his view to the contrary.

Mr. FULBRIGHT. The Senator knows this is related but not a part of the other hearings going on under the subcommittee of the Senator from Tennessee, or the matter in which the President is engaged. That is another matter.

I thought I should give my own views of the spirit of that section. It does not require it and it is clear that it does not require it, and we could cover every instance of countries with missiles tech-

nically without legally violating this section.

Mr. STENNIS. I wish to address myself to the point raised by the Senator from North Carolina. I think it is a very serious point.

Do I understand that the Senator from Arkansas and his committee, as reflected by their report, take the position that in passing on this treaty we are not really passing on or adopting this U.N. statement that we made or even adopting the resolution that was passed by the United Nations?

Mr. FULBRIGHT. We reject that interpretation that this language incorporates by reference that or any other language. The treaty does not deal with that subject. We, along with the present Secretary of State, the former Secretary of State and every agency say that the U.N. resolution is not incorporated by reference or in any other way into this treaty.

Mr. STENNIS. And is not before the Senate.

Mr. FULBRIGHT. The Senator is correct.

Mr. STENNIS. And has not ever been considered by the Senator's committee as a part of the treaty or tied to the treaty.

Mr. FULBRIGHT. It has not and consistent with the resolution, which we call the commitment resolution which was voted out last year by the committee, I would say that such a unilateral statement by the Executive is not a commitment by the U.S. Government. I mean, a President or his agent or representative can make a personal commitment. He can say, "As the President, my policy is to do so and so." In that sense it is his personal commitment. I do not regard that as the commitment of the United States. This is the distinction I make. I hope the Senate goes along with the view that these are not commitments of the United States without the proper participation of the Senate or the Congress.

Mr. STENNIS. I would reserve decision on the matter offered by the Senator. I do wish to get back to the treaty itself.

It seems to me that if this is a valid commitment of this Nation, as to the United Nations resolution, that ought to be submitted to the Senate in clear language.

Mr. FULBRIGHT. Yes.

Mr. STENNIS. Otherwise, the treaty is much more meager and limited than this promise by the Executive. The Senate is being called on to pass on the mouse while the real elephant gets away.

Mr. FULBRIGHT. The Senator is correct; if anybody wishes to make that a part, it should be passed on.

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

Mr. STENNIS. I shall yield, but first I wish to make this point. I have been disappointed by some assurances that have gotten into the hands of someone else. It is possible for this language to be interpreted differently—for instance, an adoption of the treaty as carrying out this United Nations proposition. That is what the Senator is trying to head off. That is what I am concerned about.

Mr. FULBRIGHT. In view of the statements of two Secretaries of State and in view of what I have said, as chairman of the committee, and what every other member of the committee has said, and in view of what the Senator from North Carolina has said is a proper interpretation, I do not see how any man could say that that is what the treaty means. Nobody that I know is going to get up and say, "This is what the treaty does." Even the Senator from North Carolina says "It does not do that, but I want to put this kind of reservation on it." That is all he is saying.

Mr. STENNIS. I yield to the Senator from New Jersey.

Mr. CASE. Mr. President, the statement of the Senator from Arkansas is absolutely correct. This question was raised specifically again and again by members of the committee, with the Secretary of State and with other people in the executive branch. Their uniform answer on every occasion was that action by the Senate to ratify this treaty will not represent approval of these actions preliminary thereto or any commitments taken under them.

Mr. STENNIS. May I ask him this question? Why did, then, the two executives who submitted the treaty more or less approve the language by sending it down here with the treaty? Would the Senator give us the benefit of anything he knows about that?

Mr. CASE. The only thing I can do is to speculate. I think I am quite right. I mean, I think I approve their doing this. If they had sent the treaty to us without a formal presentation of the actions taken in the United Nations, and the declaration, too, in regard to that action, I think that they would have been subject to criticism in not telling us the whole story. Having told us the whole story, we were able to deal with it and extract from the executive branch those assurances which we felt were necessary.

Mr. FULBRIGHT. I think it is purely as a matter of information. Along with this, there were other things. They sent down some questions on the drafting of the Nonproliferation Treaty, questions asked by our allies, and the answers given by us, and other things, as a matter of background information. That is what our committee does, very often, in some areas. It is what we call background studies and includes all kinds of things that are not related to the subject I think that is the only reason they sent it down here, as a matter of information. As the Senator from New Jersey has said, they might be accused of leaving out something, and at least, this is in the general area.

Mr. CASE. Let me add this, that this was at a time when the executive branch was very sensitive to criticism by our committee on claims of commitments, involvement, and what not on the part of the Government of the United States and of Congress, when no such intention to make or accept such commitments had been made. They, I think, would have felt very lax, indeed, if they had not laid it out before us.

Mr. STENNIS. One more question, if I may. As I understand the position of the Senator from Arkansas, and perhaps most of the members of his committee, the general position is that the Senator wishes to be vigilant in seeing that we are not making additional commitments anywhere that are not fully spelled out; is that not correct?

Mr. FULBRIGHT. Yes.

Mr. STENNIS. So, with that background, the Senator would have been remiss, would he not, if he thought the treaty committed us to this kind of protection.

Mr. FULBRIGHT. Yes. That is it.

In effect, that is it. I was responding to the comments of the Senator from North Carolina as to why do we give so much attention to it, and I said that we were doing it very much in the spirit of the questions just raised by the Senator from North Carolina.

Mr. STENNIS. My question is repetitious, but I think it will bear repetition so early in this debate. As I understand it, I want to ask the Senator from Arkansas, Does the treaty extend our commitments beyond our present obligations to other treaties in present law—that is, commitments to protect other nations?

Mr. FULBRIGHT. It does not in any way extend our commitments to the use of our Armed Forces. The only commitments are within the treaty itself. It does not affect our commitments. It does not ratify any other commitments. We are saying that this deals with a relatively restricted area of commitments contained within the treaty itself.

Mr. STENNIS. If I may ask the Senator further about the United Nations resolution and the statement we have made in connection with it, does that position of the United States on the resolution itself commit the United States to giving any military protection beyond reporting the matter to the Security Council?

Mr. FULBRIGHT. First, I would say these are two different things. The treaty does not do that. If the Senator will look at the statement itself, it is not, in my view, a commitment of the United States. It is a statement of policy on the part of the President and his then representative in the United Nations because it is not in the form of a treaty. These were statements made without any participation by Congress; but, of course, the President has the right to state his own views about a matter.

That is where the argument comes in, between them and a nuclear state, or between them and the Senate, in my view, so that as a commitment of the U.S. Government we cannot, even under the Constitution, prevent a President from stating what he intends to do.

Mr. STENNIS. No.

Mr. FULBRIGHT. Now, as to the statement of the United Nations itself, it gives an indication of what the then President and his representative there had in mind and what was their policy. I would hesitate to say that is a commitment of the Government of the United States to do what they said. If that is going to be so, as the Senator has already said, it should be submitted here, and then we should participate in a debate on agreeing to it.

Mr. STENNIS. I readily agree. I think it is beyond the power of the President of

the United States to commit us in any such fashion except through——

Mr. FULBRIGHT. It is true in that statement, that while it looks broad, if the Senator will realize each time, I think it could be interpreted to go beyond, but each time it says "in accordance with the United Nations Charter." If it means that, then we would not go beyond it, of course, because we all did agree to the United Nations Charter and the Senate passed upon that. In that sense, we are bound by the United Nations Charter.

There may be differences of opinion as to what the charter itself requires, but, nevertheless, it is always to qualify whatever it says is our obligation. It says, "in accordance with the United Nations Charter," which means in the case of the Security Council that we have the veto power. So that, even then, we are not going very far.

Mr. STENNIS. It is clear, though, that the treaty is the only thing before us now.

Mr. FULBRIGHT. That is right.

Mr. STENNIS. I thank the Senator from Arkansas.

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

Mr. STENNIS. I yield.

Mr. ERVIN. Something has been said here about the necessity of submitting this to other nations. I have read as much as I could on this subject in the time at my disposal. In all the reading I have been able to do on this subject, and the reservations which have been announced, they amount to nothing more than an understanding, next to a treaty, so that it does not have to be submitted to any country for ratification of the treaty prior to that time, or for consideration. It does not have to be considered by the other countries unless they disagree with the interpretation, as some of the countries do disagree with the interpretation the reservations put upon it, which the State Department puts upon it, and which the Foreign Relations Committee puts upon it; then we should find it out before we sign the treaty so that these countries know that the United States is not obligated to come to their defense.

Mr. STENNIS. May I ask the Senator this question: Has the Senator found that that is in keeping with the position of the State Department?

Mr. ERVIN. Yes.

Mr. STENNIS. I thank the Senator.

Mr. ERVIN. In the State Department, the reservations amount to an understanding of that. These are all reservations, to indicate that the State Department has not even submitted them.

Mr. STENNIS. The State Department has not even submitted them?

Mr. ERVIN. No.

Mr. FULBRIGHT. If the Senator will allow me to comment on the last question, this matter of reservations and interpretations has arisen in connection with every treaty that I know of which has come before us. I prepared a short memorandum which I placed in the RECORD at an earlier point, but from which I will read two or three paragraphs now. This is based upon the legal opinion of the Department of State:

> Reservations by one of the depositories . . . in good form . . .

That is, they would assume it was a real reservation—

> because a U.S. reservation would have to be acquiesced in . . . start the negotiation process all over again.

Now, Mr. President, as I said a moment ago, I do not believe that the language of the Senator from North Carolina is a matter of substance, but a reservation traditionally used to affect the substance of a treaty. It raises that question, and it would lead, I think, each of the depositories, or the 40 States, to assume that it was. There would be a very difficult question. It would be a matter of judgment whether it were a matter substance or not. Anyone could have a different view of it.

Mr. STENNIS. Mr. President, I am glad to yield the floor if a Senator wants to speak in his own right.

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

Mr. STENNIS. I yield.

Mr. ERVIN. Mr. President, what the Senator from Arkansas has read proves my point. It says my resolution and the Tower resolution might affect the substance and would have to be ratified. The Senator from Arkansas agrees with me that it does not affect the substance. If we can have a disagreement on such a matter, what kind of disagreement would we find among foreign nations?

Mr. FULBRIGHT. Mr. President, if the Senator will yield, it is the foreign nations I have in mind that would have the right to assume that the reservation affected the substance. It does not matter what I believe. I am not a party to the treaty, but these other nations are parties.

Mr. ERVIN. Would the Senator read it again?

Mr. FULBRIGHT. The statement I read was prepared by the staff, based upon advice from the legal counsel of the State Department.

Mr. ERVIN. But it says in effect that it might affect the substance. I do not think it affects the substance at all. The Senator from Arkansas agrees with me.

Mr. FULBRIGHT. My own interpretation of what the Senator's language does is that it does not affect substance, but, in form, it would be a reservation. I am not the one who would have to be satisfied about that. There are 87 other signatories. They could assume that it does affect the substance. Any one of them could assume that, and we would have some trouble in dealing with them, in persuading them that this is just a matter of form. They would raise the same question I have raised here: "If it does not mean anything, why do you put it in there?" The Senator is saying it is meaningless. Is there not a rule of law which says that something put in a contract is assumed to have some meaning; it is not assumed that any meaningless statement is put in a contract.

Mr. ERVIN. Everything put in a contract is assumed to mean something, unless it is disputed.

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

Mr. GORE. Mr. President, I trust the Senator will not agree to the reservation or understanding offered by the distinguished senior Senator from North Carolina. The debate has now progressed, or retrogressed, on this issue to the point that it is now agreed, if I have heard correctly, by both the proponent of the provision and the opponents of the provision that it would not affect the substance of the treaty.

Mr. President, are we engaging, or undertaking to engage, in a nullity? If a provision attached to a treaty has no effect upon the substance of the treaty, then it has no legal effect. Indeed, it has no effect at all.

I should think the distinguished senior Senator from North Carolina would be pleased with the accomplishment of this purpose, to wit, making a record, during the consideration or ratification of the pending treaty, that the Senate, the Senate Foreign Relations Committee, the present Secretary of State, and his immediate predecessor agree that the pending treaty contains no new obligation on the part of the United States with respect to the use of its armed forces.

Perhaps I can add one minor addition to the possible satisfaction of the distinguished senior Senator from North Carolina. As one of the Senate delegate-advisers to the conference that negotiated the pending treaty, I listened to several conferences between the negotiating parties. Indeed, I engaged in discussions with representatives of several nations that have adhered to the treaty. I heard no one express the view that the pending treaty, when finally concluded, contained any obligation on the part of the United States with respect to the use of its armed forces that went beyond its obligations as a party to the United Nations Charter, NATO, and other alliances which the United States has.

So, Mr. President, if the pending provisions will not affect the substance of the treaty, will have no legal effect, will be indeed superfluous, then for what reason would the Senate adopt it?

The distinguished senior Senator from North Carolina inquires about the resolution of the United Nations and why it used so many words to say so little. I came to the conclusion, after having been a delegate to the United Nations, that a formula for saying nothing in the United Nations is about a page. If one will study the history of it, if an instrument of the United Nations has teeth in it, it is not a long document.

Mr. President, I wish to address some remarks to the Senate about the committee report. Through its report, the Senate Foreign Relations Committee has undertaken to advise President Nixon with respect to the deployment of an anti-ballistic-missile defense system. Before addressing remarks with reference to this particular provision of the report, let me say that, in my view, the Constitution places the President and the U.S. Senate in a position of limited partnership with respect to the conduct of our Nation's affairs with other countries. True, the President is the leader. Only the President can be our leader in

international affairs. But the construction of this partnership and the provisions of it mean that the President cannot lead very successfully or very far when the Senate will not support and follow.

Other Presidents have had occasion to learn this lesson. The Senate has had some sad experiences in the operation of this formula of partnership.

The Constitution places definite responsibility and duty upon both. The committee has undertaken to advise the President in a gentle and in a respectful manner.

The provision contained in the report on page 18 was offered in the committee in its original form by a distinguished member of the President's own party. It in no sense received partisan consideration. The committee modified the provisions of the original resolution offered, but nevertheless, by a unanimous vote—save for one member who voted "present" without respect to this particular provision in the report, so far as I know—has adhered to this advice:

> The extensive discussion of article VI during the hearings is an index of deep concern of members over the implications of an escalating arms race. The committee believes this treaty comes at a moment when both the United States and the Soviet Union are at national crossroads with respect to the arms race. Decisions facing both countries in the area of strategic offensive and defensive missiles are of vital importance not only to the peace and security of the world but to the successful implementation of the Nonproliferation Treaty.
>
> In order to give effect to article VI, the committee believes that the administration should consider deferring the deployment of these weapons until it has had time to make an earnest effort to pursue meaningful discussions with the Soviet Union.

Mr. President, the pending treaty is in all respects a rather mild document. To me, the most significant fact of this treaty is that it represents another timid step in mutual discipline and cooperation between the United States and the Soviet Union. Fortunately, as I say, another step. It was my honor and privilege to be Senate delegate to the conference that negotiated the Limited Test Ban Treaty, and to take a part in the debate in the Senate upon the ratification of that treaty. Many people expressed grave apprehension about the ratification of that treaty. Many, sincerely, believed that it would impair the security of our country. Many throughout the country said that if we could continue testing nuclear weapons in the atmosphere, we could build a stronger defense, more effective weapons, and more powerful bombs, and thereby provide greater security for our country.

Undoubtedly, Mr. President, we could have built larger, perhaps more effective nuclear weapons with atmospheric tests. Competent witnesses have testified before Senate committees of which I have been a member that the balance of terror between the United States and the Soviet Union is at a relative standoff position. It has been estimated by experts that within a matter of hours, if not minutes, the United States could kill an estimated 120 million Russians, and that the Soviet Union has the destructive capacity and the deliverability in a similar time to kill an estimated 120 million Americans. But if we had continued nuclear tests in the atmosphere, perhaps we could have the capacity now to kill 150 million, and they to kill 150 million; and, ah, would we not then be more secure?

The conclusion and ratification of that treaty represented one step in a formula for coexistence in this small world. There have been others: the Treaty on Outer Space, the Antarctic Treaty, the Consular Treaty. Now we are undertaking a mutual obligation, by this treaty, to discourage, to hinder, and if possible to prevent the proliferation of nuclear weapons into the hands of other nations.

Who initiated this movement? The United States. The first statement made in this regard was made by the late John Foster Dulles, then Secretary of State. It was approved by President Eisenhower, President Kennedy, and President Johnson, and now I believe is about to be ratified during the administration of President Richard Nixon. I would describe it as a mild and timid step, chiefly significant because it is another step toward avoiding the destruction of civilization in the northern hemisphere.

Why do we seek this treaty? Because it is in our interest. Why do the Soviets seek it? Because it is in their interest. Why are they willing now to discuss a limitation of the nuclear armaments race? I believe because they think self-preservation is in their interest. And do we not think likewise?

We seek by this treaty the adherence of other nations. I say we, the people of the United States and the Government of the United States, and I say we, the United States and the Soviet Union, seek together the adherence of other nations who, by their adherence to this treaty, would agree not to build, not to make, not to receive, not to have nuclear weapons.

It is they who give up something. What do we give up by this treaty? There is only one thing we promise to do positively, and that is to make available the technology of peacetime uses of atomic energy.

I think it is a great bargain for the United States and the Soviet Union to agree to make available to mankind some of the benefits of the peacetime uses of nuclear energy in exchange for an agreement on their part that they will not build, or have, or receive an arsenal of nuclear weapons.

It is simple. I would say it is a mild treaty, but significant, let me repeat, because it is another step in easing the tensions between the East and the West. It is another step in understanding and in recognition of the mutuality of interest.

In my view, Mr. President, no two great nations in the history of the world have had such a mutuality of interest as now exists between the United States and the Soviet Union. It is a mutuality of self-preservation.

This brings me, Mr. President, to article 6 of the treaty. It is not the statement of a general hope, of a pious hope. It is a significant undertaking, an obligation of the United States, as well as of other parties to the treaty. It is an obligation upon the Soviet Union, the same as upon the United States.

It is an obligation to do what—to pursue negotiations in good faith on effective measures relating to a cessation of the nuclear arms race at an early date.

The distinguished chairman of the Senate Committee on Foreign Relations earlier said that the United States had taken the initiative in seeking these negotiations. If the Senate will recall, when President Johnson and Mr. Kosygin met at Glassboro, the principal goal which President Johnson sought at that conference was the agreement of the Soviet leader to initiate negotiations to bring about a mutual limitation of offensive and defensive ballistic missiles.

The United States has for more than 2 years sought such a conference. The Soviet Union has now indicated its willingness to begin such negotiations.

Why do we wait? I have not had a satisfactory answer to that question. We have urged our readiness for 2 years until now, or recently. I do not say this in a partisan sense, because former President Johnson was not willing in the closing days of his administration to initiate the negotiations. I urged that he do so.

I urge President Nixon now to do so while there is time. And the time, in the terms of the blacksmith, to hit the iron is while it is hot. The issue is warm and ready for treatment. The danger which can be forestalled is ever present.

During the hearings of the Disarmament Subcommittee last week, three of the most distinguished scientists of the world testified and sat as a panel before the subcommittee. And the subcommittee almost literally sat at their feet as students.

Although one is a proponent of the deployment of the ABM, they agreed unanimously that the deployment of an antiballistic missile system would provide no protection for the American people. What would we be trying to protect? Whose security and what security is involved unless it is the lives of the American people? What would be the purpose, then, of the deployment?

Some have said, "Let us change the deployment. Let us no longer try to provide protection for the cities and for the people." That is what Congress mistakenly voted.

Is there anyone who will rise and say that the Senate and the House of Representatives did not appropriate the funds under the impression that it was voting for a system to provide protection for the American people? Of course, I am not going to make a legalistic argument that the funds could not be used for some other design. However, that is a different question requiring different treatment or technology; and there is time to consider that. And if the deployment is to be changed from the understanding upon which Congress voted, then the matter should be resubmitted to Congress before the funds are differently used.

Oh, a great deal has been made about the fact that the Soviets have deployed some kind of a system around Moscow.

I think it is agreed in the intelligence community that there is some kind of deployment. It is called the Galosh system.

We were advised 2 months ago by former Secretary Clifford that this deployment was much like the Nike-Zeus system which we discarded 3 or 4 years ago because of its ineffectiveness.

There are an estimated 20 defensive missiles surrounding Moscow. What protection does that provide for Moscow? If the Soviets thought that 20 would do the job, maybe that would be the reason why they did not complete the deployment. Let us suppose that those 20 are in fact perfect instruments of technological sophistication and that if the United States should, God forbid, launch a nuclear missile attack upon the Soviet Union, each one of these 20 antimissile missiles would perform perfectly and intercept and destroy the first 20 that arrived over Moscow. Suppose there were 920 more missiles on the way. What protection would those 20 missiles give to the people of Moscow?

I heard someone on the television not long ago say, "Why would the Soviets deploy 20 missiles unless they thought they were good?" I suppose the French now wonder why they built the Maginot Line. And I suppose we can wonder why we spent $1.6 billion on the McNamara line that saved nobody but cost many lives. Ultimately, it was no good at all.

I suppose there is wonder as to why $23 billion has been spent on missile systems that have been utterly useless.

It is time to think, and I have confidence that our President is thinking, and thinking seriously. I am confident of that. I hope he gives heed to the advice of the Foreign Relations Committee expressed in its report. This is an exercise of the Senate's constitutional function.

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

Mr. GORE. I yield.

Mr. ALLOTT. As I understand the gist of the Senator's argument at this particular point, he is saying that first the Nuclear Nonproliferation Treaty should be adopted, and then, as he used the words, in the language of the blacksmith, we should strike while the iron is hot, to enter into or attempt to enter into complete disarmament throughout the world.

Mr. GORE. No. May I correct the Senator? I did not use the term "complete disarmament." The next step to which I referred was to enter into good faith negotiations——

Mr. ALLOTT. Leading to disarmament?

Mr. GORE. Which this treaty obligates us to do, on the limitations of the nuclear armaments race.

Mr. ALLOTT. That is correct.

Mr. GORE. I might say that it is the position, previously stated, of the U.S. Government ultimately to seek general and complete disarmament. But this is a goal in the distant future. I believe this goal must be approached by phases, by steps. Ratification of this treaty, in my opinion, would be a step. I believe the next step should be an agreement to mutually limit the nuclear armaments race.

I am urging—and the Senate committee has urged, by this report—the President to consider deferring deployment of antiballistic-missile missiles until a good-faith negotiation can be had.

Does that explain it?

Mr. ALLOTT. Yes. I understand that what the Senator is urging the President to do is to get to the negotiating, to take one of these steps—step by step—down the road leading to a disarmament. I will not classify the nature of that disarmament.

But what bothers me a little is this: I supposed we had been doing this for the last 6 years because of the agreement which had been reached in the Test-Ban Treaty. The Test-Ban Treaty was adopted in 1963. I read from the preamble to it:

> Proclaiming as their principal aim the speediest possible achievement of an agreement on general and complete disarmament under strict international control, in accordance with the objectives of the United Nations, which would put an end to the armaments race and eliminate the incentive to the production and testing of all kinds of weapons, including nuclear weapons, seeking to achieve the discontinuance of all test explosions of nuclear weapons for all time, determined to continue negotiations to this end, and desiring to put an end to the contamination of man's environment by radioactive substances.

Does not this preamble clearly say that, as Americans, we and the former President should have been doing for the last 5 or 6 years what the Senator is proposing now that President Nixon proceed to do under the Nuclear Nonproliferation Treaty?

Mr. GORE. The preamble, which the Senator has read, undoubtedly states the general goal and obligations of the parties to the treaty.

What is specifically referred to in article VI of the pending treaty is negotiation for the mutual nondeployment—if I may use that term—of defensive missile systems.

Does that answer the Senator?

Mr. ALLOTT. Yes.

The only point, I think, is that under article VI we agree to negotiate.

I voted for the Test Ban Treaty, not without a few red-hot letters from my constituents, I must say. But I voted for the Test-Ban Treaty, which contains this language in its preamble: "a general and complete disarmament under strict international control, put an end to the armaments race—determined through continued negotiation to this end."

We have been doing this, or at least the President is supposed to have been doing it, for the last 6 years—the President and the State Department.

Mr. GORE. I should like to make this observation to the distinguished Senator. Having participated in the negotiations of both, I think there is a distinction.

The Senator has read from the preamble of the Limited Test-Ban Treaty, but article VI of the pending treaty is an operative feature of the treaty. Therefore, the obligation to negotiate is not general but specific in the pending treaty.

As the chairman of the committee, the able junior Senator from Arkansas, has said, we do not obligate ourselves to agree. We obligate ourselves to negotiate in good faith, obviously in the hope of reaching agreement.

The distinction I wish to point out is that the provision which the Senator has read is a preambular paragraph in the Limited Test-Ban Treaty, while article VI is an operative paragraph and thus becomes an obligation.

Mr. ALLOTT. The Senator is correct in that, but I do not believe there is any question in his mind that the preamble of the Test-Ban Treaty spells out the purpose of the treaty.

Mr. GORE. Yes; I agree.

Mr. ALLOTT. The Senator has spoken of participating in the various conferences. Does he know or is he aware of whether or not the Committee on Foreign Relations had any part in the writing of the present draft of the Nonproliferation Treaty?

Mr. GORE. I know this: The Committee on Foreign Relations was kept constantly and currently and fully advised about the negotiations. The proposed drafts, step by step, were submitted to the committee. I can say from personal knowledge that Ambassador Foster and Ambassador Fisher kept former Senator Hickenlooper, my fellow Senate adviser-delegate, and me as fully advised as we were willing to give the time to become advised. And the staff of the Committee on Foreign Relations, the chairman of the committee, and the membership of the committee had available to them the fullest consultation with our representatives at this conference. So the answer is, "Yes."

Mr. ALLOTT. And when was the conference held?

Mr. GORE. I have not the exact date.

Mr. FULBRIGHT. Approximately 4 years.

Mr. GORE. It has been a long time.

Mr. ALLOTT. I thank the Senator.

Mr. MUSKIE. Mr. President, first, I would say to the distinguished Senator from Tennessee that I thoroughly appreciate the lucid discussion he has given us not only of this treaty but also of the related issue of the anti-ballistic-missile problem.

I have learned something this afternoon as I always do when listening to the Senator from Tennessee.

Mr. GORE. I thank the able Senator.

(At this point, Mr. SAXBE assumed the chair as Presiding Officer.)

Mr. MUSKIE. Mr. President, for more than two decades, the United States has sought to bring a halt to the spread of nuclear weapons. Every American President, from Harry S. Truman to Richard Nixon, has committed his administration to that goal. The American people have overwhelmingly supported all our efforts to reach realistic understandings with other countries to stop the nuclear spread—to end the threat of a world armed to the teeth with the implements of its own ruin.

Now those efforts have borne tangible fruit, and the Senate is called on to give its advice and consent to the ratification of the Treaty on the Nonproliferation of Nuclear Weapons, signed last summer by the United States, Britain, the Soviet Union, and almost 90 other countries.

President Nixon has termed the treaty "an important step in our endeavor to curb the spread of nuclear weapons." The Committee on Foreign Relations has found that the treaty is "the best that can be negotiated at this time" and has, on two occasions, urged that the Senate act favorably upon it.

I share these judgments without reservation, and I call upon the Senate to ratify the treaty while time remains to substitute reason for the slow unraveling of world security.

No one could rightly say that the Nonproliferation Treaty will itself guarantee that this or future generations will be saved from nuclear war. Even when the treaty comes into force, patient negotiation will be required to extend its provisions to additional important countries and to reach practical agreements on safeguards over peaceful nuclear activities. In and of itself, the treaty does nothing about the vast arsenals the nuclear powers now possess, and that could, at any time, destroy mankind. It is to this point that the distinguished Senator from Tennessee (Mr. GORE) addressed himself this afternoon.

But the treaty buys us time, precious time, to gain control over our destiny. With American adherence, coupled with energetic efforts to bring the treaty's mechanisms into force among the widest possible number of states, the Nonproliferation Treaty can help stop nuclear arms races from multiplying around the world. Without the United States, the effort to stop proliferation can be no more successful today than the League of Nations was 50 years ago. The tragedy for the world would be all the greater.

Since achieving the role of a major power early in this century, our burdens of leadership have grown. We face enormous demands on our patience and strength in meeting global commitments, while our society at home undergoes stresses more dramatic and far reaching than at any time in history.

For our own security and the security of our friends, this country can never withdraw from its central responsibility for the preservation of peace. In all prudence, we can, and we must, work to keep the dangers of nuclear war from getting worse, and we must be willing to take some risks in that direction.

It is for this reason—its elemental prudence—that I support the Nonproliferation Treaty, as I supported the limited Test-Ban Treaty 5 years ago. Eighty Senators voted in favor of the test ban then. This treaty, which complements and strengthens the mechanisms of the Test-Ban Treaty, is a further step along the same path of reason.

There are three basic respects in which I find the merits of the Nonproliferation Treaty compelling.

First, the treaty promises to be effective in creating a global consensus against the growth of nuclear arms races to new and terrifying levels of violence. For the almost 90 non-nuclear nations already pledging to accept a commitment not to acquire nuclear weapons, the treaty represents relief from the prospect of deepening instability and the enormous cost these weapons represent in the diversion of resources.

Although several important non-nuclear nations have yet to agree they will adhere to the treaty, the consensus developed on behalf of the treaty will bring united pressures to bear upon the holdouts. And even if nations such as West Germany, Israel, and India do not unequivocally block out their options to acquire nuclear weapons, broad acceptance of the treaty by others will serve as a useful restraint to hinder and deny legitimacy to unilateral decisions on the acquisition of such weapons.

From the point of view of U.S. security and diplomacy, the treaty would thus dramatically lessen the risk that the spread of nuclear weapon capabilities would require major expansions of American commitments to protect threatened allies. At the same time, pressures on the United States and other nuclear powers to foster or tolerate selective proliferation would be negated by reciprocal commitments blocking the further spread of nuclear weapons.

Second, the treaty's safeguards provision offers a major breakthrough in the principle of international inspection of arms limitations agreements. This is of utmost importance as a working precedent for the kind of reciprocal verification necessary for effective arms control. When international atomic energy agency safeguards are applied to nonweapon states, major acceptance will have been achieved of the principle that arms reduction requires meaningful verification. The United States has long asserted that principle, but the Communists have rejected it, providing the major stumbling block to all efforts toward negotiated arms controls.

International inspection will, in turn, make possible the exploitation of the atom for peaceful purposes at the fastest pace technology will realistically permit, without the fear that peaceful projects will serve as the cover for nuclear weapons. I, for one, am fully satisfied with the assurances forwarded to the Senate that American participation in these peaceful nuclear activities can be conducted on a sound and practical basis.

Finally, the treaty embodies a unique pledge shared by the United States, Great Britain, and the Soviet Union to work to control the arms race between the major powers. In the words of the Foreign Relations Committee, the treaty "formalizes the mutual concern" of these major powers "in containing the spread of nuclear weapons," embodying "a commitment to pursue with good faith and urgency new arms limitations agreements."

The distinguished Senator from Tennessee (Mr. GORE) has most appropriately highlighted the importance of article VI of the treaty.

As a quid pro quo, between the nonweapons powers on the one hand, who are asked to give up their options for nuclear status, and the nuclear signatories on the other, whose nuclear competition represents a constant threat to world peace. The treaty's pledge to good-faith negotiation comes at a welcome time. The effort to line up nonweapons powers to complete the Nonproliferation Treaty will benefit from early negotiations by the major powers, and the prospects of meaningful agreements in these negotiations will, in turn, be strengthened by the climate of trust and give-and-take which the success of the Nonproliferation Treaty can help create.

What we are undertaking to do, Mr. President, is to create what cannot be created unless each country is willing to take some risk—in a climate of mutual trust and risk-taking.

It is my earnest hope that the shared commitment of the Nonproliferation Treaty between the United States and the Soviet Union can now be broadened into other fields. Getting on with the Nonproliferation Treaty, after almost 5 years of effort, has thus become a desirable, and even necessary basis on which to strengthen this promise of United States-Soviet cooperation—in strategic arms talks, and perhaps too in such other related areas of vital U.S. concern as Vietnam and the Middle East.

One would not dare predict what a single step in the way of cooperation might lead to, but he can surely hope that a single step can lead to other steps which might include a resolution of the Vietnam and Middle East crises.

Mr. President, it has been a long, long time since John F. Kennedy called on the Senate to ratify the limited nuclear Test Ban Treaty and "let history record, that we, in this land, at this time, took the first step."

The next step, I submit, is the agreement before us today.

I urge the Senate to act promptly and favorably upon the Nonproliferation Treaty, in the interest of moving on to the further efforts and opportunities for peace that lie ahead.

Mr. President, the question was raised a few moments ago, in colloquy between the distinguished Senator from Colorado and the distinguished Senator from Tennessee, as to why a similar commitment for additional reduction of arms has not been implemented in the 5 years which have elapsed.

In part, this is so, I am sure, Mr. President, because both sides got tangled up in the emotionalism of the Vietnam issue and lost their sense of self-restraint and their limited feeling of trust and confidence in the other's intentions which was gained when we ratified the Test Ban Treaty.

Here is an opportunity to reinstate it in a limited way. We cannot hope to break down the walls of suspicion, distrust, and hostility with a single step, but we can move in that direction.

It is for that reason above all, Mr. President, that I intend to vote for ratification of the treaty and urge my colleagues to do likewise.

Mr. FULBRIGHT. Mr. President, will the Senator from Maine yield?

Mr. MUSKIE. I yield.

Mr. FULBRIGHT. I join the Senator in his remarks and compliment him on the eloquent way he has expressed what he believes to be the most important part of this treaty. That is the most important aspect of this treaty, to move toward the reestablishment of some degree of confidence and trust between the two great powers, the United States and the Soviet Union.

I think that is really the essence of it. The details, with regard to peacetime use, and so forth, are important, of

course, but subsidiary to all these points is the objective which the Senator from Maine has expressed so well.

While I am on my feet, would the Senator allow me to make reference to the statement made by the Senator from Tennesse (Mr. GORE). The Senator from Tennessee, more than any other member of the Foreign Relations Committee, has spent time in this field and has made a greater contribution to the successful negotiations on this treaty, and prior matters in this area, than any other member. He has taken a great interest and spent long time and effort in representing the committee at the meetings in Geneva and elsewhere.

He made a fine speech a moment ago. I cannot see how either of the arguments of the Senator from Maine and the Senator from Tennessee can be refuted. I congratulate them both.

Mr. MUSKIE. May I take this opportunity to compliment the Senator from Arkansas for focusing on article 6 in the course of the hearings on the treaty. If the Soviet Union is listening, and I am sure that it is, and it will focus upon this fact, and focus upon article 6 as a contributing influence in the ratification of the treaty by the Senate, we might very well, in this way, contribute to some move in the direction of negotiations on missile control.

Mr. FULBRIGHT. I appreciate that. I think the Senator is quite correct. This is a matter, as the Senator from Tennessee so well described, which has been under consideration for several years. I think it is the No. 1 thing: the desire to move toward a limitation of the arms race. To me, that is the most important single element of anything here. If any progress can be made in that direction, then we are moving in the direction the Senator said; that is, of reestablishment of some limited degree of confidence which is so essential to making progress toward a more peaceful world. I think that the Senator is quite right.

Mr. GORE. Mr. President, will the Senator from Maine yield?

Mr. MUSKIE. I yield.

Mr. GORE. I ask the Senator to yield to me so that I might express appreciation to the able chairman of the Committee on Foreign Relations for his generous remarks.

In that connection, let me express my appreciation also for the practice which the able chairman permits himself, of giving members of his committee opportunities and providing latitude and encouragement for individual contribution.

The case in point is the hearing now underway by the Disarmament Subcommittee. Tomorrow, there will be another session. The full committee is invited and, indeed, all Senators are invited. It will be an educational hearing. Once again, tomorrow, we will have the benefit of testimony before us of three of the most distinguished intellectuals who could be invited, each of whom graciously accepted our invitation, not to prove my point or the point of some other member of the committee, but objectively to analyze the problem, which is an overweaning one.

Mr. President, this may be the first major decision in the overweaning issue of the next decade; how the resources, the talents, and the energies of our people shall be allocated, between its defense forces, on the one hand, and all the other needs of the American people, on the other.

It may be one more step—as the Senator says, one step hopefully leads to another—in building a bridge of coexistence.

Mr. MUSKIE. I might at this point appropriately refer to something the Senator said earlier—that, in order to build these bridges, we must find common areas of interest which represent the vital interests of each country. Each time we do that, we can build a bridge. I agree with his very apt phrase that we have a mutuality of self-preservation in all these matters.

I compliment both of my senior colleagues for their interest and their effective leadership and statesmanship.

Mr. PELL. Mr. President, I rise briefly to support the chairman of the Foreign Relations Committee and those Senators who have spoken for the ratification of the Nonproliferation Treaty. We had many hearings. We thought about the matter very deeply. Some of the arguments that have been made against the treaty have been sensible, but, in general, the arguments in favor of its ratification would seem to me to far outweigh the arguments against it.

Last fall, on the floor of the Senate I commented on a recommendation of the majority of the Foreign Relations Committee in regard to deposit of the instrument of ratification of the treaty. The committee report suggested that after ratification by the Senate, formal deposit of the ratification could be delayed as a tactical move. At that time, I objected that formal deposit of the ratification was a ministerial act and that sanctioning discretionary delay by the executive branch would constitute a bad precedent. I am delighted that the suggestion of discretionary delay does not appear in the committee report this time. I continue to believe that, if the treaty is ratified, the instrument of ratification should be promptly deposited.

MILITARY SPENDING

Mr. PELL. Mr. President, I would also like to comment on the speech of my colleague from Wisconsin earlier today. I did not have a chance to be on the floor when he delivered it, but I had read the text. I found it to be an excellent speech, and I find myself in general agreement with the thrust of his remarks and his recommendations.

WALLACE E. AND ALMA JOHNSON, OF HOLIDAY INNS OF AMERICA, INC.

Mr. GORE. Mr. President, as in legislative session, I ask unanimous consent to have printed in the RECORD an article written about a very distinguished and a very successful Tennessean, Mr. Wallace E. Johnson, and his devoted wife and business partner, Alma Johnson.

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

SEEING PROBLEMS AS OPPORTUNITIES

(NOTE.—A conversation with Wallace E. Johnson, president, Holiday Inns of America, Inc., and wide-ranging entrepreneur and builder.)

(Wallace E. Johnson knew right enough what he wanted to do in life by the time he was 14 back in Mississippi, and that was to be a builder. He took a flyer at it at age 18 and failed, and it was more than 20 years before he again went into business for himself and launched a successful career in homebuilding.

(His major enterprise, though, is Holiday Inns of America, Inc., the world's largest motor hotel chain. Launched by Mr. Johnson and his partner, Kemmons Wilson, it now numbers more than 1,050 facilities here and abroad.

(He and Mr. Wilson also started the chain of extended care facilities known as Medicenters of America, Inc., with some two dozen now in operation—about half under franchise—and half that number under construction. Along the way, Mr. Johnson has also been an active lay Baptist leader—he expounds an approach to business reflecting religious convictions—and was named Lay Churchman of the Year in 1965 by Religious Heritage of America, Inc.

(He also has contributed generously to education of future clergymen, doctors, lawyers and bankers through grants and loans by a foundation he and his wife, Alma, have established.

(Now 67, Mr. Johnson sets great store by inspirational and self-improvement works and makes much of conscious motivation—of himself as much as of others—as a key to success.

(Many successful men find it politic to credit their wives' help for their success. Wallace Johnson goes further and cites specific business contributions made by his wife.

(A humorous man and an enthusiastic spinner of yarns, many at his own expense, he discussed his career and his outlook in what he calls his "think center," a work area alongside the indoor pool at his home in Memphis, where he flees the "stampede" of regular office routine.)

Mr. Johnson, what line of work would you say you are in?

I guess you would say very simply that I am in the money-making business. But let me add that I am not bent on making money just to be making money. After all, I don't feel that anyone—myself included—places money ahead of everything else. Since virtually everything I am involved with concerns the business of people, I like to think I'm in the people business.

My wife and I build homes, but for whom? We build them for people, but we necessarily build at a profit. Mrs. Johnson and I also build apartments for people, but again at a profit.

In our Medicenter convalescent home endeavor we are really in the middle of the people business. And in the biggest sense of all, I am fortunate to play a part in the people business of Holiday Inns, a company made of people.

So you ask me why I have to keep driving to make money. It is just a game of life, that is the best way I can describe it to you.

Where is the money to be made in this people business?

Now what you need to do is to find a business there is a need for. When we ventured into the Holiday Inns business, there was a definite need in America for reasonably priced, dependable accommodations, and there is a need now for this type of accommodation all over the world. So I say to you, find an industry that is in the need of growth.

Now, when Mrs. Johnson and myself went into the hospital business, there was a defi-

nite need for it at that time, which we think we have helped to fill. And nursing homes. We were one of the first to get into that to any degree.

Another business that we have gone into is the cemetery business. So I guess you could say we are providing service to people from the beginning of life to the end of life.

This cemetery business started about nine months ago when a fellow came to us with a cemetery proposal—every day some businessman brings us some kind of proposal. We looked at it a few days; then I got hold of it, and found I could sell four-by-eight cemetery lots for X dollars and cents.

I said, "That is not enough money," so I called up a posthole digging company, and I said, "What is the largest round posthole digger that I can buy?" and he said, "We can get them for you 24 inches wide." Then I called up a fiber-glass casket manufacturing company, and I said, "Can you make a casket round and form-fitting?" and he said, "Yes," and so then I applied this to my piece of ground—one, two, three, four, five, six, seven, eight—so I'll get eight times as much for the same piece of ground.

Now I haven't sold any this way yet, but I haven't found anybody who objects to it.

How will you bury them—standing up?

Yes, sir.

You first made it big in the home-building business. What got you interested in becoming a builder?

Well, I am doing exactly what I intended to do when I was 14. At that age I said I would be a builder, a contractor.

Why? How did that appeal to you?

My Uncle Emmett was a contractor back in Edinburg, Miss. He built the largest span across the Pearl River at that time. I saw that bridge, and I said, "This is what I am going to do—be a builder."

So when I was 16 years old, I was a full-fledged carpenter.

I learned how to read a scale and I learned how to estimate and make blueprints and all that stuff. When I was 18, I lacked two years before finishing high school—and they only had through the 11th grade then—but I had $1,800 in the bank, and a fellow wanted a house built, so I took a contract to build this house in Moorhead, Miss., where I was living then. And two years later when I finished that house, my $1,800 was gone, and I was $400 in debt.

I was broke, just as broke as I could be. And, bless my mother's heart, my mother talked me into going back to school.

That was a tough decision. I went to high school until I was 22 years old. For me to go back there when all the rest of the kids were younger, and I was just about as large as I am now, was tough. But I had to go back. It took me 24 months to finish. I wasn't out of school for anything but Christmas and the summertime. After I finished, a man asked me to go open up a retail lumber yard as the manager.

I had never managed a lumber yard in my life, but I went to manage it anyhow. Later, when the depression came along, the business left. So, I left Mississippi and came to Memphis, and worked here at a retail lumber yard, and then the depression kept getting worse so I left Memphis and went to Pine Bluff, Ark., and operated a sawmill.

That was the only job I was ever fired from in my life, and it was probably the best thing that ever happened to me. Ever since then I have been looking for the guy who fired me. . . . I want to give him a paid month's vacation to anywhere in the world.

Why is that?

Because if he had not fired me, I would probably still be over there in Arkansas running that sawmill.

Why did he fire you?

I will never know the truth of it. He has never talked to me about it. We had coffee together at 9:00 that morning, and at 11:30 he sent a note to my house and it said, "Upon receipt of this note, you are fired." And my wife, Alma, brought the note up to my office. She was just boohooing and crying, and I was mad. If I could have found that guy that day . . . but he had left town. He sent the note, got in his car, and left.

So the sales manager of a lumber company offered me a job up in Arkansas. At the same time, I put a newspaper ad in the *Commercial Appeal* in Memphis. I described Wallace Johnson: he could draw plans, he could make blueprints and do the kind of work I had done for many years in Memphis. And I got this note saying, "If this is the Wallace E. Johnson that worked for us 'X' number of years ago, report for duty Monday," and that was it. Mind you, it was a blind ad. He recognized me by my describing myself. I came to Memphis and we stopped at the Chisca Hotel, and Alma had $20 in her purse. That was every dollar in the world that we had. We got up the next morning, and I said, "Alma, do you have the purse?" and she said, "No, you have it." So we turned the room upside down and couldn't find that purse.

Well, I couldn't wait for the elevator, so I just went down the stairs, and I turned our car inside out and I still couldn't find the purse. Just 15 cents was all I had in my pocket. Later, we got in that car—this was a two-door car and you had to turn the seats down—and when I turned one of the seats up the purse fell down right at Alma's feet. She picked it up, and neither of us could say anything; we were so grateful we just couldn't talk.

I worked with this company for three years, and in December, 1939, I quit to go into business for myself. I had borrowed $250 on an old second-hand Ford, and I was 39 years old then.

I built my first house at 132 S. McKellar, and it is still standing there today in good condition. We could build good houses, but I think what turned the business on more than any other one thing was when I went to a printing plant and had some pasteboard signs printed that said, "Let Wallace E. Johnson build you a home on this lot."

At that time there were more than 15,000 lots scattered all over Memphis, with curbs and gutters and utilities and sidewalks—and weeds and grass.

I didn't own a cockeyed one, but I'd just sow these signs—400 or 500 of them—up and down the street.

One day I was up in the Commercial & Industrial Bank making a $5 withdrawal, and a man in front of me was making a $500 deposit. He turned to the president of the bank and I overheard him say, "Where in the heck did this fellow Wallace Johnson come from? He owns more lots in town than any one man I have ever seen." So, things were beginning to pick up. Pretty soon, we started the business of speculative houses, building them for $2,999 each.

Was that new in Memphis at the time?

Yes, sir, brand new. Nobody here had ever heard of starting 10 houses at one time.

I have copies of front-page newspaper headlines stating, "Wallace E. Johnson starts 10 houses." Nobody ever heard of anybody being that crazy. The first year we were in business, we built 181 houses.

Were you the first in Memphis to recognize the need for low-income groups?

Yes, we built low-income housing for both Negroes and whites. And then we were the first to build a low-rental housing project. Down through this section of the country, these were the first low-income projects built, both for Negroes and for whites.

At that time I had a meeting once a month with my employees and their entire families. We'd take them out to dinner for 50 cents or 75 cents a person—that would buy a good meal at that time—and I would say "All right, gentleman, next year we are going to build a house a day, or 365 a year." In 1941, we started, finished and sold 365 houses! In 1942, I ran 1,000 houses through the mill, and in 1944 and 1945 and 1946—around that period—we would build and sell 2,000 or 3,000 houses every year.

Did you do this alone?

No, everybody pitched in, especially Alma. You always hear about the part that a wife plays, but I want you to listen to this. One time we had an inventory of maybe 150 unsold houses on our hands, and Mrs. Johnson and myself were thinking about how we could get this deal turned on, and she came up with the idea of running a contest. We had about 25 salesmen working for us and we decided to tell them we'd take the wife of the salesman who sold the largest number of those houses—we'd take his wife to town and we would spend $400 to dress that gal up in the finest clothes available. We also had other prizes all the way down to $50. Before we put this contest into effect, when the husbands got in at 9:00 o'clock at night, the wives would say, "Frank, what in the world did you stay out so long for? My goodness gracious! Why didn't you come on home earlier?"

But all that soon changed. When they got home at 9:00, the wives would say, "Frank, if you haven't made a sale, get out of here and make one, and don't come back until you have."

Did it work?

My goodness, it turned the whole business upside down. We sold houses when the rest of the folks in town couldn't give them away. I have never seen the fellows turned on more. So, you see, these ladies can really turn us on. And they can turn us off, too.

Didn't you get your carpenters and bricklayers and everybody else out working for you at one time?

Oh, yes, we have always done that. At one particular time—I never will forget this—I had 50 or 75 houses unsold, and the banker said to me, "Wallace, I think we have gone about as far as we are going to be able to go with you. You haven't made any sales in about 30 days, and if you don't bring in some more sales, we are not going to let you start any more houses." So I called together all the painters, paperhangers, carpenters, bricklayers . . . everybody.

"We are building more houses than any other one company in this situation," I said. "But in two weeks if we haven't sold this inventory, you are not going to have jobs, I won't have one, and there won't be anything. This is getting down to the real tough going.

"When you go to church, when you are on the streets or wherever you go, you talk about buying a house. And when you meet a fellow on the street you just say, 'Mister, wouldn't you want to buy a house?' "

This was the way the whole gang worked, and we sold our quota of houses in just two weeks!

Let me back up for a second and tell you about something else. I had a young man working with us at one particular time—a very fine person—and he went to New Orleans and met up with an officer in the Seabees. This boy got to doing a little drinking with this naval officer and the next thing I knew, this officer called me from Grenada, Miss., and said, "Mr. Johnson, we have just completed the inventory of all your trucks and equipment and manpower, and we are coming to Memphis to move it all down here."

I said, "What are you talking about?" and he said, "Your whole organization has been signed up for the Seabees, and you are being shipped out in two weeks for the Pacific." I said, "Have you lost your mind? What is happening to me? Tell me something about this!" And he said, "That is the truth. This boy has signed everything up," and I told him, "Man, that guy doesn't own my company. I can't do this." He said, "Mr. Johnson, you have just got to." I had to go some to get us out of that one.

I had just gotten that thing straightened out, and Gen. Marshall was flying through Memphis. He bought a newspaper here and

read that Wallace Johnson was turning out a house every two and a half hours, bang, bang, bang. So, when he got to Washington, he called me on the phone, and said, "This is Gen. George C. Marshall. Put your secretary on the phone; I want to tell you what I want you to do."

He literally had the authority—there wasn't any question about it—to just say, "You go do it," and I knew that. I got so nervous I couldn't hold the phone, I was shaking so bad. I got my secretary on the phone and I got Mrs. Johnson on the phone, and all I could say was "Yes, sir. Yes, sir. Yes, sir." And he told me, "Take your engineers, yourself and Mrs. Johnson, and catch the train tomorrow night and you come into Knoxville, Tenn., and you go to the Andrew Johnson Hotel there and wait for instructions." We did, and the next morning they came over and picked us up and carried us out somewhere—I don't know where—and they fingerprinted and they blueprinted and they questioned us half a whole day, and then the next day they said, "We are going to tell you what we want, but you cannot ask any questions. Here is the plot plan on a piece of ground here, and we want 3,000 houses and want them in 90 days, and you don't have to ask about money or anything. Just go to it."

I have letters from him in long-hand, sealed in beeswax. But I finally had to get out of that because I was building defense housing all over the country and I owed the banks a lot of money. Of course, they paid me for drawing a lot of plans that I drew, and some of the original houses are standing there at Oak Ridge, Tenn.

When you started the Holiday Inns, this being a franchise operation, did you have trouble getting people interested in it?

Oh, yes. We had a lot of trouble. It was 1953 when I joined up with Kemmons Wilson, the founder of Holiday Inns of America.

I had been very active in the National Association of Home Builders, so I sent 75 letters of invitation to builders all over the nation to come to Memphis. We had them all there for dinner one night and we tried to sell home builders on going out and buying the franchises.

Out of 75 builders invited, 65 showed up. Everybody was really excited about it but only two or three builders bought the franchises.

How come you had so few franchise takers?

Well, at that particular time we had a very tight money situation.

You have had your troubles with finances over the years, haven't you?

We have had troubles, yes, and it has been my job primarily to secure the finances for Holiday Inns. Getting money has been no problem. I look at it as just an opportunity. I don't have any real problems at all. I will be very frank with you and tell you why I have no problems. One day in November, 1966, I flew to New Orleans with my preacher, Dr. James Eaves, pastor of Union Avenue Baptist Church in Memphis.

On the way back to Memphis, we were in a hurry to get to the airport from the outskirts of New Orleans, so we chartered a helicopter, and 250 feet in the air, the helicopter lost power. The engine went pfft and out she went, right over the city. Coming down, the blades sawed four high power lines in half, and we sawed the roof off a house or two.

Those electric power lines hit the ground, jumping around like lightning and barking like a dog.

The pilot had said to us on the way down, "As soon as we hit the ground, run if you can, because this thing is going to burn," and sure enough, gasoline was all over the streets, but it didn't catch fire and I waded right out in the middle of it. You could have picked up the pieces of that thing with a shovel. But I walked away from it all. Coming down through the sky, I said to my preacher, "Looks like we're fixing to go to Heaven," and he said, "I hope not." For the time being, I'm glad he was right.

So, since that day, I have had no problems on this earth at all. I have a great number of opportunities, though. I really have the opportunities.

How would you go about borrowing money, say, when you were doing something that nobody else was doing?

Well, I want to say this: Even before we ever started Holiday Inns, I had to borrow millions and millions of dollars to build houses. So I have been in the money-borrowing business all my life. I even borrowed $85 to get married on.

I have always tried to look at it like this. A banker may be the finest friend in the world, but he wants to know how you are going to pay the borrowed money back. So, if I don't have a way set in my mind how I'm going to pay it back, I just don't ask for it.

I believe the human mind is like a field in the spring of the year. That field doesn't talk back to you to say, "Plant on my back cotton or corn or rice." It doesn't care what you plant, but whatever you plant and fertilize and water, that is what you are going to gather at harvest time. So if you plant in your mind: "I can't borrow this money," and, "This project is going to be a failure," and, "I am going to be a failure," well, that is what grows in your mind.

I have always been able to convince a banker that I needed the money because I make it a point to know in my mind exactly what it is for. I believe in positive thinking and, more important, I have always prayed for God to give me wisdom to do the right thing.

What quality or talent of yours would you say has been most helpful to you in your career?

Well, I've always wished my papa had sent me to college. The first time Mrs. Johnson ever heard me say this, she said, "College would have ruined you! It wouldn't have fitted you!" Then, she compared me to the bumblebee. The bumblebee, according to science, was not built to fly. But he doesn't know the difference, so he just goes flying right along. In college, I might have learned I couldn't do a lot of things I've been doing, so my wife tells me.

Alma always says that one of my qualities is being stubborn; not giving up easily on anything. Others say that simply being able to think something through—and being able to sell it—might be called my strong point.

Now, let me tell you what I think my real strong points are. First, I have the greatest wife a man ever had. She is really a powerhouse of a thinker. She is secretary to 76 corporations, and she helps to make decision after decision. And then I am also blessed with the greatest partner in the world, Kemmons Wilson. He is really a great man. Both of us think things through together.

Mrs. Johnson is a terrific business lady. She practically has a sixth sense, when it comes to business. In all these 42 years, I thought she was thinking, but she wasn't thinking; she was feeling. Ladies have this sense of feeling; they are blessed with a feel for particular things.

To show you how this works, let me tell you about when I had about 3,000 houses left on my hands after World War II was over. Man, I had salesmen selling the equity for $300 or $400.

One morning Alma and I drove all over town, and she looked around and said, "What are we selling that house for?" and I said, "We are selling it for $3,000." She said, "Raise it to $4,000. Then, she said, "What are we selling this house for?" and I said, "We are selling it for $4,000," and she said, "Raise it to $5,000." In four hours she had raised the price of housing a million dollars in this town.

Her decision brought us a million dollars just like that. And three or four months after that she went right back and raised them another million dollars! She really has a feel for this.

During the war we were building over in Pine Bluff, with 400 houses under construction. The Army had drafted every painter I had, but one, and I could see Wallace Johnson going broke so fast I didn't know what to do. So I went back to the office and I said, "We can't finish these houses; we have no painters," and Alma tells me, "Go back to your office. I want to think about it a little, and I will check back with you directly." Later, she came back and she said, "Let's use women to paint!" Never had anybody heard of that in this town, So, we put an ad in the Pine Bluff paper: "Wanted, women to paint houses."

Then I told her, "Go to town and buy whatever you want to in the way of coveralls, and you take one of these houses and you start the first school for women painters.

In the next few days, they had 100 women going to school to learn how to paint. They had paint all over their eyebrows, in their hair, and all over them. I have pictures showing them like that. But we finished those houses and later brought that trade back to Memphis, and I have had as many as 300 women working for me on the weekly payroll, painting houses on the inside. And lots of them have done a lot better job than the men.

So I think I have been extremely blessed with a wife that is unusual in money-making views. It seems that every time I went against her advice, I didn't come out so well.

To what else do you attribute your success?

I think we have a way of communicating. I think this has been one of our reasons for success. We have been able to communicate with the people: to communicate with those working for us, to communicate with those we work with, and to communicate with the bankers and lending institutions, et cetera, et cetera.

I keep a list of stockholders in every town. When I get into a town and I have 10 or 15 minutes waiting time, I will call stockholders up and say, "This is Wallace Johnson, president of your company, Holiday Inns of America, and in 1962 you bought 100 shares of Holiday Inns stock at so-and-so many dollars, so today with your splits and so on, you have 400 shares—and you have sold off 20 shares, but it cost you $1,900—and now your stock is worth $65,000. I just wanted to call you up and tell you how your company is doing."

How do you keep track of everything you do?

Well, I have always been able to do several things at once. My secretary claims I can write a note on subject "A," talk on the telephone on subject "B," and read a letter on subject "C," while she is reading another letter out loud to me on subject "D." And if I am talking to you on the phone, you will never know that there is anything else going on except subject "B." That's what my secretary says.

I will just say the Good Lord blessed me with a wonderful memory.

I remember more figures than I do any particular thing. I could tell you right now exactly how much money I have in Holiday Inns or in about 250 bank accounts, and I won't miss any one of them over just a few hundred dollars.

I think it is hard for me to tell you how I do it. All I can tell you is that I do it. I think it is by concentrating.

How do you spend your spare time?

Working.

I mean how do you spend whatever time you have off?

Working. Well, we have a home in Hot Springs, Ark., which we have had for a long time, and I get over there away from it all some, but over there, I still am thinking mighty hard.

I try to read, oh, one or two books every month. Right now, I am reading "Enthusiasm Makes the Difference" by Dr. Norman Vincent Peale. When I got through reading the first two or three chapters, I found it was so great, I put it on tape, and I have the tape on a machine right over there. I turn the tape recorder on and put on the head phones, and frequently, while I am listening to one book on tape, I am reading a different book at the same time.

God was smart when he made man. He made four holes in the head for information to go in, and only one for it to come out.

Because we have so little time to improve our minds, as much as they can be improved, I set goals which I make myself live up to. I make a list, a long list. Then I turn around and talk to myself and lecture the old man and get him going to get the goals accomplished.

That has been the secret of Holiday Inns all along. We have had goals. Some people laughed when we said we would have a system of 1,000 Holiday Inns. We now have 1,050 and hope to have 3,000 around the world in 10 years. That is one of our many goals.

Besides the 25 industry-related companies which HIA now owns, the company is in the process of acquiring Tco Industries, Inc., which controls Continental Trailways, Inc., Delta Steamship Lines, Inc., and other properties, including foreign and domestic tour operations.

You have done quite a bit of innovating, in building motels, haven't you?

Quite a bit of it. What has made the motel a success is that we just keep building the same size room over and over, and we have eliminated the guesswork. We know that it only takes four feet of this and 10 feet of that to get the job done. Yet we keep modernizing our designs, in order to keep up with the changing trends.

How do you motivate your people?

I think we have at Holiday Inns the finest profit-sharing plan in America. It is modeled after the Sears-Roebuck plan. We have maids and porters and other people in the company who have stayed with us and have saved more money than they ever thought they would save in their lifetimes. Also, we are blessed with the type of family spirit which I feel is the greatest strength of the Holiday Inns system.

How do you go about getting the right people?

I just thank God so many of the right people want to go to work for us.

You are happy in what you are doing?

Yes, sirree Bob, I am extremely happy in what I am doing. I am doing exactly what I intended to do when I was 14 years old. And I have the sweetest wife in this world. I have never closed a telephone conversation with her without saying, "I love you." I am happy. I will guarantee you I am happy.

But I owe so much money, I have to get up and just run like the dickens to stand still.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HRUSKA. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

ORDER OF BUSINESS

Mr. HRUSKA. Mr. President, I ask unanimous consent that I be allowed to proceed out of order, as in legislative session, for the purpose of introducing a bill and for making a short statement thereon.

The PRESIDING OFFICER. Without objection, the Senator may proceed as in legislative session.

S. 1461—INTRODUCTION OF DEFENDER ORGANIZATIONS AND THE CRIMINAL JUSTICE ACT

Mr. HRUSKA. Mr. President, I send to the desk a bill, which I introduce on behalf of the Senator from North Carolina (Mr. ERVIN) and myself. On January 27, 1969, on behalf of the Senator from North Carolina (Mr. ERVIN) and myself, I introduced S. 650, entitled "Amendments to the Criminal Justice Act of 1964," which embodied the recommendations of the Judicial Conference of the United States. Today I introduce again, on behalf of the senior Senator from North Carolina (Mr. ERVIN) and myself, for the consideration of the 91st Congress a new bill, S. 1461, which further refines the proposals contained in S. 650. In addition to embodying the substance of S. 650, this new bill allows the creation of Federal public defender or community defender organizations.

The purpose of the Criminal Justice Act is to make more effective the constitutional right to counsel in Federal criminal cases by providing compensated counsel and other defense services to those who cannot afford to obtain their own. The act has been in effect nearly 4 years, and the experience gained has demonstrated its success as well as the need for both its expansion and improvement.

When the 88th Congress passed the Criminal Justice Act in 1964, it established machinery to compensate counsel on a case-by-case basis. The 1964 conference report (H. Rept. 1709) which accompanied the bill recognized the need to measure the success of the act in making compensated, high-quality defense counsel available in the Federal courts to the financially disadvantaged. The conferees requested, however, that "the Department of Justice should revive its recent study on the need for a Federal public defender system throughout the entire Federal judicial system."

To give effect to this request of Congress, the Department of Justice, in 1967, through its Office of Criminal Justice, and the Judicial Conference of the United States, through its Committee To Implement the Criminal Justice Act, jointly commissioned Prof. Gallin H. Oaks, of the University of Chicago Law School, to undertake a study of the operation of the Criminal Justice Act with particular attention to the need for Federal public defenders in light of the defense representation furnished under the act.

Under the auspices of the National Legal Aid and Defender Association's National Defender project and the University of Chicago's Center for Studies in Criminal Justice, Professor Oaks conducted a study spanning 6 months and covering many judicial districts. The comprehensive report he authored, entitled "The Criminal Justice Act in the Federal District Courts" was completed in 1968 and is currently being printed by the Constitutional Rights Subcommittee of the Senate Judiciary Committee.

Professor Oaks' study testifies to the basic soundness of the Criminal Justice Act and he found the administration of the act generally praiseworthy. It pointed out, however, that recent developments in the criminal law justified an expansion in the act's coverage as well as the refinement of some provisions found to be cumbersome. As a result of these findings the Judicial Conference recommended a series of amendments which I introduced as S. 650. I have made some further refinements in those provisions which will be discussed later in my remarks.

DEFENDER ORGANIZATIONS

The heart of S. 1461, however, is a new subsection (h) which will be added to the Criminal Justice Act. This subsection will broaden the range of resources available to busy Federal districts to meet their defense representation needs. It would allow, but not require, a district or part of a district in which 200 or more defendants are required to be represented annually by appointed counsel to create a "mixed" defender system. In a "mixed" defender system the use of private counsel will be supplemented with either of two types of full-time defender organizations. In those districts which qualify under this proposal, the district can elect to establish either a Federal public defender organization or a community defender organization.

Subsection (h) is proposed in response to a need which is fully documented in Professor Oaks' report. After visiting many of the busiest Federal districts, Professor Oaks concluded that:

> There is a demonstrated need for full-time salaried federal defender lawyers on an optional basis in certain districts, and that measures should be taken to establish the full-time federal defender as a financially stable option under the Criminal Justice Act.

The meaningful and real advantages of full-time defenders can probably be considered to be first, a reduction in the administrative burden on court personnel; second, a more efficient, more experienced defense counsel service available to needy defendants and, third, a defense counsel service capable of furnishing more complete representation to the defendant.

In a district electing to establish a "Federal public defender organization," one or more salaried Federal attorneys, working full-time, would be available to accept Criminal Justice Act assignments. The director of each Federal public defender organization would be appointed for a 4-year term by the judicial council of the circuit in which representation is to be furnished. Fiscal supervision of such public defenders would be in the hands of the Administrative Office of the United States Courts, and salaries paid to defenders would be comparable to those paid in the U.S. attorney's office in the district.

As an alternative to the Federal public defender organization, this bill would authorize a busy Federal district to supplement its private counsel provisions with a "community defender organization." Although supported in whole or in part by Federal grants, the design and administration of such an organization would be in the hands of the locality which it was to serve. The proposed structure and function of the community defender organization would be submitted as an amendment to the Crimi-

nal Justice Act plan for the district. Under the act the approval of both the district court and the judicial conference of the circuit would be required. In this manner, supervision by the local judiciary would be assured.

One of the principal advantages of the community defender provision is that, by its flexibility, it allows a district to capitalize on the experience of a variety of experimental defender projects which have been launched in the last 5 years. Moreover, in a district in which an existing legal aid agency or defender organization is now furnishing representation, amendment of the CJA plan would allow that organization to receive necessary Federal support to continue its work.

The hallmark of this bill with its creation of a "mixed" defender system is that it allows each Federal district with a substantial criminal docket to provide defense representation in the manner most efficient and effective in light of its local conditions. The passage of the Criminal Justice Act of 1964 was a major step forward in providing adequate defense services for the financially disadvantaged; S. 1461 would increase the effectiveness of the CJA from a standpoint of efficiency and quality of representation. It would broaden the range of alternatives available and make the CJA more fully responsive to the needs of each Federal district on an individual basis.

Professor Oaks' finding of a need for a public defender system is but the most recent in a chain of recommendations by legal experts that quality representation in criminal cases requires full-time defenders to augment the resources and efforts of the private assigned counsel systems in busy jurisdictions. The 1963 report of the Attorney General's Committee on Poverty and the Administration of Federal Criminal Justice—Allen Committee—urged the establishment of full-time defender offices in the Federal courts to share with private assigned counsel the task of representation, particularly in the busiest districts. In 1967, the President's Commission on Law Enforcement and Administration of Justice recommended the creation of State-financed defender systems as well as compensated assigned counsel programs to improve the caliber of defense services. And the American Bar Association project on Minimum Standards of Criminal Justice in its 1967 publication, "Providing Defense Services," similarly recommended that career service defender offices be made available on a local option basis.

More recently, President Nixon in his January 31, 1969, message on crime in the District of Columbia, endorsed one of the earliest Federal defender programs, the Legal Aid Agency for the District of Columbia. The President noted that the District's pilot project "has given every indication of success," and he has supported an expansion of the agency to enable it to become a full-fledged defender office providing effective and efficient representation in conjunction with the substantial efforts of the private bar.

The road leading to Federal financial assistance for indigent defendants has been a long and difficult one. Its beginnings can be traced to a 1937 report of the Judicial Conference of the United States which recommended public defense assistance for indigent defendants in some districts with a high volume of criminal cases. The debate over a public defender system raged for years in the House and the Senate. In 1949, the Senate Judiciary Committee reported a defense bill without the public defender provision.

Beginning in 1961, this Senator introduced a total of four bills concerned with providing counsel to indigents. Utilizing recommendations of the Allen Committee appointed by the Attorney General, in 1963, I introduced S. 1057. I was most fortunate to be joined in my efforts by Senator COTTON, of New Hampshire, Senator ERVIN, of North Carolina, and then-Senator Keating, of New York. The assistance of these distinguished gentlemen was invaluable in achieving ultimate passage of the Criminal Justice Act, but without any provision for public defender systems.

It is my belief that subsection (h) is so drafted that the Congress finally will accept the use of full-time salaried defenders. Professor Oaks' report, the ABA's recommendation, the National Crime Commisison report and the Allen Committee report all emphasize the importance of retaining the involvement of the private bar in criminal defense work. To achieve that result, proposed subsection (h) would authorize the establishment of full-time defenders only as a supplement to the provisions for continued substantial representation by private counsel.

JUDICIAL CONFERENCE RECOMMENDATIONS

As I have mentioned previously, the bill I introduce today, S. 1461, adopts all of the Judicial Conference proposals, as did S. 650, and enlarges the scope of the act on the basic theory that whenever counsel is required to be appointed he should be eligible for compensation. In order to achieve such a result, the act's coverage is expanded to include probation revocation proceedings and certain prearraignment proceedings in light of the *Mempa* v. *Rhay* decision (389 U.S. 128 (1969)), the *Miranda* v. *Arizona* holding (384 U.S. 436 (1966)) and the case of *United States* v. *Wade* (388 U.S. 218 (1967)). In addition, where the court appoints counsel for an evidentiary hearing on a habeas corpus petition or to represent a material witness, compensation would be authorized.

This bill would also raise the maximum hourly compensation which may be paid to assigned counsel under the act from the present rates of $10 per hour for time spent on the case out of court and $15 per hour for time spent in court to $20 per hour for time spent in connection with the case. In 1963, the Attorney General's Committee on Poverty and the Administration of Federal Criminal Justice felt that $15 per hour was "the lowest statutory limit consistent with the objectives of reasonable compensation for the assigned lawyer and adequate representation for his client." It is reasonable to increase that rate today to $20 per hour in order to maintain that standard.

As in S. 650, this bill would raise the maximum compensation which the court could authorize to each attorney in a case; include the costs of authorized transcripts as reimbursable expenses; and substitute a more practical standard for determining when a chief judge may award excess compensation. S. 1461 would provide a uniform ceiling compensation for appellate representation in place of the separate limits for misdemeanor and felony appeals.

The changes brought by the recently enacted Federal Magistrate's Act are recognized in this bill by authorizing the U.S. magistrate to fix compensation where appointed counsel elect to dispose of misdemeanor cases before him instead of in the district court. The magistrate also would be empowered to authorize appointed counsel to obtain expert or investigative services. These amendments should encourage appointed counsel to dispose of less serious cases before the magistrate and thereby reduce the growing backlog of cases in the district courts of our busy districts.

CONCLUSION

Mr. President, the Senate passed a Federal public defender provision in 1964 during its consideration of the Criminal Justice Act. That provision, most regrettably, was struck by the conference committee. We accepted the will of the other body at that time and the Criminal Justice Act of 1964 became law. It has been a good law. It has facilitated more effective representation of indigent defendants. But time and experience have made clear what forensics sometimes cannot: the bill was not enough.

The defender provisions introduced today provide the maximum alternatives for a criminal defense program with the minimum of interference with local bar programs and circumstances. Private defense attorneys remain vital and will continue to be used. They will be supplemented by either a Federal defender organization or a community defender organization as the local judiciary may find to be necessary, effective, and efficient.

It is my hope, Mr. President, that in this Congress we will see the final step in an effort which began in 1937 to provide meaningful defense assistance to indigents in Federal criminal cases.

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

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD, in accordance with the request of the Senator from Nebraska.

The bill (S. 1461) to amend section 3006A of title 18, United States Code, relating to representation of defendants who are financially unable to obtain an adequate defense in criminal cases in the courts of the United States, introduced by Mr. HRUSKA (for himself and Mr. ERVIN), was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

S. 1461

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That (a) subsections (a) to (f) of section 3006A of

title 18, United States Code, are amended to read as follows:

"(a) CHOICE OF PLAN.—Each United States district court, with the approval of the judicial council of the circuit, shall place in operation throughout the district a plan for furnishing representation for (1) any defendant financially unable to obtain an adequate defense who is charged with a felony or misdemeanor (other than a petty offense as defined in section 1 of this title) or with a violation of probation, (2) any person under arrest, and (3) any material witness in custody, or any person seeking collateral relief, as provided in subsection (g). Representation under each plan shall include counsel and investigative, expert, and other services necessary for an adequate defense. Each plan shall include a provision for private attorneys. The plan may include, in addition to a provision for private attorneys in a substantial number of cases, either of the following or both:

(1) Attorneys furnished by a bar association or a legal agency; or

(2) attorneys furnished by a defender organization established in accordance with the provision of subsection (h).

Prior to approving the plan for a district, the judicial council of the circuit shall supplement the plan with provisions for representation on appeal. The district court may modify the plan at any time with the approval of the judicial council of the circuit. It shall modify the plan when directed by the judicial council of the circuit. The district court shall notify the Administrative Office of the United States Courts of any modification of its plan.

"(b) APPOINTMENT OF COUNSEL.—In every criminal case in which the defendant is charged with a felony or a misdemeanor (other than a petty offense as defined in section 1 of the title), or with a violation of probation, and appears without counsel, the United States magistrate or the court shall advise the defendant that he has the right to be represented by counsel and that counsel will be appointed to represent him if he is financially unable to obtain counsel. Unless the defendant waives representation by counsel, the United States magistrate or the court, if satisfied after appropriate inquiry that the defendant is financially unable to obtain counsel, shall appoint counsel to represent him. Such appointment may be made retroactive to include any representation furnished pursuant to the plan prior to appointment. The United States magistrate or the court shall appoint separate counsel for defendants having interests that cannot properly be represented by the same counsel, or when other good cause is shown. Counsel appointed by the United States magistrate or the court shall be selected from a panel of attorneys designated or approved by the court.

"(c) DURATION AND SUBSTITUTION OF APPOINTMENTS.—A defendant for whom counsel is appointed shall be represented at every stage of the proceedings from his initial appearance before the United States magistrate or the court through appeal, including ancillary matters appropriate to the proceedings. If at any time after the appointment of counsel the United States magistrate or the court finds that the defendant is financially able to obtain counsel or to make partial payment for the representation, it may terminate the appointment of counsel or authorize payment as provided in subsection (f), as the interests of justice may dictate. If at any stage of the proceedings, including an appeal, the United States magistrate or the court finds that the defendant is financially unable to pay counsel whom he had retained, it may appoint counsel as provided in subsection (b) and authorize payment as provided in subsection (d), as the interests of justice may dictate. The United States magistrate or the court may, in the interests of justice, substitute one appointed counsel for another at any stage of the proceedings.

"(d) PAYMENT FOR REPRESENTATION.—

"(1) HOURLY RATE.—Any attorney appointed pursuant to this section or a bar association or legal aid agency which has provided the appointed attorney shall, at the conclusion of the representation or any segment thereof, be compensated at a rate not exceeding $20 per hour for time reasonably expended and shall be reimbursed for expenses reasonably incurred, including the costs of transcripts authorized by the United States magistrate or the court.

"(2) MAXIMUM AMOUNTS.—For representation of a defendant before the United States magistrate or the district court, or both, the compensation to be paid to an attorney or to a bar association or legal aid agency shall not exceed $1,000 for each attorney in a case in which one or more felonies are charged, and $400 for each attorney in a case in which only misdemeanors are charged. For representation of a defendant in an appellate court, the compensation to be paid to an attorney or to a bar association or legal aid agency shall not exceed $1,000 for each attorney in each court. For representation in connection with a post-trial motion made after the entry of judgment or in a probation revocation proceeding or for representation provided under subsection (g) the compensation shall not exceed $250 for each attorney in each court.

"(3) WAIVING MAXIMUM AMOUNTS.—Payment in excess of any maximum amount provided in paragraph (2) of this subsection may be made for extended or complex representation whenever the court in which the representation was rendered, or the United States magistrate if the representation was furnished exclusively before him, certifies that the amount of the excess payment is necessary to provide fair compensation and the payment is approved by the chief judge of the circuit.

"(4) FILING CLAIMS.—A separate claim for compensation and reimbursement shall be made to the district court for representation before the United States magistrate and the court, and to each appellate court before which the attorney represented the defendant. Each claim shall be supported by a written statement specifying the time expended, services rendered, and expenses incurred while the case was pending before the United States magistrate and the court, and the compensation and reimbursement applied for or received in the same case from any other source. The court shall fix the compensation and reimbursement to be paid to the attorney or to the bar association or legal aid agency which provided the appointed attorney. In cases where representation is furnished exclusively before a United States magistrate, the claim shall be submitted to him and he shall fix the compensation and reimbursement to be paid.

"(5) NEW TRIALS.—For purposes of compensation and other payments authorized by this section, an order by a court granting a new trial shall be deemed to initiate a new case.

"(6) PROCEEDINGS BEFORE APPELLATE COURTS.—If a defendant for whom counsel is appointed under this section appeals to an appellate court or petitions for a writ of certiorari, he may do so without prepayment of fees and costs or security therefor and without filing the affidavit required by section 1915(a) of title 28.

"(e) SERVICES OTHER THAN COUNSEL.—

"(1) UPON REQUEST.—Counsel for a defendant who is financially unable to obtain investigative, expert or other services necessary for an adequate defense may request them in an ex parte application. Upon finding, after appropriate inquiry in an ex parte proceeding, that the services are necessary and that the defendant is financially unable to obtain them, the court, or the United States magistrate if the services are required in connection with a matter over which he has jurisdiction, may authorize counsel to obtain the services.

"(2) WITHOUT PRIOR REQUEST.—Counsel appointed under this section may obtain, subject to later review, investigative, expert or other services without prior authorization. The total cost of services obtained without prior authorization may not exceed $150 and expenses reasonably incurred.

"(3) MAXIMUM AMOUNTS.—Compensation to be paid to a person for such services rendered by him to a defendant under this subsection, or to be paid to an organization for such services rendered by an employee thereof, shall not exceed $300 exclusive of reimbursement for expenses reasonably incurred, unless payment in excess of that limit is certified by the court, or by the United States magistrate if the services were rendered in connection with a case disposed of entirely before him, as necessary to provide fair compensation for services of an unusual character or duration, and the amount of the excess payment is approved by the chief judge of the circuit.

"(f) RECEIPT OF OTHER PAYMENTS.—Whenever the United States magistrate or the court finds that funds are available for payment from or on behalf of a defendant, or other person for whom counsel may be appointed under subsection (g), it may authorize or direct that such funds be paid to the appointed attorney, to the bar association or legal aid agency which provided the appointed attorney, to any person or organization authorized pursuant to subsection (e) to render investigative, expert, or other services, or to the court for deposit in the Treasury as a reimbursement to the appropriation, current at the time of payment, to carry out the the provisions of this section. Except as so authorized or directed, no such person or organization may request or accept any payment or promise of payment for representing a defendant."

(b) Subsections (g), (h), and (i) of such section are redesignated as subsections (i), (j), and (k), respectively, and the following new subsections (g) and (h) are inserted before subsection (i) as redesignated by this subsection:

"(g) DISCRETIONARY APPOINTMENTS.—An attorney may be appointed to represent a material witness in custody or a person who has filed for relief under sections 2241, 2254, or 2255 of title 28, whenever the United States magistrate or the court determines that the interests of justice so require and that the witness or person is financially unable to obtain representation. An attorney appointed pursuant to this subsection may be compensated as specified in subsection (d) and may obtain services under the provisions of subsection (e).

"(h) DEFENDER ORGANIZATION.—

"(1) QUALIFICATIONS.—A district or a part of a district in which at least 200 persons annually require the appointment of counsel may establish a defender organization as provided for either under subparagraph (A) or (B) of paragraph (2) of this subsection or both. Two adjacent districts or parts of districts within the same circuit may aggregate the number of persons required to be represented to establish eligibility for a defender organization to serve both areas.

"(2) TYPES OF DEFENDER ORGANIZATIONS.—

"(A) FEDERAL PUBLIC DEFENDER ORGANIZATION.—A Federal Public Defender Organization shall consist of one or more full-time salaried attorneys. The organization shall be supervised by a Federal Public Defender appointed by the judicial council of the circuit, without regard to the provisions of title 5 governing appointments in the competitive service, after considering recommendations from the district court or courts to be served. The Federal Public Defender shall be appointed for a term of four years, unless sooner removed by the judicial council of the circuit for incompetency, misconduct in office, or neglect of duty. The compensation of the Federal Public Defender shall be fixed by the

judicial council of the circuit at a rate not to exceed the compensation received by the United States attorney for the district where representation is furnished or, if two districts or parts of districts are involved, the compensation of the higher paid United States attorney of the district. The Federal Public Defender may appoint, without regard to the provisions of title 5 governing appointments in the competitive service, such full-time attorneys and other personnel as may be necessary. Compensation paid to such attorneys and other personnel of the organization shall be fixed by the Federal Public Defender at a rate not to exceed that paid to attorneys and other personnel of similar qualifications and experience in the office of the United States attorney in the district where representation is furnished or, if two districts or parts of districts are involved, the higher compensation paid to persons of similar qualifications and experience in the districts. Each organization shall submit to the Director of the Administrative Office of the United States Courts, at the time and in the form prescribed by him, reports of its activities and financial position and its proposed budget. The Director of the Administrative Office shall submit to the President a budget for each organization for each fiscal year and shall out of the appropriations therefor make payments to and on behalf of each organization. Payments under this subparagraph to an organization shall be in lieu of payments under subsections (d) or (e).

"(B) COMMUNITY DEFENDER ORGANIZATION.—A Community Defender Organization shall be a nonprofit defense counsel service established and administered by the private bar. The organization shall be eligible to furnish attorneys and receive payments under this section if its bylaws are set forth in the plan of the district or districts in which it will serve. Each organization shall submit to the Judicial Conference of the United States an annual report setting forth its activities and financial position and the anticipated case-load and expenses for the coming year. Upon application an organization may, to the extent approved by the Judicial Conference of the United States, receive the following payments in lieu of payments under subsections (d) or (e):

(i) an initial grant for expenses necessary to establish the organization; and

(ii) periodic sustaining grants to provide representation and other expenses pursuant to this section."

Mr. HRUSKA. Mr. President, I might say finally by way of further summary that while every effort should be made to apprehend quickly those who are charged with the commission of crimes, and to try them promptly and fairly, at the same time we should realize and we should act in such a way as to recognize that our system of justice requires that those charged with crime have adequate qualified counsel to defend them.

It is the purpose and objective of the bill introduced today, to which I have directed by remarks, that that type of representation be afforded to those who cannot afford such defense services out of their own resources.

Again I express the hope that this Congress will take prompt action to proceed with hearings, consideration, and enactment of this bill in such final form as the Committee on the Judiciary may recommend, and as amendments from the floor may indicate.

Mr. President, I yield the floor.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

RECESS

Mr. BYRD of West Virginia. Mr. President, if there be 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 tomorrow.

The motion was agreed to; and (at 4 o'clock and 50 minutes p.m.) the Senate, in executive session, recessed until Tuesday, March 11, 1969, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate March 10 (legislative day of March 7), 1969:

COMMODITY CREDIT CORPORATION

The following-named persons to be members of the Board of Directors of the Commodity Credit Corporation:

Richard E. Lyng, of California.
Don Paarlberg, of Indiana.

ENVIRONMENTAL SCIENCE SERVICES ADMINISTRATION

Subject to qualifications provided by law, the following for permanent appointment to the grade indicated in the Environmental Science Services Administration:

To be captains

Eugene A. Taylor	Roger F. Lanier
William D. Barbee	John B. Watkins, Jr.
Herbert R. Lippold, Jr.	Dewey G. Rushford

To be commanders

Donald R. Tibbit	James S. Midgley
K. William Jeffers	Melvin J. Umbach
Gerald C. Saladin	Charles H. Nixon
Ray E. Moses	J. Austin Yeager
James G. Grunwell	John D. Bossler
Harold E. McCall	Raymond L. Speer
Robert L. Sandquist	

To be lieutenant commanders

Gerald M. Ward	James M. Wintermyre
Phillip C. Johnson	James P. Brown, Jr.
Rodger K. Woodruff	Karl W. Kieninger, Jr.

To be lieutenants

Sebastian A. Sora	Steve F. Yoshida
David McCall	John D. Uetz
Frank P. Rossi	Brian E. Morgan
Roger F. Anderson	Steven S. Nakao
John T. Atwell	Birchell C. Eversole, Jr.
Glenn Tober	John B. Courtney
Norman D. Smith	John P. DeLozier
Lowell J. Genzlinger	Larry W. Mordock
Mark E. Harbert	John D. Stachelhaus
Jimmy A. Lyons	Victor E. Delnore, Jr.
David K. Rea	Christopher Rojahn
David N. Daniel	Robert J. Barday
Yeager A. Bush	Dennis L. Valdevinos

To be lieutenants (junior grade)

David M. Wilson	John C. Albright

To be ensigns

James C. Bishop	Martin R. Mulhern
Floyd Childress II	Kenneth W. Potter
William R. Daniels	Gerald C. Ratzlaff
Joseph M. Frankiewicz	Stephen H. Scolnik
Lynn T. Gillman	Donnie M. Spillman
Gregory Holloway	Donald C. Suva
Charles H. Langdon III	Charles N. Whitaker
Lance E. Leuthasser	Newell W. Wright

DEPARTMENT OF STATE

Charles A. Meyer, of Pennsylvania, to be an Assistant Secretary of State.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 10 (legislative day of March 7), 1969:

U.S. MINT AT DENVER

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

FARM CREDIT ADMINISTRATION

The following-named persons to be members of the Federal Farm Credit Board, Farm Credit Administration, for terms expiring March 31, 1975:

T. Carroll Atkinson, Jr., of South Carolina.
James H. Dean, of Kansas.

EXTENSIONS OF REMARKS

CONGRESSMAN WHALEN ASKS FOR CONSIDERATION OF PROPOSED NEGATIVE INCOME TAX LEGISLATION

HON. CHARLES W. WHALEN, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 1969

Mr. WHALEN. Mr. Speaker, in April 1967, at a symposium sponsored by the Council of Graduate Students at the Ohio State University, I advocated the adoption of the proposal known as the negative income tax.

At that time, I reviewed the limitations of the present approaches to poverty. I concurred with Prof. James Tobin, a member of the Council of Economic Advisers when the war on poverty was devised, in the observation that—

Half of the poor benefit from none of these (poverty programs) and most of the public money spent to supplement personal income goes to families above the poverty line.

Mr. Speaker, I do not think it is necessary for me to reiterate here the detailed critique I made of the poverty program in 1967. However, I do want to reemphasize the conclusion which I reached.

That is—

The negative income tax would be the most effective means by which the federal government can commit further resources in the battle against poverty.

Most recently, I have had the opportunity to work with my colleague, the gentleman from Michigan (Mr. CONYERS) on the drafting of legislation which would implement the negative income tax plan.

Although the bill itself has not been refined, Congressman CONYERS and I thought it would be helpful to our colleagues as well as other interested parties, if a draft of the bill were made available for broad consideration. Congressman CONYERS has inserted a copy