and that it is up to us to find our particular chore and become personally involved in pursuing it—voluntarily, relentlessly, and if necessary, sacrificially—else it may never get done, and delay the coming of the spirit of His Kingdom, so badly needed on the earth today.

This crime fighting drive falls into that category with me. It has become an obsession which almost by Divine inspiration haunts me night and day. I cannot quit—I cannot rest—I feel I must keep going until many embrace the right thinking—psychological approach.

I realize, of course, that one man alone, or any small group like Help Your Police Fight Crime, can do little—but in the words of Cannon Farrar, each of us must say to himself, "What I can do I ought—and what I ought to do—by the grace of God—I will do!" In this spirit I invite your participation.

HOUSE OF REPRESENTATIVES—*Monday, March 10, 1969*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Let us hear the conclusion of the whole matter: fear God and keep his commandments: for this is the whole duty of man.—Ecclesiastes 12:13.

O Thou who hast made us and dost keep us day by day, we bow in Thy presence at the beginning of another week to offer unto Thee the devotion of our hearts. Grant unto each one of us inner resources of spiritual power that we may not be overcome by troubles, but rising above them make each day a pageant of triumph. Make us such radiant personalities and so filled with good will that we may commend to the world the faith we profess.

We pray for our Nation, our President, our Speaker, Members of our Congress, those who work with them, and all our people. Following the leading of Thy spirit and walking in the way of Thy commandments, may we here in America find a new unity in a common faith and a common endeavor, and living close to Thee find ourselves closer to each other; through Jesus Christ our Lord. Amen.

THE JOURNAL

The Journal of the proceedings of Thursday, March 6, 1969, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 497. An act to amend section 301 of the Manpower Development and Training Act of 1962, as amended.

The message also announced that the Vice President, pursuant to Public Law 84–1028, appointed Mr. HOLLAND, Mr. CANNON, Mr. HART, and Mr. GOODELL to be members of the Board of Visitors to the U.S. Military Academy.

The message also announced that the Vice President, pursuant to Public Law 80–816, appointed Mr. MAGNUSON, Mr. TYDINGS, Mr. SCHWEIKER, and Mr. GURNEY to be members of the Board of Visitors to the U.S. Naval Academy.

The message also announced that the Vice President, pursuant to Public Law 84–1028, appointed Mr. ELLENDER, Mr. BURDICK, Mr. DOMINICK, and Mr. FANNIN to be members of the Board of Visitors to the U.S. Air Force Academy.

The message also announced that the Vice President, pursuant to Public Law 78–301, appointed Mr. BYRD of Virginia to be a member of the Board of Visitors to the U.S. Merchant Marine Academy.

The message also announced that the Vice President, pursuant to Public Law 81–207, appointed Mr. MONTOYA to be a member of the Board of Visitors to the U.S. Coast Guard Academy.

THE PROPOSED INCREASE IN THE DEBT CEILING AND ITS RELATION TO THE SURCHARGE TAX

(Mr. VANIK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VANIK. Mr. Speaker, today, as a member of the Ways and Means Committee, I will support the proposals for a new debt ceiling allowing the administration a reasonable degree of flexibility in handling its fiscal affairs. The proposed ceiling meets every explained contingent need of the Government.

However, my support for the proposed debt ceiling does not commit me to continue the 10-percent tax surcharge beyond June 30.

It is my judgment that the revenue loss occasioned by a termination of the surtax could be made up by the adoption of legislation already before the Congress to close up the obvious loopholes which demoralize the integrity of our tax structure. Congress is more likely to adopt corrective legislation to close loopholes if there is a fiscal urgency to replace revenues lost by the termination of the surtax. A minimum tax reform program should produce sufficient revenue to make up the revenues previously produced by the surtax.

Otherwise, the tax reform discussions may well continue for the remainder of the century, producing nothing more than extended talk.

Congress must be urged to act with vigor on tax reform. Necessity will be the incentive for proper action if we terminate the tax surcharge.

THE EVER-ESCALATING FOOD PRICES

(Mr. CARTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARTER. Mr. Speaker, as it happens, I frequently visit the supermarkets in this area, both to assist my wife in purchasing and to check on the ever-escalating food prices, and on the different ways in which meat, food, fish, and fowl are priced and packaged.

Mr. Speaker, with interest rates jumping to 7¾ percent, with housing prices soaring, and with the cost of all the necessities of life increasing, a great hardship is being placed upon our working people, upon the great middle class, and upon our senior citizens living on fixed incomes.

These are the people who have no tax loopholes. These are the good Americans whose sons are fighting the war in Vietnam, while the sons of the wealthy and the well-to-do are in college, the National Guard, or the Reserves.

Since all the revenue bills, by the Constitution, must originate in the House of Representatives, it is the opinion of many that our recent salary increase was unconstitutional, and I agree.

The inflationary spiral must be stopped. Those of us who have preached economy should now practice it. Today, with all sincerity, I am introducing a bill to return the salaries of the Members of Congress to their former levels. The financial "buck" stops here. If you are willing to sacrifice private pelf for public good, I ask that you cosponsor this bill.

EISENHOWER INTERSTATE HIGHWAY SYSTEM

(Mr. MIZE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MIZE. Mr. Speaker, on March 4, 1969, our distinguished colleague from California, Congressman BOB WILSON, introduced legislation to designate the Interstate Highway System of the United States as the Eisenhower Interstate Highway System."

I wish to commend Mr. WILSON for his most appropriate suggestion, and announce that I suscribe completely with his recommendation. I am today introducing identical legislation which, hopefully, will soon result in proper tribute to a great American soldier and statesman.

General Eisenhower, as he gallantly recuperates from his latest illness, knows the fond affection the Congress and the people hold for him. Millions throughout the world are free today; but for the foresight and skill of General Eisenhower, those same millions could well be suffering the bondage of totalitarianism. His grateful public surely includes not only his countrymen, whom he served so long and so well, but also all the peoples of the free world, whom he defended in war and protected in peace.

During his Presidency, General Eisenhower's vision and determination brought many lasting programs of merit. In foreign affairs, enactment of food for peace has resulted in distribution of over $17 billion in surplus agricultural commodities to the hungry abroad. Food for peace in nation after nation has evolved into increased cash markets for U.S. produce.

At home, President Eisenhower inaugurated the Federal Aid Highway Act of 1956. Creation of the Federal highway trust fund and the Interstate System has averted a complete catastrophy in trans-

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portation. Without this legislation and the resulting system of well-planned highways, the Nation would have long since overwhelmed its roadsteads. As my colleague has pointed out, America is a Nation on wheels and General Eisenhower had the foresight to anticipate our need for a truly national highway system.

Mr. Speaker, it is only fitting that that system should bear his honored name. We, as individual Members of Congress, can use this vehicle to convey our thanks to Dwight David Eisenhower for a lifetime of unparalleled public service.

Not far from the Eisenhower boyhood home at Abilene, Kans., which I am honored to include in my congressional district, is a broad, clean, well-built ribbon of highway. This highway, Interstate 70, one of the east-west arteries in the system, goes on to Denver and will eventually link the two coasts.

As mobile America uses this great Interstate System to travel across the length and breadth of the land, it is fitting, I feel, that one of the arteries leads to Abilene, Kans. Thousands of travelers plan their trips each so that they can visit the boyhood home of Dwight David Eisenhower and see the library and museum which have been built in his honor at the Eisenhower Center in Abilene.

These visitors travel on from this stop, ennobled by the experience, and with a deeper appreciation of the greatness of the 34th President of the United States. They know why Mr. Eisenhower holds such a high place in the hearts and minds of Kansans and why any further recognition paid to him by his countrymen is well deserved.

Again, I salute the gentleman from California (Mr. WILSON) for making this proposal. I am honored to join him and I urge other colleagues to lend their support.

URBAN DIFFICULTIES CALL FOR RURAL JOB DEVELOPMENT

(Mr. MIZE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MIZE. Mr. Speaker, the increased congestion of our Nation's cities concerns every thinking American. Public services, such as sanitation, police protection, fire protection, and an adequate water supply, are provided only at prohibitive cost in the glutted center cities. This problem is compounded, of course, by inadequate job opportunities and underemployment in these areas.

Scholars and public administrators agree that redistribution of the population, with increased industrial and commercial activity in rural areas, would materially improve opportunity and conditions of life—both in the cities and in the open countryside.

Ours is a free society. There can be no forced migrations in America, such as the Khrushchev Siberian development project. Americans must be attracted to jobs in the towns and villages of New England, the Northwest, the South, and the Midwest. Industries must be freely attracted to those regions for expanded opportunity.

Mr. Speaker, for these reasons I have sponsored the Rural Job Development Act of 1969. This legislation is sponsored in the other body by the distinguished senior Senator from Kansas, Senator PEARSON. Through a system of tax incentives, this act would encourage industrial development in rural America. County seat towns, which have been slowly dying from the effects of an eroding tax base and loss of population, would be given a new lease on life. Local residents would be taught skills for local employment. City dwellers, attracted by community stability, the lower cost of living, good schools, clean air, and better jobs, would contribute the skills they know to an environment which they had never hoped to enjoy.

Mr. Speaker, in the January 1969 issue of the Kansas Business Review, Mr. Robert L. Swinth, associate professor of the University of Kansas School of Business, has contributed a scholarly article which documents the case for rural job development.

Because of the widespread need for understanding in this challenging area of concern, I insert Professor Swinth's paper in the RECORD at this point:

NEEDED: A NATIONAL POLICY ON POPULATION DISTRIBUTION

(By Robert L. Swinth)

Urban problems have become a major issue for public discussion in the last few years. It now appears that over the next 10 to 20 years the federal government will appropriate up to 20 billion dollars for programs designed to improve urban conditions. A large portion of the funds will be used for urban redevelopment, i.e., new housing and improved public services ranging from better garbage collection to better roads. Additional funds will be used to better the lives of city dwellers, especially the poor, by means of job training, medical care, community action groups, and family services. Whitney Young, Jr., for example, has proposed that we undertake a Marshall Plan of aid for our cities and with "massive programs, increase jobs, housing, and education." [1]

Given that the need for action is recognized and that we are willing to make significant allocations of our resources to the cities, the question remaining is whether or not our present approach is sufficient for attacking the problem. Is it not conceivable that part of our urban crisis is really the result of overcrowding, and that this in turn contributes to poverty, alienation, and a reduction in the quality of urban life? Seldom do the proposals for alleviating the crisis of the cities mention overcrowding in these terms. The assumption is that people and industry will remain in the cities and ways must be found to accommodate them.

If we are willing to recognize, though, that the problems of the cities are partially the result of overcrowding, it becomes obvious that we not only need to continue and expand our state and federal programs to improve urban conditions, but we also need a federal and state policy to encourage the redistribution of population and industry to less crowded regions. This is not to say that money should not be spent in the cities, but rather, by reducing the demand on the bigger cities to provide facilities and services, the funds spent there will be more effective. Perhaps in this way, the vicious cycle in which each improvement in a city is dissipated by an increase in the city's population can be broken.

Many people who live in cities are sympathetic to reversing the trend toward ever-larger cities. A Gallup Poll conducted in May 1968 reported that one-half the persons living in the larger U.S. cities *and their suburbs* would leave them if they could. This was true for both blacks and whites, and furthermore, the trend for this preference has increased about seven percent since 1966.[2]

For the past century there has been a steady migration from the rural areas to the middle-sized cities and metropolitan conglomerates. There are no doubt many reasons for such a shift, but clearly one of the prime causes has been that more and better paying jobs are in the larger cities. Any attempt, therefore, to entice people out of the cities should use the same kind of attraction. That is, some industry would have to relocate in the regions where we want population to relocate.

To a great extent, the present locational pattern of American industry is an accident of history. In a large proportion of the cases, firms are not optimally located from the point of view of efficiency of product manufacture or the ease of distribution to markets. Given the improvement in the past two decades in transportation and communication, it is reasonable to expect that many firms could relocate at relatively little cost.

Many would argue that the region in which a firm locates is determined by economic considerations: convenience to raw materials, to markets for products, to labor supply, and to service facilities. In fact, this is only partly true. While it is beyond the scope of this article to demonstrate the actual magnitude of the economic factors, they are of much less importance than is commonly claimed. Consider the fact that, in many industries, firms with national markets locate all over the country. Manufacturers of plastic products, as a case in point, can be found in almost every state. The same is true of clothing, electronic products, furniture, and many others. Many firms are finding that today's network of communication and transportation facilities allows them to quickly serve widely scattered markets with fairly simple distribution and supply setups. By having airfreight services, firms in several industries have found that they can cut back on both the number of warehouses and the level of inventory to a small fraction of what was previously thought necessary to serve their customers. Because of the ease of communication, many firms can have the headquarters of their operations in almost any city, not in a single financial center. Therefore, it is not unreasonable to think of a much more widely distributed industrial system. The usual economic argument that it is more costly to locate in certain areas is not necessarily true, or important, especially when one takes into account the social costs to a region that is too densely populated.

The city has always been thought to be attractive because of the vibrant stimulation of the arts, the cuisine, the architecture, and the mere varieties of people who live there. However, it is also true that for many, most of the time, and for the rest, some of the time, the quality of life is reduced by the overcrowding. The effect of overcrowding on the city dweller depends in part on how much he can afford to pay to avoid it. One way to assess the relationship between the quality of life and the population density of a region is to look at a number of demographic variables which might have an impact and see how they vary with density. Although it is not possible to gather such information on many important issues, there are still a number of important variables for which data can be obtained.

Consider first the per capita level of expenditure for various local governmental services such as schools, police, etc. It would seem fair to say that these costs rise with increasing density and still do not relieve the congestion and complications of life in the city. Traditionally, local governments pro-

[1] Whitney Young, Jr., "Marshall Plan for Cities," Saturday Review, March 1968.

[2] Kansas City Star, May 5, 1968, p. 13A.

vide ten major classes of services: public school education, health services and facilities (hospitals, etc.), police protection, fire protection, sanitation (garbage and sewage), recreation facilities (parks), utilities (water, gas, electricity), streets, public transportation, and cultural facilities (libraries, museums, etc.).

Six of these municipal services were selected for an analysis of the relationship between expenditure and population density. For that purpose, data were gathered on a representative sample of metropolitan areas and counties for 1960, the last year in which complete data were available. For each service, a correlation analysis was used to measure the degree of association between the expenditure on that service and population density. For example, Table 1 shows that for health (with an r of 0.9), expenditures per capita increased almost in linear proportion to increases in population density. It has been assumed that there is no great variation in the quality of service for areas of different density. However, the quality of education in the public schools tends to be worse in the very large cities than in the middle and smaller cities.

For all of these services, except education and possibly recreation, the data suggest that there was indeed a greater per capita expenditure in the more densely populated regions. This was true for health, police, fire, and sanitation. The correlation between the population level of each region and per capita expenditure on education, etc., was also calculated. Note that in many instances there is a significant correlation with population. Perhaps the problems of the cities are in part the social diseconomies of scale. A service like sanitation illustrates why facilities will cost more in a more densely populated area. In a crowded city cheaper techniques for disposal of sewage (like holding ponds) cannot be used because land is too costly and sewage lines, etc., cannot be cheaply installed because these must compete with other service facilities like water, phone, and gas lines under already crowded streets.

The second major area to be considered is that of physical and mental health. Is there, for example, a relationship between the incidence of disease and density? Several categories were selected and sampled. It was found that only the incidence of tuberculosis varied directly with population density. Live birth rate, death rate, the incidence of syphilis, infective diseases, and suicides did not vary with density. It has been known for some time that tuberculosis is more probable in larger cities because of the higher levels of air pollution. The lack of significant relationship with birth rate is at least an argument that the larger city is not providing better service even though it has long been claimed that the opportunity for specialization enabled the larger city to provide better health care. The lack of relationship with suicides is interesting since one would assume a greater tendency for this kind of response to the environment under more crowded conditions. A possible explanation is that an individual's propensity to commit suicide is primarily a function of his heredity and personality rather than his environment.

A third category is in the area of crime rates. It was found that there is no relationship between crimes against property or crimes against persons and population density. In view of the crowded conditions of many poverty ghettos and the assumption that they breed crime, this information seems inconsistent. It should be noted that the per capita crime rate (against property and persons) is higher the larger the total population of the city. This is the only variable for which that fact is the case. In all other cases, the relationship is generally true for both density and population. This result suggests the need to rethink the causes of crime because the data suggest no simple link with density, contrary to the popular view. On the other hand, for the available health and crime data, the levels of incidence were not broken down by district within each region. It is possible that in aggregating over a region that includes both well-to-do neighborhoods and ghettos, important differences were washed out. In some sections of the country, the density of a region will be understated because the county which defines the region is large and mostly unpopulated except for a central dense core, whereas in other sections the counties are small and only those in the dense core are included.

Suppose that society decides that, in addition to current and proposed programs to help the cities, it is also feasible and worthwhile to encourage a redistribution of population and industry. What should the federal, state, and local governments do to facilitate this process? It would seem reasonable to use the tax system as the carrot and the stick: Firms that settle or expand their operations in areas of the country where growth is desirable could be given rebates on their federal taxes and firms that operate in metropolitan conglomerates could be taxed at an extra high rate. Probably the best way to accomplish this goal is to provide the opportunity for the tax on a firm to be made in proportion to the density of population for the region where its operations are located. The firm that operates in the more lightly populated area does not put as much demand on public services as does the firm that operates in the more densely populated and already burdened area and, therefore, the former could be taxed less than the latter. Furthermore, in the more densely populated area, firms are meeting an obligation to help pay for the additional urban problems arising from their presence. This taxing strategy allows a fundamental economic law to come into play: Those firms which find the less dense area most desirable and the urban location least necessary to continuance will be induced to relocate and those firms which find the large city is essential to operate will be willing to pay the price.

To use tax incentives to influence population and industry movement, it is necessary to have a concept of the ideal densities of various regions. Obviously, it is not desirable to disperse people uniformly over the country. It would seem reasonable to promote the growth of many more middle-sized cities, and to hold steady or reduce the populations of our metropolitan conglomerates. There are, of course, many small cities that could very well keep their current size. Either the people in them do not wish to see them grow, or they are limited by their geography.

It is a hard choice for many large cities to turn away industry while facing unemployment problems. Yet it would seem that the need for employment can be better met by attracting people out of these cities to employment opportunities elsewhere. Again, federal, state, and local governments can play an important role. One of the primary deterrents to the mobility of labor is the lack of information channels about opportunities. For example, in one study, it was found that most displaced workers obtained new jobs through informal channels and employment agencies played only a minor role.[3] Thus an important function of government and private industry would be to facilitate the dissemination of job information across regions. There are countless feasibility studies aging away in file drawers because no one knows how to get them to the people who will take the initiative to translate them into reality.

[3] W. Haber, L. A. Ferman, J. R. Hudson, "The Impact of Technological Change," The Upjohn Institute; Kalamazoo, Michigan, 1963.

Another major function of government is planning. Clearly, it is not necessary to start new towns all over the country. Many existing communities provide an ideal base from which to grow as they are already functioning, with public institutions and services. Growth is never easy without forethought, however, and governmental agencies could be most useful in making expert planning information and guidance available to these communities.

In summary, this article is an attempt to demonstrate the need for developing explicit federal and state policies toward population distribution. While there is a critical need for programs to improve conditions in the cities, some funds and effort could also be expended to move people out of the city. It is not enough to improve already overcrowded environments that become still more crowded the moment conditions improve. There is no question that many people find the quality of life lessened in the large city. They live there primarily because that is where the jobs can be found. For a major segment of industry, however, location is as much an accident of history as a question of efficiency. If industry could be induced to move to less crowded areas through appropriate tax incentives, people would follow. With today's transportation and communication networks, there is little to deter the relocation of some major segments of industry.

ABOUT THE AUTHOR

Robert L. Swinth is an Associate Professor in the School of Business at The University of Kansas. He is a graduate of Stanford University, Palo Alto, California, where he received a B.S. degree in civil engineering and the M.B.A. and Ph.D. degrees in business, completing his graduate work in 1964. Before coming to Kansas in 1967 he was a Professor of Industrial Administration and Psychology at Carnegie Institute of Technology. He is a member of the American Psychological Association, American Sociological Association, The Institute of Management Sciences, and the Society for General Systems Research. Dr. Swinth has published articles in several journals including the Industrial Management Review, the Journal of Applied Psychology, and Management Science.

TABLE 1

	SMSA's[1]		Counties[1]	
	Correlation	F ratio	Correlation	F ratio
ON DENSITY				
Education	0.147	0.199	−0.154	0.485
Health[2]	.895	36.300	[2] .600	11.265
Police[2]	.888	33.706	[2] .677	16.927
Fire[2]	.532	3.544	[2] .414	4.149
Sanitation[2]	.907	41.712	[2] .723	21.875
Parks	.446	2.241	[2] .365	3.141
Birth	−.386	1.577	−.138	.386
Death	.475	2.629	.272	1.596
Tuberculosis[2]	.553	3.974	[2] .417	4.220
Syphilis	−.066	.039	.026	.014
Infective	−.003	.124	.007	0
Suicide	−.076	.052	.032	.020
Crime (personal)	.283	.595	----	----
Crime (property)	.186	.322	----	----
ON POPULATION (in thousands)				
Education	0.353	1.277	0.119	0.286
Health[2]	.872	28.692	[2] .575	9.885
Police[2]	.957	98.348	[2] .893	78.886
Fire	.231	.506	[2] .590	10.695
Sanitation[2]	.868	27.450	[2] .784	31.993
Parks[2]	.777	13.732	[2] .727	22.445
Birth[2]	−.507	3.113	−.102	.212
Death	.172	.274	.168	.582
Tuberculosis	.465	2.483	[2] .367	3.110
Syphilis	−.038	.013	−.003	0
Infective	−.228	.492	−.010	0
Suicide	.158	.232	.228	1.098
Crime (personal)[2]	.682	7.832	----	----
Crime (property)[2]	.536	3.635	----	----

[1] The analyses are used to determine where possible relationships might be found and are based on samples of 20 or less.

[2] Denotes indexes for which the correlation levels and F ratios suggest the existence of a significant relationship.

Source: See appendix.

APPENDIX

POPULATION AND DENSITY FIGURES USED FOR TABLE I

County and State	City	1960 Density		1960 Population	
		County	SMSA	County	SMSA
Roger Mills, Okla		4.5	158	5,090	
Park, Mont		5.0		13,168	
Montrose, Colo	Montrose	8.2		18,286	
Washington, Maine		12.9		32,908	
Ward, N. Dak	Minot	23.0		47,042	
Jasper, Ind		33.6		18,842	
Duplin, N.C		49.0		40,270	
Cape Girardeau, Mo	Cape Girardeau	73.0		42,020	
Douglas, Kans	Lawrence	93.4		43,720	
Marion, Ohio	Marion	148.7		60,221	
Spokane, Wash.[1]	Spokane	157.9	158	278,333	278,333
Washington, Tenn	Johnson City	198.3		64,832	
Kalamazoo, Mich.[1]	Kalamazoo	299.3	299	169,712	169,712
Pulaski, Ark.[1]	Little Rock	316.8	317	242,980	242,980
Salt Lake, Utah [1]	Salt Lake City	501.4	501	383,035	383,035
Hampden, Mass	Springfield	691.4	1,116	429,353	478,592
Los Angeles, Calif	Los Angeles	1,487.4	1,393	6,038,771	6,742,696
Middlesex, Mass	Cambridge	1,494.3	2,672	1,238,742	2,589,301
Orleans, La	New Orleans	3,153.4	777	627,525	868,480
Cook, Ill	Chicago	5,377.1	1,675	5,129,725	6,220,913
Philadelphia, Pa	Philadelphia	15,767.8	1,224	2,002,512	4,342,897
New York, N.Y	New York	77,194.6	4,977	7,781,984	10,694,633

[1] Indicates that the standard metropolitan statistical area (SMSA) is the same as the county area.

Sources: U.S. Bureau of the Census, Census of Governments 1962, vol. IV, No 3, "Finances of Municipalities and Township Governments," table 21; vol. IV, No. 4, "Compendium of Government Finances," table 53; vol. V, "Local Government in Metropolitan Areas," tables 8, 12. U.S. National Office of Vital Statistics, Vital Statistics of the United States 1962, vol. I, "Natality, Washington 1964," table 2-1; vol. 2, "Mortality," pt. B, table 7-8.

WORLD WAR I VETERANS' LIFE INSURANCE

(Mr. SAYLOR asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, I am concerned over the exhorbitant premiums being paid by many World War I veterans in order to maintain their policies of U.S. Government life insurance in force.

Most of these men purchased this insurance during World War I when they were young men. The premiums were, of course, very reasonable. For example, an 18-year-old soldier in 1917 could purchase a $10,000 life insurance policy at a premium of $76.80 per year. Today, that same soldier is 70 years of age. He is now paying $620.40 per year to keep that same insurance policy in force. In just 2 more years, he will have paid $10,698 in premiums for a life insurance policy that will pay $10,000 to his beneficiaries.

Mr. Speaker, these World War I veterans hold insurance policies that are called "5-year level premium term" policies. This means that every 5 years the policy is renewed at the premium for the veteran's then attained age.

Of course, as his age increases, so does his mortality risk. As a result, the 70-year-old veteran is paying an exhorbitant premium at the time in life when his income is at its minimum and he can least afford to pay his insurance premiums.

The most recent annual report of Government life insurance programs for veterans and servicemen reveals that the U.S. Government life insurance trust fund contains unassigned surplus moneys. I believe these surplus funds should be used to alleviate the plight of our aging veteran population. They cannot afford to pay for the insurance and they cannot afford to drop it.

I am, therefore, introducing a bill to provide that any 5-year level premium term policy of U.S. Government life insurance shall be deemed paid when premiums paid in, less dividends, equal the face amount of the policy. I hope this bill will receive early and favorable consideration.

LAWSON KNOTT, DISTINGUISHED PUBLIC SERVANT, RETIRES

(Mr. MAHON asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MAHON. Mr. Speaker, one of the most efficient and distinguished public servants of our time has been Lawson B. Knott, Jr., who has recently retired as Administrator of the General Services Administration. For more than 30 years he performed service of the highest type to the American people and our Government.

Nothing can now be added to his distinguished accomplishments. "The moving finger has writ," but it seemed appropriate to me to salute this man who has done a superior job through the years for our country.

PERMISSION FOR COMMITTEE ON WAYS AND MEANS TO FILE A REPORT ON H.R. 8508, PUBLIC DEBT LIMIT

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the Committee on Ways and Means may have until midnight tonight, March 10, 1969, to file a report on the bill (H.R. 8508) to increase the public debt limit set forth in section 21 of the Second Liberty Bond Act, along with separate views, if any.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

PUBLIC EMPLOYEE UNIONS

(Mr. CLAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. CLAY. Mr. Speaker, the matter of strikes by public employees has often been discussed and debated. The views of Jerry Wurf, president of the American Federation of State, County, and Municipal Employees, AFL-CIO, on this issue are of special importance.

In a recent interview on the Mutual Radio Network, Mr. Wurf urged public officials to look harder for the root causes of public employee strikes, and to work harder to correct those causes.

Public employment is the fastest growing sector of the work force and of union organization. Mr. Wurf's experience and understanding of labor-management relations in the public employment sector, and how they might be strengthened and improved, merit the consideration of every Member of the House. For that reason, I now insert the text of the Labor News Conference broadcast last December 24, in the RECORD, as follows:

LABOR NEWS CONFERENCE, DECEMBER 24, 1968

Subject: Public employees unions.

Guest: Jerry Wurf, president of the American Federation of State, County, and Municipal Employees.

Reporters: Stanley Levey, labor correspondent for the Scripps-Howard Newspapers; Frank Swoboda, labor correspondent for United Press International.

Moderator: Frank Harden.

HARDEN. Welcome to another edition of Labor News Conference, a pubic affairs program brought to you by the AFL-CIO. Labor News Conference brings together leading AFL-CIO representatives and ranking members of the press. Today's guest is Jerry Wurf, president of the American Federation of State, County and Municipal Employees, AFL-CIO.

Public employment is today the fastest growing segment of the nation's total employment picture, and the fastest growing area of union organization. Here to question Mr. Wurf about the trends of collective bargaining for public employees, as well as the special problems and challenges it involves, are Frank Swoboda, labor correspondent for United Press International, and Stanley Levey, labor correspondent for the Scripps-Howard Newspapers. Your moderator, Frank Harden.

And now, Mr. Levey, I believe you have the first question?

LEVEY. Mr. Wurf, the other day, the new Labor Secretary-designate, George P. Shultz, was asked how he felt about strikes by public employees. He said he deplored them. How do you feel about such strikes?

WURF. Well, I understand that George Meany, the President of the AFL-CIO, when asked to comment on Mr. Shultz' statement, commented that he too, deplored all strikes, and I agree with Mr. Meany.

I think the problem of strikes of public employees is totally unreal.

For example, there was discussion recently, of a possible strike of bus drivers in Washington, D.C. Such a strike is not a public employee strike, because the bus drivers in Washington, D.C., are employed by a private traction company. But a strike of bus drivers in New York City, where the bus company is owned by the city, is illegal, and the leaders of the union would probably go to jail and the union heavily fined if a strike took place.

It is illegal for public employees who pick up the garbage in New York City to go out on strike, but it is perfectly legal for those who work for the private contractor who

picks up the garbage for the citizens of San Francisco to go out on strike.

It is perfectly legal for the employees of the Consolidated Edison Company—the largest public utility in the country, if not in the world—to go out on strike, which affects all the light and power in the New York City and suburban area. But, it is illegal, for example, for the light and power employees in Memphis to go out on strike, because in that instance, the light and power company is owned by the city.

Until we get rid of this kind of unreasonableness and lack of equal treatment, I think that when employees have exhausted all remedies, when they find no other way to solve their grievances, when public officials hide behind the strike bans that always affect public employees, instead of dealing with the equities that the employees deserve, I think that until that utopian day comes, you are going to have strikes of public employees.

SWOBODA. Mr. Wurf, do you see any trend in various state laws that will bring us to that point?

WURF. Well, let me point out that in this country, unlike most of the countries in the free world, public employee strikes are illegal.

In several of the states, there are laws which specifically make them illegal. In other states, where there are no laws, the courts have held that such strikes are illegal, because they attack what lawyers call the "sovereign"—you know, the king-supplicant relationship that public employees suffer from in their employment relationships.

I think the important thing is that laws are coming. In some instances, they are good laws; in some instances, they are less than good laws. Laws are coming, because in recent years, public employees, who are not covered by the National Labor Relations Act and who have been excluded from the coverage of labor laws, have been organizing into unions. These unions, including the teachers, the federal employees, and our own union, have been pushing, and shoving, and demanding decent treatment by their employers.

As a result, laws are being passed that recognize rights that already exist on a de facto basis and otherwise, to give recognition to the demands of the employees. In many instances, these laws are a step forward. But others, as in the case, for example, of the law in New York—the so-called Taylor Law—are a step backward, because the repression that is inherent in the law—the attempt to control the employees—does more harm than good to sensible labor-management relations.

SWOBODA. Could you give us an example of what you consider a good law in this instance?

WURF. All of these laws have a strike ban, but there is a fairly good law affecting employees in the state of Connecticut. There is a fairly good law in the state of Michigan. In Wisconsin, we have interestingly, a fairly good law affecting county and municipal employees, but a very bad law affecting state employees.

We have a very bad law in New York. New Jersey just passed a dreadful law. Pennsylvania is now contemplating the report of a commission, and the Governor has said he will drastically change the recommendations of this commission. A bad law is contemplated there. There is a report pending for a law that will be emanating from a committee appointed by Governor Spiro T. Agnew of Maryland. There are mixed reports as to what kind of law they will have.

One of the real difficulties in the laws that are being contemplated thus far, is this almost paranoid concern over strikes and the attempts to eliminate strikes. There has never been successful elimination of strikes in any of these laws.

As a matter of fact, anti-strike laws generally bring on strikes, because the union has to prove its militancy and loyalty to the members. This anti-strike syndrome distorts the whole mechanism of the law and makes the problems of collective relationships more difficult, rather than easing them.

LEVEY. Mr. Wurf, I think that most fair-minded people would agree that if public employees are denied the right to strike, they ought to be given other things which will make labor relations more equitable and more possible. But that still doesn't duck the basic issue, that there is a law which prohibits strikes. What does the fact that public employees do strike in violation of the law do to the kind of public morality that we are all talking about? Doesn't that weaken respect for law, and for government, and for order, in a period when we are all very much worried about such things?

WURF. First of all, I want to say this, Mr. Levey: you glibly said that public employees ought to be satisfied with some alternative for the strike weapon. I am in total agreement with you. But one day, I want you to tell me what that alternative is, and when that happens, the rest of your question becomes much simpler.

Now, let's take the second part of your question, about respecting the law.

Public employees are generally conservative people—generally people who are very law-abiding. But, we are up against the same probems that people were up against in the fights for civil liberties in this country. If there are indecent laws that defend indecent practices, you have no choice but to involve yourself in civil disobedience. I regret this, but I know, and you know, that if the Negro people of this nation had not taken the position that laws that barred them from access to the ballot box, laws that barred them from access to school systems, laws that barred them from access to jobs, had to be fought and if they hadn't fought these laws, not only in terms of lobbying for better conditions, but by using civil disobedience as a weapon—the kind of conditions that such laws imposed upon people would still be rampant.

And, I would point out to you, that as a result of the efforts of Negro people in the South, to get some decency into the voting system, almost 400 Negro officials were elected in the last elections in the South, in contrast with the 10 or 15 before this kind of militancy took place.

We don't want to strike. We don't want to break the law.

All we say is that public officials have to understand one thing: instead of standing on a soapbox and sanctimoniously and piously crying out against strikes, they have to face the basic problem that from the time of the passage of the National Labor Relations Act in the 1930's, public employees have been mistreated by public officials.

Their wages are lower, their working conditions are bad, their retirement system lags behind those in private industry. And generally speaking, they are frequently misused, by virtue of the fact that they don't have the same prerogatives and the same standards of conduct applied to them as workers in private industry.

LEVEY. Is that why so many thousands of public employees are joining unions today?

WURF. Right. They are demanding decency of treatment by their employers, and they find that the only mechanism they have for achieving decency is the collective effort that comes about by being a member of the union.

SWOBODA. Mr. Wurf, the headlines today, I think, are preoccupied with the strikes, because they are relatively new. But, going beyond the strike, what positive accomplishments have been made? Have there been gains in any specific areas with any city, state or governing body, that you think could be an example for other governments?

WURF. Well, for example, one of the real problems in America is that every once in a while, the news media goes out and discovers that public institutions are lacking in decent standards. By public institutions, I mean hospitals, old age homes, mental institutions and so on.

One of the things you find is that wage rates in these institutions are incredible. Frequently, they are under the minimum required by the federal law. If you pay people $2,000 or $3,000 a year to work in an institution you find it very hard to recruit workers.

Secondly, you find it hard to retain these people after as they acquire some skills.

As a result, the kind of conditions that exist in institutions that affect millions of Americans are incredible.

Our union has taken the position that there should be a minimum wage of $3.00 an hour. The workers in institutions are the lowest paid in our society, with the possible exception of agricultural employees. In Detroit, we have just signed a contract with a guaranteed $3 minimum wage, and I think as a result, they will be able to recruit excellent people. In addition, the people who are there now will stay and make use of their skills. I feel that people who are in Detroit hospitals in the future will be getting far better treatment, by virtue of a stable, trained, professional labor force, than they will in many places where there is a kind of revolving-door effort to take care of the patients.

The union's entrance into the situation has done something else.

In recent years, it has been discovered that there is a very serious employment problem in this country that can't be cured, even in a flourishing economy. Public institutions have people coming out of the ghetto seeking jobs. Well, what our union has been able to do in a number of places—we have done it very successfully in New York—we are now doing it in places like Cleveland, Baltimore and Milwaukee—is take ghetto people, and working with the employer with the assistance of federal programs, up-grade people. Getting back to institutions that suffer from lack of professional personnel, such as graduate nurses and so forth, this will help them have people who are competent. At the same time, this takes people who could only hope for the most elementary jobs—elevator operators, floor moppers and so on—and trains them to do useful important work, and gets them a decent wage.

It seems to me that is the real way to deal with the problems of America.

In other words, deal with the needs of the service industries that are developing, train people on the job, pay decent wages to retrain these people—not make the jobs the bottom rung—the last hope of people before they go on the relief rolls—give these jobs real dignity and real economic and social status.

LEVEY. Mr. Wurf, with so many of your members being marginal people—economically—and marginal in terms of training and preparation for skilled jobs, what happens to your union in the event of a depression in this country?

WURF. In the event of a depression in the country? First of all, let me say this: we are very interested in marginal people, and we got a lot of publicity from such strikes as the Memphis garbage collectors strike, the Atlanta strike, the mental institution strike in New York, and so on.

But, I would point out, very large numbers of our members are professional employees. For example, Mr. Levey, you will recall that all the engineers and architects in New York City are members of our union. So are all the engineers in the state of Pennsylvania and all the social workers in many states, and so on.

But, essentially, public employment is an interesting thing. I hope we never have a depression again in this country, but, if we do, because of the growth of services in public employment, our members become the

aristocrats of the economy. They are the only people who have steady and stable work.

Our union would be enhanced. But, no thank you. We prefer a flourishing economy. We prefer to struggle for fair treatment for our members within that flourishing economy.

LEVEY. What is the future of your union, within the context of the labor movement itself? You are in a period of enormous growth. Where do you stand within the hierarchy of organized labor?

WURF. We have a very large union and I believe we have some influence within the hierarchy of organized labor. I think that the public employee unions are growing, and they will play an increasing role within the ranks of labor, by virtue of their size, and their influence, and their effectiveness.

I think it is good for labor, and I think it is good for public employees.

SWOBODA. Mr. Wurf, a little while ago, you mentioned a Wisconsin county law.

WURF. It is a state law that covers counties.

SWOBODA. A state law. You said it differed from the law covering state employees. Could you explain what that law does?

WURF. The Wisconsin county municipal is a good law. In effect, it has certification and collective bargaining rights for public employees.

In the case of the law affecting state employees in Wisconsin, there is such preoccupation with preserving the old civil service system, that collective bargaining becomes a farce, in terms of the equities of the employees, and in terms of what we understand to be real collective bargaining. The employees are very frustrated, because on one hand, they have a mechanism that leads them to believe they have collective bargaining, but when we get to the bargaining table and down to the nitty-gritty, a civil service commission can overrule all of the economic matters discussed.

LEVEY. Mr. Wurf, we have just had a major election in this country, with some interesting results. What effects will that election have upon the growth of your union and upon the work it is trying to do in organizing public employees?

WURF. I don't think it will have any effect upon growth or organization.

I think the effect of the election will probably be in the area of legislation at the national level. At this time, I don't know—aside from Mr. Schultz' remark you referred to earlier, and remarks made by President-elect Nixon during the campaign—I don't know what will be sent to the Congress, and I have no idea what the Congress will do.

Essentially, our concern is not in the area of organization and growth, but in the area of attitude and concern—how sympathetic and how concerned the Nixon Administration will be toward the plight of public employees.

SWOBODA. Mr. Wurf, carrying this on—the possibility of some sort of federal legislation—do you think the states will stand still for this, or, is this something you think they would like?

WURF. I think the states are schizophrenic on this. On one hand, they are learning that passing laws and setting up phony mechanisms don't work. The employees see through this and pay no attention to it. Public employee unionism goes on, not only in terms of increased members, but increased relationships—even in the big states, like Ohio. We can't get a law, but we have thousands and thousands of employees in unions, who have literally hundreds of collective bargaining agreements with cities and counties across the state of Ohio. The same is true of a number of other states.

The real situation that we are faced with today is that the states, on one hand, are scared of federal legislation that will take the authority from their hands, and on the other hand, have been unable, in many instances, to come forward with workable mechanisms.

My theory is, and I may be wrong, if they really get it into their heads that the federal government will move—and I assure you, at that moment, the states will start screaming states' rights—we will begin getting some more meaningful legislation or some more meaningful executive orders from the various governors, and so on.

The thing that is making the change is not the sympathy or the good faith of the public employer. This is unlike the passage of the National Labor Relations Act, when, in the midst of depression, it was national policy to strengthen the hands of unions. This is not the case today.

The motivating force behind legislation now—the motivating force behind the new relationships—is the aggressive and militant organization of these workers. They are using their organizations to pressure the public officials, and, in some instances, to pressure the public. This is having an effect and getting things done.

So, this is different from what happened 30 years ago. More and more, public officials, academicans, just sensible people in our society, are taking the position that millions of public employees have to compete with the rest of the population in purchasing housing, in purchasing food, in sending their kids to college. We have to give them fair treatment.

We have to work out the machinery for that fair treatment.

LEVEY. Mr. Wurf, there seems to be a growing emphasis in some segments of our society to get private industry to do many of the things that government has long regarded within its sphere of influence. For instance, taking care of the jobless and retraining them, taking over such functions as the federal Post Office, and that sort of thing. Do you foresee any general move in that direction, which might move many of the areas that you are in over into the private sector?

WURF. We have two trends. This is not new. Every once in a while, somebody figures, "public officials are in that, so why don't we give it to private enterprise?" Then somebody makes the amazing discovery that private enterprise is frequently inept particularly when it is dealing with government functions on a cost-plus basis and the cry goes in the other directions.

Our union newspaper this month, Mr. Levey, will have a story about the fact that some small towns in Ohio are seeking to get private garbage collection, and a story about another state, where private garbage collection existed for a few years, that is moving toward public garbage collections again, because it is far more efficient to have public garbage service.

That sort of thing goes on constantly among the utility companies—those that are privately owned and those that are publicly owned and those that are cooperatively owned.

The real important litmus test is the fact that the public sector, as was said at the beginning of this program, is the fastest growing—local and state government sector, not the federal sector—the local and state government sector of the work-force is the fastest growing section of the work-force in America.

As a matter of fact, it is making up for the effect of automation in private industry. Many functions cannot be sensibly administered by private industry, but every once in a while, you get a cry for it.

It makes good political speeches, but it is meaningless.

HARDEN. Thank you, gentlemen. Today's guest on Labor News Conference was Jerry Wurf, president of the American Federation of State, County and Municipal Employees, AFL–CIO. Representing the press were Stanley Levey, labor correspondent for the Scripps-Howard Newspapers, and Frank Swoboda, labor correspondent for United Press International. This is your moderator, Frank Harden, inviting you to listen again next week. Labor News Conference is a public affairs production of the AFL–CIO, produced in cooperation with the Mutual Radio Network.

CONGRESS MUST SUPPORT THE DRIVE AGAINST ORGANIZED CRIME

(Mr. FASCELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. FASCELL. Mr. Speaker, the back of organized crime can be broken if only Congress provides sufficient funds and if there is persistent local support and determined efforts by the Department of Justice.

The budget for fiscal year 1970 contains a request for $36 million to the Department of Justice to combat organized crime. I fervently hope that this request will be granted in its entirety, because it is needed to fund the concerted drive that the Federal Government is making to eradicate the menace of organized crime from our society.

For too many decades syndicated crime operations have been permitted to exist in every form of illegality, and more lately to intrude into the ownership and direction of legitimate businesses of all kinds. It is no good, at this late date, to try to fix the blame for the growth of organized crime on any persons, political parties, or administrations. The important thing is that the Government has a drive going against that enemy, that the drive is producing results, and that it holds great promise for the future.

In 1968 the Federal drive netted more than 520 organized crime convictions, up 30 percent from 1967, and way over the records of previous years. If the executive branch will give the drive the constancy of effort that is needed, and the Congress will give the drive the support that is needed I can foresee that within the next decade we can expect that enemy to be very much under control.

The Congress has taken very important steps to aid the fight. For example, to arm Federal law enforcement with a new weapon, it passed the anti-loan-sharking provisions of the Truth in Lending Act. It also provided in the Safe Streets and Crime Control Act for grants to be made to States—which after all, have the primary burden of defeating organized crime—to devise means of carrying on that battle. In that act, the Congress also established the Law Enforcement Assistance Administration to administer the grants and to plan for new and effective means of coping with the organized crime problem. The Congress, however, can do much more, by providing the funds that are needed in the coordinated overall effort against organized crime. In that connection, now that the States are taking definitive action to rid themselves of crime syndicates, the appropriations contemplated by that act should be granted.

The President's Crime Commission's 1967 report, "The Challenge of Crime

in a Free Society," shows that organized crime operates in 17 of our States scattered throughout the country, with many operations flowing into other States. While organized crime groups operate principally in our major cities, their operations stretch into too many of our smaller communities. It seems safe to say that the lives of all of our citizens are touched, in one way or another, by the operations of these hoodlums.

Despite these threats to the general well-being of our people, and although the Federal Government must play a vital role if that menace is to be eliminated from our society, the Federal effort against organized crime, for one thing, has not been as adequatedy equipped as it should be in the fight. The Legal and Monetary Affairs Subcommittee of the House Committee on Government Operations, of which I am chairman, is conducting a thorough study of the Federal Government's resources that can be used against organized crime, and the effectiveness with which they are being used. In the report we issued last year, entitled "Federal Effort Against Organized Crime: Report of Agency Operations," House Report No. 1574, 90th Congress, second session, we pointed to some of the inadequacies that we found.

As an example of inefficiency, the Department of Justice's Organized Crime and Racketeering Section still collects and correlates its criminal intelligence input on index cards, which must, laboriously be searched through. The handicaps of that antiquated system easily could be obviated by a relatively simple ADP system, which could pay for itself in a very short time. That is just one of the inefficiencies to which our report refers.

The most effective means that the Federal Government has yet developed for coping with organized crime is the "strike force" technique, in which teams of attorneys from the Organized Crime and Racketeering Section and the U.S. attorney's offices work with teams of investigators from key Federal agencies in geographical areas of serious organized crime problems. The initial strike force was developed only some 2 years ago, in Buffalo, and within a relatively short time resulted in indictments against 21 organized crime figures. Since then, strike forces have been sent into Detroit, Brooklyn, Philadelphia, Chicago, Miami, and Newark. Additional strike forces are planned for two other cities in 1969, and a total of 13 cities are planned to be covered by such units in 1970. The only thing that would prevent such expansion would be that the funds therefor were not provided by the Congress—a result that the country just cannot afford.

The Organized Crime and Racketeering Section has only 77 attorneys assigned to it—66 are its authorized staff, and 11 others have been specially added by the Attorney General. The handling of organized crime cases calls for special training and techniques that are additional to the experience of most attorneys. An average of five to six attorneys must accompany each strike force if it is to be at its maximum planned effectiveness. At that rate the 13 planned strike forces would absorb the entire complement of the attorneys assigned to the organized crime section.

Within the Organized Crime and Racketeering Section is a labor-gambling unit of particularly qualified attorneys, who chiefly assist U.S. attorneys in handling difficult legal and practical problems in those fields. OCRS has been able to assign only nine attorneys to that unit, but the unit's work is such that more are needed, at least some of whom should be free to leave Washington to help in prosecutions throughout the United States where needed.

An additional number of attorneys is required to be maintained in the Washington headquarters of the Organized Crime and Racketeering Section to service the strike forces, to handle criminal intelligence matters, and to handle the various administrative details and legal problems that arise.

The 1970 budget requests funds for the additional attorneys that the Organized Crime and Racketeering Section feels it needs. Now that the Federal drive against organized crime has gotten up steam, I urge my colleagues to see to it that the appropriations it needs are made available to keep the drive rolling. My experience from the study and hearings of the Legal and Monetary Affairs Subcommittee convinces me that this is one of the most important things we can do in the Congress at this stage of our Nation's attempts to cut down on crime.

U.S.S. "PUEBLO" CREW MADE HONORARY CITIZENS OF PUEBLO, COLO.

(Mr. EVANS of Colorado asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. EVANS of Colorado. Mr. Speaker, recently, the city council of my hometown, Pueblo, Colo., passed a resolution making honorary citizens out of the entire 82-man crew of the U.S.S. *Pueblo*. The council felt this most fitting since the ship itself had been named after our city.

An interesting side light to this action taken by the council arises out of the fact that it was proposed by Mr. John Rosales, a very close friend of mine, who happens to be the first Spanish-surnamed member of the council in the history of the city, in spite of the fact that over 25 percent of the city's population is Spanish-surnamed American.

Having introduced the resolution and seen its successful passage, it thereafter became even more important to my friend, Mr. Rosales, for it was only after the resolution's passage that he discovered that one of the members of the crew was Storekeeper Third Class Ramon Rosales of El Paso, Tex. He discovered this through a story that was carried in our city paper, the Pueblo Chieftain and Star-Journal, and because of these facts and the story itself, I felt it worthy of inclusion in the RECORD at this point:

BUCHER CRIES AS CREWMAN CITES "FAITH"

CORONADO, CALIF.—For a second time in the Pueblo inquiry the intelligence ship's skipper, Cmdr. Lloyd Bucher, has been moved to tears.

"He'll be all right," his attorney, E. Miles Harvey, said after helping Bucher from a Navy court of inquiry Friday. "He just needs to be away from here for a while."

Bucher began sobbing uncontrollably after a 20-year-old Mexican-American sailor said "faith in God and my country and the decisions of my commanding officer" brought him through North Korean torture.

The Pueblo was seized off North Korea last year and its crew held prisoner for 11 months. The court is looking into the capture and the conduct of the crew in captivity. The hearing resumes Monday.

Bucher has attended all sessions, closed and public. He first wept early in the hearings when he described mental torture severe enough to wring a spying confession from him and bring him to his knees, saying, "I love you, Rose. I love you, Rose."

His wife, Rose, heard that testimony and cried in court with the 41-year-old skipper. She was not present Friday when Bucher began sobbing as Storekeeper 3.C Ramon Rosales of El Paso, Tex., gave a gently told story of torture.

Rosales said the torture began when the Pueblo was first boarded. The North Koreans eyed his black hair, high cheekbones and oriental cast of his dark eyes and beat him mercilessly, Rosales said, despite his plea: "I am an American." He said they thought he was a South Korean spy.

HALPERN INTRODUCES BILL TO PROTECT PERSONAL PRIVACY OF AMERICAN CITIZENS

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. HALPERN) is recognized for 5 minutes.

Mr. HALPERN. Mr. Speaker, a most timely and important bill was initiated in this House by our able and distinguished colleague, the gentleman from Ohio (Mr. BETTS).

The measure calls for a limitation of the categories of questions required to be answered under penalty of law in the decennial censuses of population, unemployment, and housing.

I am delighted to see that so many of our colleagues have joined in cosponsoring this legislation, and I am privileged to be associated with this bill and to be among its stanchest advocates.

I have long believed that it is none of the Government's business who uses the bathroom or the kitchen or what a citizen's personal belongings are.

At present, the Census Bureau has recommended over 100 questions covering 67 major subject items to be included in the 1970 census. Failure to answer all of these questions is punishable by 60 days in jail or a $100 fine.

Here is a sampling of some of the questions: Do you share your shower? Do you share kitchen facilities with another household? How many babies have you ever had? What is the amount of your rent? Do you have a garbage disposal? Do you have a gas or an electric dryer for your clothes? Is your building connected with a public sewer? These are only a few of the questions. They even get more ridiculous as they go on.

The purpose of the census, as originally set forth in our Constitution, is to provide a statistical basis for the apportionment of membership in the House of Representatives. What on earth

do most of these questions have to do with the constitutional intent?

Through the years, the administrators of the census have gone far afield from the original intent. In fact, they have gone entirely too far.

At a time when renewed emphasis is being placed on Government use of electronic snooping devices and on collection of material for national data banks, we must be very careful to strike a balance between individual privacy and Government recordkeeping.

A great many people will probably have access to the information on the 1970 census forms, and there is no telling how the information can be abused or misused, should it fall into the wrong hands.

The bill that I am today cosponsoring would impose penalties for a failure to answer only those questions which fall into the following categories: Name and address; relationship to head of household; sex; date of birth; race or color; marital status; and visitors in home at time of census.

Responses to the remaining questions in the 20-page census form, which has been said to resemble a tabloid newspaper in size, would be left to the discretion of the individual citizen.

Under the broad mandate given the Census Bureau by the Constitution, a topic need only be deemed "necessary and proper" by the Secretary of Commerce for it to be included in the census.

However, I think it is time for the Congress to impose its own standards of "propriety" on the Secretary of Commerce. It is up to us to make sure that the frightening possibility of "big brother is watching" does not become a reality.

EXPANDED VETERANS' ADMINISTRATION FACILITIES FOR THE TREATMENT OF ALCOHOLISM

The SPEAKER. Under a previous order of the House, the gentleman from Wisconsin (Mr. REUSS) is recognized for 30 minutes.

Mr. REUSS. Mr. Speaker, I am introducing today for myself and for the gentleman from Washington (Mr. ADAMS), the gentleman from New York (Mr. BUTTON), the gentleman from Kentucky (Mr. CARTER), the gentleman from California (Mr. CORMAN), the gentleman from Pennsylvania (Mr. EILBERG), the gentleman from Illinois (Mr. GRAY), the gentleman from New York (Mr. HALPERN), the gentleman from California (Mr. LEGGETT), the gentleman from California (Mr. MOSS), the gentleman from Montana (Mr. OLSEN), the gentleman from Texas (Mr. PICKLE), the gentleman from New York (Mr. ROSENTHAL), the gentleman from Pennsylvania (Mr. SAYLOR), and the gentleman from Georgia (Mr. STEPHENS), H.R. 8532, a bill to provide additional beds and specialized units in Veterans' Administration hospitals for the care and treatment of veterans afflicted with alcoholism.

ALCOHOLISM IS A MAJOR NATIONAL HEALTH PROBLEM

Alcoholism ranks along with heart disease, cancer, and mental illness as a major national health problem. It is estimated that at least 5 million Americans suffer from this disease, and that some 200,000 new cases develop each year. The national toll is enormous: at least 11,000 deaths a year directly attributable to alcoholism; increased rates of mortality and morbidity from other diseases; well over 50 percent of fatal auto accidents every year associated with alcohol, and many involving chronic alcoholics; and costs to industry and our economy ranging toward $4 billion annually as a result of job absenteeism, reduced productivity, insurance expenses, and other losses.

Statistics alone cannot tell the story. If each alcoholic affects four family members—and those are the estimates—then alcoholism reaches into the lives of some 20 million Americans, bringing the unmeasurable anguish of financial insecurity and family disruption.

For too long, alcoholism has been thought to be chiefly a moral problem, involving some fatal weakness of character. Despite the pioneering work of voluntary organizations such as Alcoholics Anonymous, the chronic alcoholic has been treated more often than not as someone irretrivably lost to society, who must lead a precarious existence for the rest of his life.

Today, alcoholism is gaining recognition for what it is—a complex disease, not yet fully understood, which nevertheless can be effectively treated. In an encouraging number of cases, intensive care by specialized medical personnel yields significant improvement or cure. Changing attitudes toward alcoholism are reflected in recent court decisions which recognize the chronic alcoholic as a sick person rather than a criminal, increased attention by the medical profession, health agencies, and voluntary organizations, intensified research efforts, and the growing concern of health insurance companies.

THERE IS A TRAGIC SHORTAGE OF FACILITIES TO TREAT ALCOHOLICS

But the consequence of our previous neglect of this health problem is a woeful shortage of trained personnel and specialized facilities to treat alcoholics. In virtually all American communities, alcoholics are still likely to receive less adequate care than individuals with other kinds of difficulties. Moreover, the belief persists that alcoholics cannot be helped or that somehow they are not as sick as someone who suffers from another chronic disease, with one result being that preventive programs and treatment facilities are assigned a low priority in many health budgets.

Effective treatment for alcoholism is lengthy and expensive. Many alcoholics are unable to afford private care even if it is available. Yet the pressure on our present very limited public facilities can only increase, especially if a growing number of law enforcement agencies refer chronic alcoholics in their custody to rehabilitation centers rather than to penal institutions.

THE VETERANS' ADMINISTRATION IS NOT DOING ENOUGH TO MEET THE NEEDS OF VETERANS SUFFERING FROM ALCOHOLISM

Today, if we are to make a determined attempt to control and prevent alcoholism, we must have an increased effort from every Federal agency concerned with health and medicine. By any measure, the Veterans' Administration is engaged in a major way in these fields. The VA hospital system provides some 7 percent of the Nation's hospital beds. In fiscal year 1968, VA hospitals treated over 762,000 inpatients and registered over 5.3 million outpatient visits. Moreover, a significant proportion of the Nation's medical personnel is trained in VA facilities, and participates in the VA's extensive program of medical research.

Despite the size of the VA hospital system and the wide range of its medical programs, only a small proportion of VA facilities are available for the treatment of veterans afflicted with alcoholism. At the present time, 25 VA hospitals have alcoholism treatment programs in which some 900 beds are available for inpatient care. But most of these programs are operating without the funds and the staff necessary for the most effective inpatient treatment and followup outpatient care.

Three years ago, VA regulations were amended to specify that requests for hospitalization for treatment of alcoholism be processed in the same manner as requests for treatment for any other disease susceptible to cure or decided improvement. Despite this step forward, eligible veterans suffering from alcoholism have to be turned away at many VA hospitals because no special treatment facilities are available.

Even if the 900 beds presently available were all adequately funded and staffed, they would go only part way toward meeting an enormous need. A recent census of patients in VA hospitals indicated that alcoholism was a factor in some 20 percent of the psychiatric cases, and that of the 105,000 patients in all VA hospitals on that day, some 16 percent had a drinking problem. Our health officials estimate that of the 5 million Americans who suffer from alcoholism, some 1.7 million, or one-third, are veterans.

THE VA'S ALCOHOLISM TREATMENT PROGRAM SHOULD BE EXPANDED AND ACCELERATED

Two years ago, my colleagues and I cosponsored a bill to authorize a 2,000-bed program for the treatment of eligible veterans afflicted with alcoholism. The Veterans' Administration has now accepted in principle the target of 2,000 beds activated in special units. But funding is uncertain. Even if present tentative plans to activate some 300 beds a year can be followed. the last of these units will be established only in fiscal year 1975. We believe that this program should be accelerated and expanded, and that funds should be specifically designated for the accomplishment of these purposes.

The measure we are introducing today authorizes the Administrator of Veterans' Affairs to set aside not less than 4,000 beds for the treatment of alcoholics within the total of 125,000 beds he is currently authorized to establish and operate. It also authorizes the activation of 1,000 of these beds in each of fiscal years 1970 and 1971, and activation of the remaining 2,000 in the following 3 fiscal years. Considering the present un-

met need for alcoholism treatment facilities, the availability of unused beds in some VA hospitals, and the demand on the part of many VA hospitals either to improve their present treatment facilities, or to initiate alcoholism treatment programs, we believe that the target of 4,000 beds over 5 fiscal years is reasonable.

Our measure further provides that these beds be activated in specialized alcoholism care units with appropriate staff. Alcoholics are difficult and demanding patients to treat. Experience has shown that there is most hope for improvement in separate units in which staff and patients can focus on one problem—alcoholism, and in which patients can work as a group to help each other understand and conquer the disease from which they suffer. At the same time, separate treatment units permit a coordinated approach to dietary management, drug treatment, psychiatric and social evaluation, and psychotherapy.

Experience has also shown that inpatient care is most effective when it is followed by sustained outpatient care over a period of 2 to 3 years. The inpatient and outpatient purposes of the bill we introduce today can be accomplished only if funds are made available to recruit and train specialized staff. Our measure authorizes such funds as are necessary to meet increased personnel requirements as beds are activated, as well as to cover other costs incidental to the establishment of separate treatment units.

OUR VETERANS WILL GAIN

An expanded VA alcoholism program will go a long way to meet the needs of our veterans who suffer from this disease. In a number of VA hospitals, pilot projects involving an average of 2 months specialized inpatient care followed by sustained outpatient care have shown rehabilitation to be possible in an encouraging 40 percent of cases treated.

Two years from now, a 2,000-bed program, adequately staffed, will permit the extension of treatment methods developed in these projects to some 12,000 patients a year on an inpatient basis, and to the some 6,000 of this number who might be expected to continue on an outpatient basis. These numbers will be doubled with a 4,000-bed program.

At present, the VA spends almost $1 million on interdisciplinary research programs in alcoholism, with about 98 projects in 49 hospitals. An expanded treatment program will mean that a larger number of patients will benefit directly from this research, and that coordinated research efforts in drug therapy, for example, can include an increased number of VA hospitals.

OUR NATION WILL GAIN

An expanded VA program will contribute not only to the welfare of our veterans and their families but also in a very substantial way to the welfare of the whole Nation.

First, the VA has increasingly embarked on cooperative programs with State and local agencies to make the most efficient use of health care resources. In many communities, VA hospitals will be able to relieve a critical shortage of hospital beds for alcoholics by making beds available for eligible veterans. At the same time, overlapping efforts can be avoided through collaboration on outpatient care and vocational rehabilitation with State and local clinics, halfway houses and organizations such as Alcoholics Anonymous.

Second, the interest of professional medical personnel in providing treatment for alcoholics has been limited thus far. The Veterans' Administration trains some 12 percent of the Nation's medical residents and a substantial portion of other medical personnel. A specially funded rehabilitation program for alcoholics, tied into an ongoing research program, will help to attract qualified personnel to this vital field.

Third, as in the case of drug addiction, the rehabilitated alcoholic has a key role to play in helping those who still suffer from the disease, whether through group therapy programs or in organizations such as Alcoholics Annoymous. It may be expected that some veterans who have been successfully treated in the VA program can be usefully employed in that program, as subprofessionals. Others may go on to participate in community programs for the control and prevention of alcoholism.

Fourth, the Nation may be expected to gain by the return of many of those successfully treated to steady employment. By and large veterans as a group have attained a higher level of education and skills than nonveterans. Any increment to our pool of skilled and professional manpower helps to curb inflation, and at the same time, helps to increase the number of related jobs for the unskilled.

OTHER PROGRAMS TO PREVENT AND CONTROL ALCOHOLISM SHOULD BE EXPANDED

Obviously, the Veterans' Administration alone cannot attempt to meet the Nation's enormous need for modern treatment facilities for alcoholics. Just last year, amendments to the Public Health Act authorized special incentive grants to community mental health centers and other qualified local organizations for the construction of facilities and hiring of staff for alcoholism treatment units. Funds should be appropriated for this program.

The National Center for the Prevention and Control of Alcoholism, established within the National Institute of Mental Health in 1966, is supporting the development of major university centers for research and training, as well as pilot projects to improve services to alcoholics. It should be encouraged to expand its efforts.

Comprehensive health planning activities, supported by the partnership for health legislation, offer another hopeful route to improved State and local care for alcoholics, and to instensified programs of prevention. These activities also, should receive more Federal support.

THE VA IS IN A UNIQUE POSITION TO MAKE A MAJOR CONTRIBUTION NOW

Even if these programs are expanded and accelerated, however, their full impact lies well in the future. The Veterans' Administration is an organization which through its existing facilities has the potential to make a substantial contribution to the control of alcoholism beginning this year. That potential should be promptly realized. Major construction will not be required. The benefits of VA alcoholism research and successful pilot treatment programs can be rapidly extended to a large number of patients. Our veterans who stand in need deserve no less. Our Nation can only gain.

The bill follows:

H.R. 8532

A bill to amend title 38 of the United States Code in order to provide additional beds and special units in Veterans' Administration hospitals for the care and treatment of veterans afflicted with alcoholism, 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 Congress hereby finds that—

(1) alcoholism is a major health and social problem afflicting a significant proportion of the public, and that much more needs to be done by public and private agencies to develop effective programs of prevention and control,

(2) all Federal legislation providing for Federal or federally assisted research, prevention, treatment, or rehabilitation programs in the fields of health should be utilized to help eradicate alcoholism as a major health problem, and

(3) it is, therefore, the purpose of this act to help prevent and control alcoholism by authorizing the Administrator of Veterans' Affairs to set aside additional beds for the care and treatment of eligible veterans who are afflicted with alcoholism, and by authorizing the appropriation of such funds as are necessary to activate these beds in specialized units with appropriate staff.

SEC. 2. (a) Chapter 17 of title 38, United States Code, is amended by adding immediately after section 620 the following new section:

"§ 620a. Treatment of alcoholism

"(a) The Administrator is authorized to set aside, out of the 125,000 beds which he is authorized to establish under section 5001(a) of this title, 4,000 of such beds for the treatment of veterans eligible for hospital or medical care under this chapter who are afflicted with alcoholism. Such beds shall be activated within specialized units of a design which the Administrator considers to be most efficient for providing inpatient and outpatient care with respect to alcoholics. The care given to alcoholic veterans in such units shall be provided by staff personnel with specialized training in the cure and prevention of alcoholism. The Administrator shall activate 1,000 of the beds provided for under this section during each of fiscal years 1970 and 1971, and 2,000 of such beds during the period covered by fiscal years 1972, 1973, and 1974.

"(b) The Administrator is urged where appropriate to develop the Veterans' Administration program for the treatment of veterans afflicted with alcoholism in cooperation with other Federal or federally supported programs, and with private programs, for the prevention and control of alcoholism."

(b) The table of sections at the beginning of chapter 17 of title 38, United States Code, is amended by inserting immediately below

"620. Transfers for nursing home care."

the following:

"620a. Treatment of alcoholism."

SEC. 3. There are hereby authorized to be appropriated such funds as are necessary to carry out the amendment made by section 2(a) of this Act including funds sufficient for the establishment of specialized units and the hiring and training of specialized staffs.

IRISH IMMIGRATION—A FAIR AND REALISTIC APPROACH

The SPEAKER. Under a previous order of the House, the gentleman from New Jersey (Mr. RODINO) is recognized for 10 minutes.

Mr. RODINO. Mr. Speaker, as we know, immigration from Ireland has and is declining. I think that every Member of Congress is cognizant of this distressing fact and equally aware that final implementation of the 1965 Amendments to the Immigration and Nationality Act may have disadvantaged prospective Irish immigrants and denied them entry visas to the United States.

As I have stated on numerous occasions, I want to see the causes for the decline of Irish immigration eliminated and I want to see the changes made as expeditiously as this Congress can move.

I introduced legislation in the last Congress which I thought would solve the problem and reoffer Ireland the opportunity to send to the United States her good sons and daughters who have in the past contributed so greatly to our country's growth and prosperity. Unfortunately, this proposal was discussed but not enacted.

On January 6, I reintroduced the legislation—H.R. 2118 of the 91st Congress—to provide that the President may reserve up to 50 percent of the unused visa numbers for fiscal year 1968 for reallocation to those countries which found their immigration to the United States drastically reduced by the new law. Furthermore, this bill would make unused numbers available for reallocation, notwithstanding the per-country limitation or the overall ceiling, to preference immigrants on oversubscribed preference lists. The bill would therefore resolve the problem without taking any retrogressive action toward the old system.

According to the Department of State, at the end of fiscal year 1968 there were approximately 69,000 visa numbers that were unused. Consequently, any reservation of 50 percent of such numbers would more than adequately meet the demands and needs of Irish immigrants. Similarly, the remainder of the numbers applied to the backlog in the preferences will give Irish immigrants a fairer and more equitable position to compete for preference numbers in the future.

I am aware that this approach is subject to some criticism inasmuch as there is a delegation of authority to the executive branch to reserve visa numbers. Although I am of the opinion that this criticism is not warranted and that the executive branch is in the best position to determine how the curtailment in immigration from any country can be alleviated, I am not wed to such an approach alone.

Nevertheless, I want to do something constructive to give the Irish and people from other countries that were traditional sources of immigration to the United States a fair opportunity to immigrate and overcome the objection of the delegation of authority to the Executive. I have therefore prepared new legislation for introduction to eliminate the delegation of authority and make available to countries disadvantaged by the operation of the new law visa numbers commensurate with the average immigration from those countries over the 10-year period 1955–65. The visa numbers thus made available are numbers that could have been used during the phaseout period of the national origins system but, because of conditions which the new law created, were lost.

In considering the 1965 amendments to the Immigration and Nationality Act, it was contemplated that all numbers would be utilized during the phaseout period to alleviate whatever hardship was created during the 3-year transition period. Actually, the way such projection worked, hardship was not alleviated, but disadvantages were created. We have an opportunity now and we should seize upon it to correct the mistakes made in 1965 and reestablish immigration from northern Europe at a fair and reasonable level.

H.R. 2118 and the new bill I will introduce are both temporary measures. They are directed to the same objective but take different approaches. I feel that the committee should have an opportunity to evaluate several proposals so that we can facilitate enactment of legislation to correct the existing inequities.

The act of October 3, 1965 was the first major overhaul of our immigration policy since the national origins system was conceived close to threescore years ago. Naturally, not all ramifications of this step forward could be anticipated and we in the Congress realized that correcting, perfecting and interpreting amendments would later be necessary.

I perceive the need for three stages in developing immigration legislation: First immediate action to eliminate existing inequities; second, perfecting legislation to establish more realistic preferences and percentages of numbers within preferences; and third, legislation to finalize an immigration policy which would mean the creation of a workable worldwide ceiling to insure fairness and equality for every intending immigrant.

I receive letters very frequently, from throughout the country, asking me, as a member of the Subcommittee on Immigration and Nationality, to support legislation to correct the inequities in our Immigration and Nationality Act. I intend to do what I can to respond affirmatively to these pleas.

I trust that we will join together in the committee to analyze every possible proposal and to work together in the realm of constructive criticism and objectivity to correct the deficiencies in the Immigration and Nationality Act.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BURKE of Florida) and to revise and extend their remarks and include extraneous matter:)

Mr. HALPERN, for 5 minutes, today.

Mr. HALPERN, for 5 minutes, March 11.

(The following Members (at the request of Mr. CLAY) to address the House and to revise and extend their remarks and include extraneous matter:)

Mr. REUSS, for 30 minutes, today.

Mr. RODINO, for 10 minutes, today.

Mr. MCFALL, for 30 minutes, March 11.

EXTENSIONS OF REMARKS

By unanimous consent, permission to extend remarks was granted to:

(The following Members (at the request of Mr. BURKE of Florida) and to include extraneous matter:)

Mr. CONTE.

Mr. WYATT in five instances.

Mr. ASHBROOK in two instances.

Mr. LIPSCOMB.

Mr. BROWN of Ohio.

Mr. ANDERSON of Illinois in two instances.

Mr. HALPERN in three instances.

Mr. WHALEN.

Mr. KEITH in four instances.

Mr. VANDER JAGT.

Mr. CRAMER.

Mr. UTT in two instances.

Mr. ROBISON in two instances.

Mr. O'KONSKI.

Mr. BUSH.

(The following Members (at the request of Mr. CLAY) and to include extraneous matter:)

Mr. DIGGS.

Mr. DENT in three instances.

Mr. BARRETT.

Mr. WILLIAM D. FORD.

Mr. LONG of Maryland in two instances.

Mr. RYAN in three instances.

Mr. CONYERS in three instances.

Mr. BINGHAM in three instances.

Mr. PODELL in two instances.

Mr. RARICK in three instances.

Mr. DORN.

Mrs. GRIFFITHS.

Mr. ROONEY of Pennsylvania.

ENROLLED BILL SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 497. An act to amend section 301 of the Manpower Development and Training Act of 1962, as amended.

ADJOURNMENT

Mr. CLAY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to, accordingly (at 12 o'clock and 10 minutes p.m.), the House adjourned until tomorrow, Tuesday, March 11, 1969, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

566. A letter from the chief Scout executive, Boy Scouts of America, transmitting the 59th Annual Report of the Boy Scouts of America, pursuant to the provisions of its Federal charter (H. Doc. No. 91–87); to the

Committee on Education and Labor and ordered to be printed with illustrations.

567. A letter from the Deputy Secretary of Defense, transmitting a report relative to certain support furnished from military functions appropriations for the second quarter of fiscal year 1969 and cumulative fiscal year 1969 through December 31, 1968, pursuant to the provisions of section 537 of the Defense Appropriation Act, 1969 (Public Law 90-580); to the Committee on Appropriations.

568. A letter from the Secretary of Health, Education, and Welfare, transmitting a report of procurement receipts for medical stockpile of civil defense emergency supplies and equipment purposes for the quarter ending December 31, 1968, pursuant to the provisions of Executive Order 10958; to the Committee on Armed Services.

569. A letter from the Director, Office of Emergency Preparedness, Executive Office of the President, transmitting the statistical supplement to the stockpile report to Congress, for the period ending December 31, 1968, pursuant to the provisions of section 4 of the Strategic and Critical Materials Stock Piling Act; to the Committee on Armed Services.

570. A letter from the Under Secretary of the Interior, transmitting the first annual report on the Federal Metal and Nonmetallic Mine Safety Act (80 Stat. 772) for the period September 16, 1966, through December 31, 1967, pursuant to the provisions of section 20 of the act; to the Committee on Education and Labor.

571. A letter from the Chairman, Advisory Council on Historic Preservation, Department of the Interior, transmitting a copy of a letter to the Secretary of Transportation containing recommendations of the Council concerning a proposed riverfront expressway adjacent to the Vieux Carré historic district of New Orleans, pursuant to the provisions of section 202(b) of Public Law 89-665; to the Committee on Interior and Insular Affairs.

572. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders entered in cases in which the authority contained in section 212(d)(3) of the Immigration and Nationality Act was exercised in behalf of certain aliens, together with a list of the persons involved, pursuant to the provisions of section 212(d)(6) of the act; to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, pursuant to the order of the House of March 5, 1969, the following bill was reported on March 7, 1969:

Mr. PATMAN: Committee on Banking and Currency. H.R. 33. A bill to provide for increased participation by the United States in the International Development Association, and for other purposes (Rept. No. 91-31). Referred to the Committee of the Whole House on the State of the Union.

[*Submitted March 10, 1969*]

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MILLS: Committee on Ways and Means. H.R. 8508. A bill to increase the public debt set forth in section 21 of the Second Liberty Bond Act (Rept. No. 91-32). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. MILLS (for himself and Mr. BYRNES of Wisconsin):

H.R. 8508. A bill to increase the public debt limit set forth in section 21 of the Second Liberty Bond Act; to the Committee on Ways and Means.

By Mr. BOGGS:

H.R. 8509. A bill to amend section 303(b) of the Interstate Commerce Act to modernize certain restrictions upon the application and scope of the exemption provided therein; to the Committee on Interstate and Foreign Commerce.

By Mr. BROOMFIELD:

H.R. 8510. A bill to prevent the importation of endangered species of fish or wildlife into the United States, to prevent the interstate shipment of reptiles, amphibians, and other wildlife taken contrary to State law, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. BROYHILL of Virginia:

H.R. 8511. A bill to amend the Federal employees and retired Federal employees health benefits programs to insure that retired Federal employees do not have to pay twice for benefits which are provided both under such programs and under the health insurance program for the aged under the Social Security Act; to the Committee on Post Office and Civil Service.

By Mr. BUSH:

H.R. 8512. A bill to suspend for a temporary period the import duty on L-Dopa; to the Committee on Ways and Means.

By Mr. CARTER:

H.R. 8513. A bill to rescind the pay increases for Members of Congress and other Federal officials pursuant to Presidential recommendation to Congress in the budget for the 1970 fiscal year, to abolish the quadrennial Commission on Executive, Legislative, and Judicial Salaries, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. CLAY:

H.R. 8514. A bill relating to withholding, for purposes of the income tax imposed by certain cities, on the compensation of Federal employees; to the Committee on Ways and Means.

By Mr. COHELAN:

H.R. 8515. A bill to authorize the appropriation of additional funds necessary for acquisition of land at the Point Reyes National Seashore in California; to the Committee on Interior and Insular Affairs.

By Mr. CRAMER (for himself, Mr. DON H. CLAUSEN, Mr. DENNEY, Mr. DUNCAN, Mr. GROVER, Mr. HAMMERSCHMIDT, Mr. HARSHA, Mr. MCDONALD of Michigan, Mr. MCEWEN, Mr. MILLER of Ohio, Mr. SCHADEBERG, and Mr. SCHWENGEL):

H.R. 8516. A bill to amend the Federal Water Pollution Control Act, as amended, to provide improved operation of the Nation's water quality control facilities; to the Committee on Public Works.

By Mr. DINGELL:

H.R. 8517. A bill to amend the Federal Hazardous Substances Act to protect children from toys and other articles intended for use by children which are hazardous due to the presence of electrical, mechanical, or thermal hazards, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. DULSKI:

H.R. 8518. A bill to provide that appointments and promotions in the Post Office Department and postal field service be made on the basis of merit and fitness; to the Committee on Post Office and Civil Service.

H.R. 8519. A bill to provide for improved employee-management relations in the postal service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. EVANS of Colorado (for himself, Mr. ASPINALL, and Mr. ROGERS of Colorado):

H.R. 8520. A bill to provide for improved employee-management relations in the postal service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. FOREMAN:

H.R. 8521. A bill to amend title II of the Social Security Act to increase from $1,680 to $3,000 the amount of outside earnings permitted each year without deductions from benefits thereunder; to the Committee on Ways and Means.

By Mr. FRIEDEL:

H.R. 8522. A bill to provide that the rate of individual income tax on each bracket of taxable income shall be the same for single individuals, heads of household, and married individuals filing joint returns; to the Committee on Ways and Means.

H.R. 8523. A bill to amend title II of the Social Security Act so as to liberalize the conditions governing eligibility of blind persons to receive disability insurance benefits thereunder; to the Committee on Ways and Means.

By Mr. FULTON of Pennsylvania:

H.R. 8524. A bill to amend the Public Health Service Act to provide special assistance for the improvement of laboratory animal research facilities, to establish standards for the humane care, handling, and treatment of laboratory animals in departments, agencies, and instrumentalities of the United States and by recipients of grants, awards, and contracts from the United States, to encourage the study and improvement of the care, handling, and treatment and the development of methods for minimizing pain and discomfort of laboratory animals used in biomedical activities, and to otherwise assure humane care, handling, and treatment of laboratory animals, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. HALPERN:

H.R. 8525. A bill to amend title 13, United States Code, to limit the categories of questions required to be answered under penalty of law in the decennial censuses of population, unemployment, and housing, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 8526. A bill to authorize withholding, for purposes of the income tax imposed by certain cities, on the compensation of Federal employees; to the Committee on Ways and Means.

By Mr. KEITH:

H.R. 8527. A bill to require a joint study by certain regulatory agencies of the effect of conglomerate activities on certain regulated industries, and to prohibit, for a limited period of time, acquisition of control of certain carriers by a person not engaged primarily in the business of transportation or a related business; to the Committee on Interstate and Foreign Commerce.

By Mr. KYL:

H.R. 8528. A bill to rescind the pay increases for Members of Congress and other Federal officials pursuant to Presidential recommendation to Congress in the budget for the 1970 fiscal year, to abolish the quadrennial Commission on Executive, Legislative, and Judicial Salaries, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. MIZE:

H.R. 8529. A bill to designate the Interstate System as the "Eisenhower Interstate Highway System"; to the Committee on Public Works.

By Mr. MOSS:

H.R. 8530. A bill to amend the Federal Aviation Act of 1958 in order to establish certain requirements with respect to air traffic controllers; to the Committee on Interstate and Foreign Commerce.

By Mr. MURPHY of New York:

H.R. 8531. A bill to authorize the Federal Bureau of Investigation to exchange fingerprint information with registered national security exchanges and related agencies; to the Committee on the Judiciary.

By Mr. REUSS (for himself, Mr. ADAMS, Mr. BUTTON, Mr. CARTER, Mr.

CORMAN, Mr. EILBERG, Mr. GRAY, Mr. HALPERN, Mr. LEGGETT, Mr. MOSS, Mr. OLSEN, Mr. PICKLE, Mr. ROSENTHAL, Mr. SAYLOR, and Mr. STEPHENS):

H.R. 8532. A bill to amend title 38 of the United States Code in order to provide additional beds and special units in Veterans' Administration hospitals for the care and treatment of veterans afflicted with alcoholism, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. RIEGLE (for himself, Mrs. GREEN of Oregon, Mr. HAMMERSCHMIDT, and Mr. HASTINGS):

H.R. 8533. A bill to amend chapter 55 of title 10 of the United States Code to extend to mentally retarded or physically handicapped dependents of certain members and former members of the uniformed services the special care now provided to similarly afflicted dependents of members on active duty; to the Committee on Armed Services.

By Mr. ST. ONGE:

H.R. 8534. A bill to provide for improved employee-management relations in the postal service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. SAYLOR:

H.R. 8535. A bill to amend title 38 of the United States Code to provide that any 5-year-level premium term plan policy of U.S. Government life insurance shall be deemed paid when premiums paid in, less dividends, equal the amount of the policy; to the Committee on Veterans' Affairs.

By Mr. SISK:

H.R. 8536. A bill to amend section 602(3) and section 608c(6)(I) of the Agricultural Marketing Agreement Act of 1937, as amended, so as to authorize production research under marketing agreement and order programs; to the Committee on Agriculture.

By Mr. TAYLOR:

H.R. 8537. A bill to reduce the depletion allowance for oil and gas; to the Committee on Ways and Means.

By Mr. WHITE:

H.R. 8538. A bill to establish the U.S. section of the United States-Mexico Commission for Border Development and Friendship, and for other purposes; to the Committee on Foreign Affairs.

H.R. 8539. A bill giving the consent of Congress to the addition of land to the State of Texas, and ceding jurisdiction to the State of Texas over a certain parcel or tract of land heretofore acquired by the United States of America from the United Mexican States; to the Committee on the Judiciary.

By Mr. WILLIAMS:

H.R. 8540. A bill to amend the Fair Labor Standards Act of 1938 to permit the employment of certain unskilled persons at a special minimum wage rate for such period (not exceeding 4 months) as may be necessary to evaluate their ability to qualify for training programs; to the Committee on Education and Labor.

H.R. 8541. A bill to provide for the payment of reasonable costs, expenses, and attorneys' fees to defendants in actions by the United States for the condemnation of real property after determination of the amount of just compensation, or after abandonment of such actions by the United States, and for other purposes; to the Committee on the Judiciary.

H.R. 8542. A bill to amend title II of the Social Security Act to increase the amount of outside earnings permitted each year without any deductions from benefits thereunder; to the Committee on Ways and Means.

By Mr. WYATT:

H.R. 8543. A bill to amend the Internal Revenue Code of 1954 to provide a deduction for amounts expended by firemen for meals which they are required to eat at their post of duty; to the Committee on Ways and Means.

By Mr. EDWARDS of California:

H.J. Res. 531. Joint resolution designating the second Saturday in May of each year as "Fire Service Recognition Day," and for other purposes; to the Committee on the Judiciary.

By Mr. DULSKI:

H. Res. 301. Resolution authorizing expenses for conducting studies and investigations pursuant to House Resolution 268; to the Committee on House Administration.

By Mr. ROGERS of Colorado:

H. Res. 302. Resolution to commemorate the 50th anniversary of the American Legion; to the Committee on the Judiciary.

By Mr. ROONEY of Pennsylvania (for himself, Mr. PODELL, Mr. SCHNEEBELI, Mr. BROWN of California, Mr. MIKVA, Mr. SCHEUER, Mr. MOLLOHAN, Mr. JACOBS, Mr. EILBERG, Mr. REES, Mr. CLARK, Mr. THOMPSON of New Jersey, Mr. RONAN, Mr. HOWARD, Mr. BYRNE of Pennsylvania, Mr. CHARLES H. WILSON, Mr. GILBERT, Mr. ADDABBO, Mr. BRASCO, and Mr. DADDARIO):

H. Res. 303. Resolution authorizing and directing the Committee on Interstate and Foreign Commerce to conduct a study and investigation of magazine sales promotion practices; to the Committee on Rules.

By Mr. STAGGERS:

H. Res. 304. Resolution authorizing funds for investigations by the Committee on Interstate and Foreign Commerce, pursuant to House Resolution 116; to the Committee on House Administration.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

40. By the SPEAKER: Memorial of the House of Representatives of the State of Massachusetts, relative to Ireland; to the Committee on Foreign Affairs.

41. Also, memorial of the Senate of the State of Oklahoma, relative to the right to keep and bear arms; to the Committee on the Judiciary.

42. Also, memorial of the Legislature of the State of Oklahoma, relative to naming lock and dam No. 18 on the Verdigris River the "Newton R. Graham lock and dam"; to the Committee on Public Works.

43. Also, memorial of the Legislature of the State of Massachusetts, relative to restrictions on the amount of income a person may earn while receiving social security benefits; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADDABBO:

H.R. 8544. A bill for the relief of Louisa DiLeonardo; to the Committee on the Judiciary.

H.R. 8545. A bill for the relief of Lancelot A. Douglas; to the Committee on the Judiciary.

H.R. 8546. A bill for the relief of Marjorie Eileen Skeene; to the Committee on the Judiciary.

By Mr. BIAGGI:

H.R. 8547. A bill for the relief of Carmela Mure; to the Committee on the Judiciary.

H.R. 8548. A bill for the relief of Amelia Retamar; to the Committee on the Judiciary.

H.R. 8549. A bill for the relief of Carmelo Ricotta; to the Committee on the Judiciary.

H.R. 8550. A bill for the relief of Vincenzo Rosamilia; to the Committee on the Judiciary.

H.R. 8551. A bill for the relief of Vincenzo Russo; to the Committee on the Judiciary.

By Mr. BINGHAM:

H.R. 8552. A bill for the relief of Mavis Nelsetta Lindsay; to the Committee on the Judiciary.

By Mr. BRASCO:

H.R. 8553. A bill for the relief of Angelo Grella; to the Committee on the Judiciary.

H.R. 8554. A bill for the relief of Rosaria Ilardi; to the Committee on the Judiciary.

H.R. 8555. A bill for the relief of Vito Rallo; to the Committee on the Judiciary.

H.R. 8556. A bill for the relief of Mrs. Clarissa Dorothy Vincent; to the Committee on the Judiciary.

By Mr. BROCK:

H.R. 8557. A bill for the relief of Dr. Dong Kyu Chung and his wife, Young Ja Chung; to the Committee on the Judiciary.

By Mr. BROYHILL of Virginia:

H.R. 8558. A bill for the relief of Mrs. Johanna Fredericka Tjeenk Willink Schulman; to the Committee on the Judiciary.

By Mrs. CHISHOLM:

H.R. 8559. A bill for the relief of Carmen Agnes Gloria Mapp Bishop; to the Committee on the Judiciary.

By Mr. FISHER:

H.R. 8560. A bill for the relief of Mr. Edvard DeNeergaard; to the Committee on the Judiciary.

By Mr. FRELINGHUYSEN:

H.R. 8561. A bill for the relief of Luigi DiLeonardo; to the Committee on the Judiciary.

By Mr. HELSTOSKI:

H.R. 8562. A bill for the relief of Teresa Estrada; to the Committee on the Judiciary.

By Mr. HOWARD:

H.R. 8563. A bill for the relief of Mariel Madamba; to the Committee on the Judiciary.

H.R. 8564. A bill for the relief of Chen Ku Yung; to the Committee on the Judiciary.

By Mr. KYL:

H.R. 8565. A bill for the relief of Dr. Vasu Dev Arora and his wife, Kanchan Bala Arora; to the Committee on the Judiciary.

By Mr. McKNEALLY:

H.R. 8566. A bill for the relief of Choong W. Rhee; to the Committee on the Judiciary.

By Mr. MICHEL:

H.R. 8567. A bill for the relief of Dr. Bernardo P. Dalan and Mrs. Dalan; to the Committee on the Judiciary.

H.R. 8568. A bill for the relief of Viorica Anna Ghitescu, Alexander Ghitescu, and Serban George Ghitescu; to the Committee on the Judiciary.

H.R. 8569. A bill for the relief of Dr. Bhagawandas P. Lathi; to the Committee on the Judiciary.

H.R. 8570. A bill for the relief of Mrs. Rajani B. Lathi; to the Committee on the Judiciary.

By Mr. MINSHALL:

H.R. 8571. A bill for the relief of Dr. and Mrs. Edward Coligado; to the Committee on the Judiciary.

H.R. 8572. A bill for the relief of Miss Leticia Criman; to the Committee on the Judiciary.

By Mr. MONAGAN:

H.R. 8573. A bill for the relief of Mrs. Margaret M. McNellis; to the Committee on the Judiciary.

By Mr. MURPHY of New York:

H.R. 8574. A bill for the relief of Leonor Muirragui Robalino; to the Committee on the Judiciary.

By Mr. O'NEILL of Massachusetts:

H.R. 8575. A bill for the relief of Pedro Luiz DeMelo; to the Committee on the Judiciary.

H.R. 8576. A bill for the relief of Thomas Dowling; to the Committee on the Judiciary.

H.R. 8577. A bill for the relief of Jean Toyzan; to the Committee on the Judiciary.

By Mr. PATTEN:

H.R. 8578. A bill for the relief of Vukasin Dimic; to the Committee on the Judiciary.

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 el-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 estabilshment 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 domocratic 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 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

of this draft legislation in the RECORD today.

I wish at this point to reemphasize our eagerness to receive the comments of those who share our desire to provide an effective means of directly assisting the less fortunate citizens of this Nation.

TRANSPORTATION SECRETARY VOLPE ADDRESSES FOURTH INTERNATIONAL CONFERENCE ON URBAN TRANSPORTATION—DEPARTMENT OF TRANSPORTATION TO SCRUTINIZE VARIOUS KINDS OF TRANSPORTATION, INCLUDING V/STOL

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Monday, March 10, 1969

Mr. RANDOLPH. Mr. President, Secretary of Transportation John A. Volpe delivered the keynote address today at the Fourth International Conference on Urban Transportation in Pittsburgh. It was my privilege to have heard this creative and penetrating speech in company with approximately 500 other persons.

Secretary Volpe has committed the resources of the Department of Transportation to the development of a transportation system to "serve the fullest purposes of life in these United States." He stressed that his organization will conduct a searching and thorough analysis of all modes of transportation that serve people and cover large sections of the landscape.

Secretary Volpe further reaffirmed his intention to examine every type of transportation, including the automobile, V/STOL, steambuses, gravitrains, hydrofoils, or tracked air-cushion vehicles. There was innovation and also sound reasoning in his discussion of the vital roles of highways, mass transit, air transport, rail and other methods for the expeditious and safe movement of persons and products in our mobile society.

Mr. President, I commend the objectives outlined by Secretary Volpe. I ask unanimous consent to have his cogent remarks printed in the RECORD.

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

KEYNOTE ADDRESS BY JOHN A. VOLPE, SECRETARY OF TRANSPORTATION, AT THE FOURTH ANNUAL INTERNATIONAL CONFERENCE ON URBAN TRANSPORTATION, IN PITTSBURGH, PA., MARCH 10, 1969

Greetings—I am delighted to be here to keynote your Fourth International Conference on Urban Transportation. Few topics are of more timely concern in this country, for transportation is the vital element in the making of more productive and progressive cities.

Very few issues in America today are being watched more intensely.

Certainly President Nixon is aware of the cities' needs for more effective transportation of people and goods—transportation which meets *all* our human needs. He made his position perfectly clear during the campaign and has repeated his concern to me many times since.

It is the President's determination, as it is mine, to confront the crisis of the cities boldly, to provide leadership which dares to rock the boat; leadership which acts upon the premise that transportation is totally related to welfare, education, recreation, and all other aspects of urban life.

As Chairman of the Transportation Committee of the President's Urban Affairs Council, I pledge to you today that the problems of transportation into, out of, and within urban centers *will* be met and resolved from a national perspective.

To do this means our thinking will have to change in many areas. It means we shall have to admit that often the "tried and true" is obsolete and fallacious. It means that we must stop passively worshipping our machines and start to master them. It means we can no longer assume that we are obligated to fit the people to the machines. We need imagination, we need creativity . . . and most of all, we need motivation and implementation.

This Nation, the greatest Nation in the world, has proven we can send three men around the moon in seven days. Now let's show that we have the brains to move people from the Golden Triangle to the Allegheny County Airport in seven *minutes*. We can do it, and we will do it!

We know that the responses of the past simply will not lead to the solutions we want in the future. Conditions prove that to be true. We must re-examine our preconceptions if we are to prevent the centers of our cities, and eventually the suburbs from choking to death.

We are going to examine every kind of transportation and find out what kind of job each is best suited for. For one given purpose, that grand old American institution—the automobile—may be best. For other purposes, we might try V/STOLs, steambuses, gravitrains, hydrofoils, or tracked aircushion vehicles.

As the Nation's new Secretary of Transportation, I firmly hold that no one mode is going to dominate the future in this country, because I know and you know that no one mode is best for all purposes. Our population is too dense in some areas, to sparse in others.

Our needs are too complex for simple answers. The conventional modes, like the automobile for instance, suffer from the liability that the more we expand our highways, the more crowded those highways become.

The rumbling of discontent among the people is becoming louder. I cannot believe that in the year two thousands some 280-million urban citizens will put up with anything resembling today's conditions.

If we are wise, if we want to stop the *commuting* American from being the *complaining* American, we will start now—in this administration—to re-examine obsolete thinking and start to think in terms of the real needs and potentials of the present.

For instance, I find that more and more responsible people—independent observers—are questioning the survival of the automobile in the centers of our largest cities.

In New York City today, to take perhaps the worst case, traffic moves an average of six miles per hour versus eleven miles per hour in the pushcart era of 1917. Off-street parking, computerized traffic flow and changes in patterns of use are often suggested but more often than not they are only stopgap measures.

The costs of pollution, sprawl, ugliness, business decay, tax losses—these are not worth the small gains. America must now accept the fact that the private automobile will not forever be the absolute monarch of our core cities.

How and when this change will come about, we cannot yet say. But the means are not altogether obscure.

We could make mass transit so attractive that habitual drivers would leave the highways. Some are convinced that dial-a-bus and other personalized modes will provide a breakthrough.

We could tax cars entering the city in order to pay for police services, traffic control, parking, road repair, and so on.

More and more, the hallowed right to jump into our cars and drive them anywhere we please is being tallied against other community and individual values—the need for elbow room, clean air, stable neighborhoods, more parkland, and many others. So far, we have sought sheer mobility above every other consideration; other needs have been neglected, and the social equation is clearly out of balance.

I maintain that the abuse of the human environment can be stopped by using transportation as a major tool in regional planning.

It will be a policy of the Department of Transportation during this administration that any mode of transportation that commandeers or violates large sections of the landscape is going to be subject to a brutal analysis. Land is too precious a resource to be squandered. We can't always find enough of it where we need it, and it's one thing science doesn't have a substitute for. Multiple use of transport corridors is an obvious solution, and will ensure overall community development at very little more cost for land acquisition than we pay for ordinary highways and transit lines. Cities, whole regions, are now finding that they must plan their growth, control it, even in some cases, reduce it. They will have to decide consciously, not by default, what kind of places our people will live, work, and play in. And in that context, I would like to take this opportunity here this morning to announce a new D.O.T. program—the Center Cities Transportation Program—which I know will be of great interest to all of you.

We have concluded—and I am sure that a great many people in this room have come to the same conclusion—that the real transportation problem in the Center Cities is not congestion, parking and air pollution *per se*. Rather, the problem is that no one has been successful in *solving* the problems of congestion, parking and air pollution.

As I noted earlier, this Nation *has* the technical capability. What we haven't had is the effective implementation of this capability.

The reason for this lack of effectiveness—and again, I think you will agree—is the lack of an action program for implementation. The Center Cities Program *is* such an action plan.

To state the case bluntly, the failure in finding solutions to the transportation problems of the Center City areas has been one of not getting the many varied interest groups in the cities' power structures to work together.

You know and I know that the filing cabinets in mayors' offices are filled with unrealized plans. Unrealized not because they weren't feasible—but unrealized because they did not address the problem of gaining sufficient support from the private sector, from labor, from management, from the financial community, from the political structure, and from the traveling public. This we intend to do with the Center Cities Transportation Program.

The Department of Transportation—through the Urban Mass Transportation Administration—has signed a one-million, 461-thousand dollar contract with a group of the nation's top consulting firms—led by A. D. Little, and including Skidmore, Owings, and Merrill; Real Estate Research Corporation and Wilbur Smith and Associates.

These firms, working as a consortium under the guidance of DOT, will provide to five selected cities a thorough and concise re-

search and development effort to formulate improved center city transportation systems. The cities participating in the program will be Atlanta, Dallas, Denver, Seattle, and Pittsburgh.

The consortium will—in each city—go beyond the traditional approach of research, analysis and recommendation. The program will actively involve many organizations and groups in each city.

Again, this is more than a planning program. It is an action program. I, personally, will not be satisfied with the performance of the consultant teams until they, through their work, light the spark of community involvement in each of the participating cities.

The Center Cities Transportation Program is set up to give a nudge to communities—to draw all community elements together—so decisions will be made by not only those who will administer new transit facilities, but also by those who will earn a living operating the system, those who will ride, those who have businesses in the area, those who will be involved in the financing, those who will manufacture the equipment, and those who are in political and governmental decision-making positions.

The benefits of such a program are manifold.

With five cities sharing development, expertise and information, the manufacturers of transit equipment will have delineated for them a much more positive market potential. Investors—buyers of bond issues—will know better what sort of rate to offer. Labor, in helping plan new systems, can be expected to work with us for the common good. Merchants and businessmen in center city areas—by being involved in the study of traffic patterns and pedestrian distribution—will know better what to expect in terms of economic growth. And the people—the ones who really are the "lifeblood of urban society"—will help these cities create central transportation systems that blend rather than clash with the human environment.

We are delighted that the mayors of the five cities have expressed initial enthusiasm for the program, and we look for it to become a major demonstration of what we can do if we all work together.

To me, this is money well spent.

To my way of thinking, these grants are only a first step. Over the coming decade we will spend billions on urban transportation.

It seems obvious to me that these public monies cannot be spent effectively except by developing solid, well-thought-out plans for air, rail and highway in conjunction with the rest of the social structure—housing, utilities, schools, and so on.

We must clarify the options for cities, encourage them to develop comprehensive plans, and give industry some notion of the potential market for their products.

We will have to invest a great deal of money to make up for past neglect. We will need new methods to finance the new systems of tomorrow. Trust funds set up by user taxes may be the answer in some cases; in others, federal subsidies may be more realistic. Our attitude should be flexible.

Perhaps we should expect to subsidize those who cannot drive—you know who I mean—the young, the aged, the poor, the handicapped. And those who are able to drive but prefer to avoid the aggravation and take a bus or train should also be given a choice.

We have the resources and the technology to provide these choices. Whether we provide them will determine the prospects for a decent life in the United States. How we decide them will determine the quality of our civilization.

The integrated transportation network that President Nixon and you and I dream of cannot be created overnight. But a system providing channels of choice out of the ghetto to suburban factories, insuring ready access in our leisure time to the varied pleasures of the countryside, safeguarding our precious heritage of historical sites and natural beauty, and saving the land from irresponsible exploitation—such a system must be started now if we are to achieve our objective within the next generation. It may even be necessary for physical survival.

The task is gigantic, but no more so than the challenges of a century ago when stout-hearted pioneers tamed a savage continent with their bare hands. Sometimes we forget that we have a tradition—a sacred one—of achieving the impossible dream.

Our roads and rails and airways have given us greater mobility—for all its frustrations—than any other people have had in history. They have made the name of America synonymous with movement, change, and adventure. They have conditioned our mentality, formed our attitudes, opened new horizons to restless vitality.

It is the intention of this administration that transportation will continue to serve the fullest purposes of life in these United States. It *must* do so, for time is, indeed, running short. All our efforts—especially at conferences such as this one—must be aimed at the development of a national, integrated transportation *system*.

I am confident that your meetings and deliberations here in Pittsburgh will constitute a major step in the right direction.

Thank you.

WHEN DEBT IS NOT A DEBT

HON. JAMES B. UTT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 1969

Mr. UTT. Mr. Speaker, many of us were astounded with the President's suggestion that we remove from the debt limit the amount owed to the various trust funds. This feeling is clearly reflected in the lead editorial of the Santa Ana Register of February 27, 1969, entitled "When Debt Is Not a 'Debt'." I would like to include that editorial in the Extensions of Remarks today.

The article follows:

WHEN DEBT IS NOT A DEBT

If you borrow from your family with an agreement to repay with interest, would you not consider that it was a part of your debt? We think you would. Yet those wonderful wizards of Washington seem to have some idea that by eliminating part of the national government's borrowings from "trust funds," they can change the debt picture.

That's the way is appears from the proposal submitted to Congress by President Nixon. Mr. Nixon asked that the debt "ceiling" be reduced from $365 billion to $300 billion, and that simultaneously approximately $80 billion borrowed from various "trust funds" be eliminated from being kept on the books as part of the debt.

A couple of years ago the method of budgeting was changed so that the amounts spent from trust funds—including Social Security—were included in the over-all budget. However, with more money received into the trust funds than was spent for the purposes for which the special funds were established it was possible for the federal government to continue spending at its high level without a great deal of additional borrowing from banks and the public. The amount was added to the national debt.

Now, says Mr. Nixon, unless the method of tabulating the debt is changed, the legal debt "limit" of $365 billion will have to be increased again. The solution offered from Washington is not to count the money borrowed between various tax funds even though it must be repaid plus interest from future taxes. The Nixon administration does propose, however, to start counting the previously uncounted debts of such government agencies as the Tennessee Valley Authority, the Federal Housing Administration, the Federal National Mortgage Assn., the Government National Mortgage Assn. and the Export-Import Bank.

The late Sen. Harry Byrd of Virginia once attempted to find out just how much in debt the federal government has gotten itself. He said if all obligations for federal pensions for Social Security and other future commitments were added to the admitted national debt, the total would be more than a trillion dollars. Obviously the amount would be more now.

The debt "ceiling" has been a fiction for years. It is no ceiling if Congress can change it at will, as it has been doing nearly every year.

But changing the debt "ceiling" and altering the method of accounting are no solution to getting the federal government in a position where people can have confidence.

These "solutions" are just more tinkering with gimmicks.

STEWART UDALL: A TOUGH ACT TO FOLLOW

HON. FRANK CHURCH

OF IDAHO

IN THE SENATE OF THE UNITED STATES

Monday, March 10, 1969

Mr. CHURCH. Mr. President, when the Senate confirmed the nomination of the Secretary of the Interior Walter Hickel, I expressed my view that our new Secretary will find it most difficult to follow the highly creative and productive administration of former Secretary Stewart Udall.

Recently, the Times-News in Twin Falls—one of Idaho's best newspapers—editorialized on this very subject, and expressed very well many of my own views on the matter.

I ask unanimous consent that the editorial be printed in the Extensions of Remarks.

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

THE UDALL ACT

Interior Secretary Walter J. Hickel very soon may be looking back on his confirmation grilling by the Senate as the good old days of his new job.

He has the dubious fortune of succeeding possibly the most energetic and dedicated man who has ever held the Interior post, and of inheriting unfinished business out of which promise to develop some of the nation's most pressing problems in the years immediately ahead.

Former Secretary Stewart Udall held the post for eight years under two presidents, for every minute of that time deeply committed to his role as the steward of the nation's natural resources and the champion of the public interest in their utilization, although his often-controversial actions may not always have pleased every segment of that public.

Udall's decision on pollution, mining, oil, highways and public lands will affect how Americans live for years to come. In his last week in office alone, he pushed through the

addition of almost 400,000 acres to the national park system (he had wanted much more—seven million acres).

Udall's is going to be a tough act to follow. And making it tougher are some of the decisions Secretary Hickel is going to have to make very soon on Indian affairs and mine safety, conservation, reclamation and pollution-control projects, and disposition of the vast government-owned oil shale reserves in the western states.

No one can wish him anything but the very best of luck.

Interior lacks the glamor and massive budgets of other departments such as Defense and State. But its role in the scheme of government becomes increasingly important as the need to utilize the nation's land, air and water resources as efficiently yet fairly and nondestructively as possible becomes increasingly pressing.

LABOR'S DRIVE TO MEET THE URBAN CRISIS: AN INTERVIEW WITH JOHN EVANS, DIRECTOR OF URBAN AFFAIRS, AFL-CIO

HON. WILLIAM A. BARRETT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 1969

Mr. BARRETT. Mr. Speaker, government alone cannot meet the critical national housing needs—currently, some 30 billion new units. Private groups must lend their efforts—and many are. The labor movement is a good example. John Evans, director of the newly established AFL-CIO Department of Urban Affairs, talked about the federation's effort to help provide the kind of decent, low-cost housing the Nation needs so badly, in a recent "Labor News Conference" interview on the Mutual radio network. I recommend this to my fellow Members of the Congress and insert it in the RECORD:

LABOR'S DRIVE TO MEET THE URBAN CRISIS

(Guest: John Evans, Director of Urban Affairs, AFL-CIO.

(Reporters: George Riveire, staff editor, Construction Labor Report, and Stanley Levey, labor correspondent, Scripps-Howard Newspapers.

(Moderator: Frank Harden.)

HARDEN. Labor News Conference. Welcome to another edition of Labor News Conference, a public affairs program brought to you by the AFL-CIO. Labor News Conference brings together leading AFL-CIO representatives and ranking members of the press. Today's guest is John Evans, director of the AFL-CIO's Department of Urban Affairs.

The AFL-CIO has long fought for policies and programs to rebuild America's cities, to provide a decent and healthy environment for all the people and good jobs at decent wages for all who are willing and able to work. Another effort in this area was the recent creation of the Department of Urban Affairs of the AFL-CIO, charged with the responsibility of coordinating the federation's efforts in housing, urban renewal, manpower and other critical problems facing our cities. Here to question Mr. Evans, director of that department, about its goals, and the approaches it will take to achieve them, are George Riveire, staff editor of Construction Labor Report, a Bureau of National Affairs publication, and Stanley Levey, labor correspondent for the Scripps-Howard Newspapers. Your moderator, Frank Harden.

And now, Mr. Levey, I believe you have the first question?

LEVEY. Yes. Mr. Evans, just what is the Department of Urban Affairs and what will its function be?

EVANS. I think it is quite obvious that the AFL-CIO, for many years, has had a good many programs that confront various urban problems. I think that the move made by the organization is recognition of the fact that the whole nation is gearing up for an attack on the urban crisis. And, it is a recognition, really, that we are going to coordinate some of our programs, more directly focus on a campaign to confront the urban crisis, and to come up with elements that will deal with housing, with education, with crime, with safety, with health—with a good many of the components.

But, what I would like to emphasize is that we are really trying to come up with a coordinated program which will confront the urban crisis.

RIVEIRE. Mr. Evans, the mandate of the Urban Affairs Department, which was established last September, as I recall, is about as broad as anything could be. It's to help solve the whole range of problems entailed in the urban crisis—jobs, housing, education, poverty, health services, equal opportunity and so on. You obviously can't do all of these things at once. What priorities have you established? Where are you going to concentrate first?

EVANS. Well, it's quite a temptation when you undertake the organization of something like this to want to write a white paper that addresses itself to all of the problems on the urban horizon, and to try to come up with programs to solve all of these problems. We are proceeding in another direction. We have concentrated on two elements, at the outset.

One—under the Human Resources Development Institute—a program dealing with job opportunities, with training, and with general manpower concerns. Two, a housing program that is based upon the accumulation of union funds into a mutual fund which will finance low-cost housing programs.

We believe that proceeding from these two areas—jobs and housing—we will encounter a good many other things that will flow out of these two areas of concentration. For example, the problems of people in inner-city areas—transportation getting to jobs, the problems of education that will allow inner-city residents to compete with the rest of the population, for instance. So we are, at the moment, focused on jobs and housing. We'll proceed from that to other areas.

LEVEY. Well, Mr. Evans, isn't there a great deal of duplication between what you are trying to do as part of the labor movement and what a great many other public and private agencies are already doing—like the Urban Coalition, the federal Housing and Urban Development Department and many citizen committees devoted to the same thing? What justification is there for yet another group like yours?

EVANS. Well, your question is pertinent to our original decision not to issue a white paper—which many organizations are doing and which, incidentally, are very helpful. But, if anything is pointed up by all this activity on the urban scene, it is the fact that there are problems that need solving. And there is certainly no great competition in action programs that are accomplishing goals that can be measured. That's why we would like to step in, particularly in the housing field, and rather than issue statements about what we are going to do, launch right into programs that will show a certain number of units accomplished each year.

So, I certainly wouldn't denigrate the activities of many of the organizations in the urban field. I think that every bit of research that is going on is helpful.

But, if anything is needed at the moment it is an organization—particularly one of the size as our organization—with members throughout the country to jump into programs that can be accomplished over a very short period of time, and show accomplishments—in the number of units built, for example.

LEVEY. Is there any truth to one charge that I have heard that labor's interest in these programs is primarily to see that labor participates as an equal partner and under trade union conditions, in these vast new programs?

EVANS. Well, I don't know that that is a charge. I think it is a legitimate goal that we have—that we would maintain the program that we are offering, I believe, to the great benefit of the country.

With our resources, I think we are going to have to be included and active, if national goals are to be met.

I don't regard it as a defensive posture. I regard it as a responsibility of an organization that represents millions of American citizens. I do think that there is an element of self-interest in it, and I think that's a healthy situation.

But, I think that it is quite obvious that representing the number of people that we do, we have massive responsibilities throughout the country to help in these urban areas.

RIVEIRE. Now, Mr. Evans, I understand the Urban Affairs Department operates a mortgage investment trust to provide financing for low-cost housing in ghetto areas, and that its first investment has been directed into a St. Louis project to rehabilitate 300 housing units in the slum section. How was this trust funded, and, what other investments are in the offing?

EVANS. The fund is actually not a brand-new fund, Mr. Riveire, it has been in operation for several years. But, with passage of the Housing Act of 1968, the AFL-CIO felt that now there were new mechanisms that justified widely-expanded use of this trust fund. We have made some investments in the mortgage market, based, most generally, upon pension and welfare funds, and, with the participation of some international union funds.

What we are looking to now is some means to interest local groups throughout the country—local pension and welfare funds—their trustees—in accumulating investments from their own area. We would then, if they were of such a size to justify the projects—we would ask them to invest money in our trust fund. We would then turn over to them the resources that we'd have for examining project feasibility and planning projects, and then take the money that they have invested and build projects in the area where that money comes from.

So, we offer our union members not only the opportunity to engage in a socially worthwhile program, we offer them an investment at a reasonable rate of return for their money for the protection of their pension funds. It's a secure investment, because we are limited to FHA and VA loans. And, it also generates new job activities throughout many of these areas.

We are now kicking off a campaign to interest both international unions and labor-management pension and welfare funds in investing in programs in their own areas, through our resources, which will give them a reasonable rate of return, offer security and a certain amount of liquidity. If they want to get out of the fund, they can do so, upon a certain amount of notice, which they could not do if they themselves invested in these mortgages.

LEVEY. What kind of goal have you set for these investments? How much money are you going to try to put into this work?

EVANS. Well, very frankly, we are talking about $1 billion. That's a staggering amount of money to conceive of. It's a very ambitious goal.

However, my research into pension and welfare funds leads me to believe that if we

can mount an effective sales program, the money is potentially there.

LEVEY. That brings me to my next question. You indicated before that this program is not new—that it has been in existence, I think, since about '63 or '64, isn't that right?

EVANS. 1965.

LEVEY. Yet, in the three or four years since it was first formed, the record has not been very good. The mortgage investment trust has not been very successful, to any great extent, in inducing affiliated unions of the AFL–CIO to invest any large sums of money. What makes you think that you are going to be any more successful now than you have been in the past? What added inducements have you got?

EVANS. Well, for one thing, I think the urban crisis itself is so apparent and the potential revolutionary nature of the people who are locked up in these ghettos, that I don't have to go to groups and explain to them the necessity of rebuilding the American inner-city. They understand that, first of all.

But, the second thing is, the present yield of mortgages, which is now at a fairly high rate and perhaps may even go higher, competes very successfully with the yield on many other investments.

When we started our program, we were then, obviously, receiving the yield on mortgages at the market rate at that time. Banks, insurance companies and many others invested at that time, and at that rate. They are in the same position we are. I wouldn't want to get into specific yields at the moment, because they change day-by-day. As a matter of fact, they change according to the amount that we currently have invested. But union trustees of pension funds have made every effort to make secure investments. But, in some cases we find that some unions even have a considerable amount of money in checking accounts in banks, which is delivering no interest at all. Others have certificates of deposit in banks and government securities. All of these things are very valid. We are not trying to talk them out of this kind of activitiy. Even though our fund started several years ago and was based, at that time, on the yields of the mortgage market at that time, today, our yield based on that early investment, is considerably higher than areas where many funds are now placed.

So, we believe that if we have an effective, active, aggressive sales campaign throughout the country, that based on these social dimensions we discussed a moment ago, plus the fact that we have highly secure investment here limited to FHA and VA mortgages, that we have a very attractive proposition. After all, if you go out and explain to local labor movements that they can invest their money at a reasonable rate of return and promote jobs for their own community at the same time, I can't imagine anybody who has a more attractive story to tell.

LEVEY. Kind of a program of enlightened self-interest?

EVANS. It seems so to me, yes.

RIVEIRE. You started in St. Louis. What other target areas are in the immediate offing? Any at this particular time?

EVANS. There has been an agreement negotiated—a model cities-type agreement—in the Boston area between the unions and the Associated General Contracts. We are hoping to engage in some activity up there shortly. We are also discussing potential investment areas in California, in Chicago, in Gary, Indiana, and in Baltimore.

In each one of these areas we are discussing with the local labor movement the possibility of investing their funds in the kind of situation that I have described.

RIVEIRE. Are these investments from the trust fund limited to low-cost housing in slum areas, or, can they be broader than that?

EVANS. No, they are not limited to low-cost housing. They are limited to FHA and VA mortgages. But, as you know, FHA—for example, under Urban Renewal—offers the possibility of investment in projects which are not low-cost housing.

Now I would like to point out that in some instances—particularly low-cost housing—we would like to be able to produce below-market-rate interest for those groups sponsoring low-cost housing. Now, if we are going to do that, we obviously have to maintain other investments of a market-rate yield, so that we can attract money and offer our investors, at the same time, a reasonable rate of return.

So, we are planning a balance investments in FHA projects which are not low-cost housing and which are put out at a market yield that will bring in the kind of money to permit us to do low-cost housing for a below-market-rate situation.

LEVEY. In other words, you are going to be running into, quite frankly, the same problem that every entrepreneur who has thought about going into the field of low-cost housing has run into. You cannot get the money for it, by-and-large. Isn't that right?

EVANS. I think we can get the money for it, because we've got something to offer that the investor that you have spoken of does not have to offer. In other words, we are coming in and saying, "invest with us and we will not only produce a yield but we will produce jobs." And we will then help them put these projects together in specific instances so there are jobs there.

LEVEY. You talk about a $1 billion fund. How many jobs do you think—well, let me ask you two questions: how many housing units do you think $1 billion will produce, and, how many jobs do you think it will produce?

EVANS. Mr. Levey, I don't think I could give you a specific answer at this moment. We are trying to help the country achieve the 26 million housing unit goal over the next 10 years that has been advanced for the country.

Our $1 billion would be translated into a number of different types of activity. For example, we could very easily get into activities which are not housing. Nursing homes might be an instance. Government-insured neighborhood centers might be another instance. It would be difficult for me to tell you how many housing units we might get into, because of the varying nature of the kind of investment we would make.

But, I would think that $1 billion would represent a very sizable investment. It would produce a great many new units of housing and a great many new jobs.

RIVEIRE. Mr. Evans, meeting the nation's massive need for new housing units during the next ten years probably will require extensive use of mass production techniques, such as the installation of prefabricated components. Yet, to some unions, prefabrication is still regarded as a threat to be resisted, if possible. Is the Urban Affairs Department doing anything to change union attitudes on that score?

EVANS. I would like to turn that situation around a little bit, because I think there is a great deal of public misunderstanding on the attitude of unions toward new technology and industrialized building systems.

I think that one place that a number of bodies have made a serious mistake in the last few years is in their investigation of the production of housing. It's very easy to become enamored of a new technology system and European-style production methods, and still not get to the heart of the matter. The problem in this country, I think—in the area of housing—is in the assembly of markets that are big enough to justify adequate expenditures for both research and actual appropriation of money. That means that the government's financing pattern is going to have to be such that we can see a certain market for housing over a certain number of years. I don't think that there is any great fighting of the concept of new technology in the building trade unions, provided we can see a market that justifies expansion of the work-force. And, at the moment, I think you have run into many instances when the so-called industrialized building system cannot at present compete for price with what might be called standard construction.

For example, in the modern American city, if you go and look at the large commercial buildings being erected, you find many elements of an industrialized system—many panel systems and pre-cast concrete forms that are used.

So, I think what is going to help produce mass housing is a concentration or assembly of an adequate market. Whatever methods are then necessary to get volume will automatically find their place. They will not be met with great obstructionism on the part of the building trade unions.

LEVEY. Mr. Evans, the basic government program to rehabilitate the urban slums and to re-house urban slum dwellers is a product of a Democratic administration. And indeed, your program was actually formulated during the period of the Presidency of Lyndon Johnson. Now, we've got a new President—President Richard Nixon. We've got new Republicans in charge of these basic programs. How do you think that change is going to affect, one, the basic objective of the government, and two, your objectives within the trade union movement?

EVANS. I think it is a little early to say. We're going to spend a great deal of energy toward encouraging the Administration to appropriate the necessary money to implement the Housing Act of 1968. I don't think that the Administration could, politically—or perhaps even desires to—change the legislation that was enacted last year. I think that we're not going to be hampered a great deal by any legislative changes. What is obviously necessary is the accumulation of money in a private market to finance these things. And, of course, that is one of the things that we are trying to do with our mortgage investment trust.

But, I don't think the Administration could possibly look to cutting back on what is such an obvious need in the modern American city.

LEVEY. Well, isn't there a difference in philosophy on the part of the present leaders of the government, compared with those of the past Administration? George Romney, for example, the head of the Housing and Urban Development program. Is he as sympathetic, let's say, to your objectives, as Secretary Robert Weaver was?

EVANS. From everything I have read of Secretary Romney's pronouncements up-to-date, he's thoroughly sympathetic with the housing goals that have been set and talks about the need for increased housing. We may have some differences of opinion about the methods by which this is going to be accomplished. But, I don't think there is any serious difference of objectives between this organization and the statements that he has already made.

REVEIRE. Could you briefly describe the Department's efforts in your second area of major interest—manpower programs providing jobs for the disadvantaged and hard-core unemployed. I understand you have a Human Resources Development Institute and you have programs going right now in nine cities and intend to expand the efforts to 50 cities, eventually.

EVANS. We're placing union-trained manpower experts in 50 cities to do everything they can to, among other things, develop programs for minority youngsters to take their place in the work-force. This will involve extension of our apprenticeship apparatus, it will involve training in general, it will involve the development of new job opportunities.

But, the main thing is to get a full-time staff man available to every community to promote new job opportunities.

HARDEN. Thank you, gentlemen. Today's Labor News Conference guest was John Evans, director of the AFL–CIO's Department of Urban Affairs. Representing the press were Stanley Levey, labor correspondent for the Scripps-Howard Newspapers, and George Reveire, staff editor of Construction Labor Report, a Bureau of National Affairs publication. This is your moderator Frank Harden, inviting you to listen again next week. Labor News Conference is a public affairs production of the AFL–CIO, produced in cooperation with the Mutual Radio Network.

JONATHAN WINTERS REVEALS HIS LOVE AFFAIR WITH AMERICA

HON. PAUL J. FANNIN

OF ARIZONA

IN THE SENATE OF THE UNITED STATES

Monday, March 10, 1969

Mr. FANNIN. Mr. President, many Americans have laughed at the TV antics of one of our foremost comedians. His characters have become almost a fixture on the American scene.

About the man himself, there is less known—until recently in an interview printed in TV Guide magazine, he revealed how he feels about America in words which I think every American deserves to hear. Mr. Winters says about America:

> The Lord knows we have many problems . . . But this country is still the greatest place on earth to live, to exist, to work together, to die together. I believe in this country. If it doesn't work here, it won't work anywhere.

Mr. Winters expresses in this interview some of the reservations, the fears, he has had about being a political conservative in the midst of a dominantly liberal profession, but he says:

> The time has come to stand up and be counted, to get into the arena.

It is my opinion that this statement will make for Mr. Winters a host of new friends, and even among those who do not accept his views there will be heightened respect for a man who has convictions and the courage to express them. I commend Jonathan Winters for his forthrightness, for his stand in favor of the ideals that have made America great, and I commend this interview to the reading of my colleagues.

Mr. President, I ask unanimous consent that the interview of Mr. Jonathan Winters, published in the March 8, 1969, issue of TV Guide magazine, be printed in the RECORD.

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

JONATHAN WINTERS COMES OUT OF HIDING

(By Edith Efron)

Despite the disappointing ratings on his current TV series—which has been undergoing a salutary loosening up of format—Jonathan Winters is almost universally hailed as one of the most gifted comedians in this country. His pungent characterizations have become a form of secondary American folklore. Friend Jack Paar, who discovered the Ohio-born Winters in a New York night club, says of him: "He is a true genius." and friend Rod Steiger, himself an outstanding dramatic artist, says of him: "He is one of the most gifted improvisatory minds in existence."

About Winters, the man, there is less clarity.

For many years he has been described in the press as an anxiety-ridden comic who was "always on"—in the compulsive form of one or another of his brilliant characterizations. It has been equally compulsively said, by observers, that there is no "real" Jonathan Winters.

His friends loathe this comment. Explodes Paar: "This business about there being no 'real' Jonathan is nonsense! Of course, there's a real man there! A sensitive, brilliant, idealistic man. One of the reasons he has been so guarded is that he's been afraid that his political attitudes might get him into trouble professionally." And Steiger says: "He's a serious and a highly intelligent man. I admire him because of his courage, his almost heroic attempt to maintain his self-respect and his standard of performance."

For all these years, Jonathan Winters has been concealing himself from the public—but in this interview he decided to come out from hiding. . . . to reveal the serious and intense man known only to his friends and family. What he says about his characters, their relation to himself and his vision of life will come as a moving surprise to millions of Americans.

Q. You have been written about a great deal, but nobody outside of your very private life seems to know what you are really like—or even if there is a "real" Jonathan Winters. Why?

A. Most of it is my fault. In most of my interviews I was on the run. . . . Of course, I think it's awfully difficult to find out what a person is like. And with the great majority of interviewers, there's never an opportunity to be serious. I think reporters feel seriousness won't make good reading, especially coming from a comedian. Then, in all fairness to them, a lot of actors are downright dull, when you meet them out of role. Many of us, I'm sure, hide in our characterizations.

Q. Hide?

A. Art is a way of hiding . . . Maybe a better way to put it would be—we express ourselves indirectly through art.

Q. Then you are saying something serious through your comic characterizations?

A. Oh, absolutely.

Q. How about taking your major characters and telling me what they stand for?

A. Probably the most famous character I do is Granny. Maude Frickert. She's a hip old chick, a kind of worldly gal. A little malicious, caustic, bitter. But there's a lot of love in her, in a wild way. She loves life. She refuses to adjust to age. She's a kind of DAR type, but not all the way. There's a tremendous pioneer spirit. She's a fighter.

Q. What's she fighting?

A. In a way, she's putting down a weaker generation. She's saying, "let's shape up." She hates to miss out on anything, but she draws the line at the "living-it-up" attitude; the acid, the grass. She's against that.

Q. She has a certain contempt for modern decadence?

A. Yeah. She's a fun person but she's grass-roots. Down deep inside she's a Puritan. She's the Plymouth Rock, "The Star-Spangled Banner," Valley Forge—she's American history. She's the gal on the white horse, and yet there's a lot of the Tom Sawyer and Huck Finn in her. She shoots out of church because she can't stand the preacher—he's a bore. She has a place down by the stream and she may fish or just lie around and go skinny dipping.

Q. She's tough in some way?

A. Yes. She sees modern life as soft. She's a kind of tough pioneer woman. What she's saying to people in essence is: "What's happening here? What's happened to the spirit of '76?"

Q. OK, what about your character called Elwood P. Suggins?

A. Elwood? Elwood is trying to better himself. He represents some kind of fundamental common sense—you're laughing at him, but with him at the same time. He's a square—an innocent guy—a diamond in the rough.

Q. Does he have anything in common with Granny?

A. Oh, yes. Not superficially—Suggins hasn't got the aggression that Granny has. He's much more sentimental. But he's the same type of guy. He's just as American as she is. He's grass-roots. He's '76. Same type, essentially.

Q. Let's go to another one.

A. Howard Ganglinger. He represents a combination of Kiwanis, Masonic, Lions—all organizations wrapped into one. He's Mr. Convention. He always has the plastic badge on. Basically he's a weak man. He's a conformist.

Q. You don't respect him as you do Granny and Suggins?

A. No. He's given up.

Q. On what?

A. On America. Granny and Suggins have never given up on America—never for a minute. They think they can salvage it. This guy believes it's the fall of the Roman Empire. It's over.

Q. What battle has he lost?

A. He feels that America has been sold out. That's it in a nutshell. He's bitter and it shows. He's constantly telling people what's wrong with the country.

Q. Give me another character.

A. Another is Maynard Tetlinger. Maynard is an old man—about Granny's age. He's an old Walter Mitty—not senile, though, by any manner of means. Again, he's just as much Americana as Suggins and Frickert and Ganglinger. He's kind of a lost soul. He tends to wander.

Q. What aspect of "Americana" does he represent?

A. He's in the same bag as Granny. He's a pioneer type of guy. He came up from nothing the hard way. He's the type of guy that still gets up—as old as he is—at a baseball or a football game and sings "The Star-Spangled Banner." There's still something that goes through him when the band passes on the Fourth of July.

Q. All of your basic characters—are they in some way an expression of what you call "Americana"?

A. Yes.

Q. Now, all these are imaginary people—this is obviously *you* talking. What are you really saying under all these disguises?

A. I'm expressing a deep love for my country. I'm an American all the way. When I saw the American flag being burned in New York and in San Francisco, I wrote to my senator, for the first time. I sat down and I wrote a long letter. I said in it: "What's happening? Why is this being allowed? My flag means something to me. What does it mean to the other people?"

Q. What does it mean to you?

A. Perhaps this is going to sound very corny, but I'm at a stage when I don't care. The flag represents what I still believe: freedom of speech, freedom of religion, *freedom*. It's the Constitution. It's the Declaration of Independence. I sit here and listen to people saying we've got to make changes in the Constitution. I don't know. I still think it's some kind of wild great document. It's being picked away here and there. So, perhaps, is the Declaration of Independence. Maybe, tonight in Washington, they're taking it out of the frame and looking at it and saying, "I don't know. Maybe we should erase 'We the People' and just say 'A Couple of the People.'" But it's "We the People." I still get choked up when I read it—and when I read the Gettysburg Address. Wow!

Q. Contemporary problems don't shake your idealism?

A. No. The Lord knows we have many—the race problem is the worst. The war is terribly upsetting. But this country is still the great-

est place on earth to live, to exist, to work together, to die together. I believe in this country, if it doesn't work here, it won't work anywhere. It's got to work here.

Q. You spoke of Granny and Suggins as believing that America can be "salvaged"—and Ganglinger as feeling that all is "lost." What's being "lost"?

A. There's a definite lack of patriotism. Pride is going, pride in America; 200 million people are told they're guilty of everything; that our whole democracy doesn't amount to a row of beans.

Q. But what, precisely, is being "lost"?

A. It's hard to put it into exact words. . . . Let me quote something Theodore Roosevelt once said: "It is not the critic who counts, or how the strong man stumbled and fell, or where the doer of deeds could have done them better. The credit belongs to the man who is actually in the arena, whose face is marred by dust and sweat and blood, who strives valiantly, who errs and comes short again and again, who knows the great enthusiasms, the great devotion, and spends himself in a worthy cause; and if he fails, at least fails while daring greatly, so that he'll never be with those cold and timid souls who know neither victory nor defeat."

Q. I see you love that. Why did you learn it by heart?

A. Because it pins medals on people that are in the arena. People should be in the arena. . . . The big thing is that phrase, "spends himself in a worthy cause." That says an awful lot.

Q. This passage represents your personal philosophy?

A. Yes.

Q. Does it in some way represent the spirit of America to you?

A. Yes, it certainly does.

Q. You feel this is being "lost"?

A. No question about it. . . . Of course, I'm not a guy that's throwing the towel in. I'm not a defeatist. I'm trying in my own way to remedy the situation on a daily basis without sounding . . . corny . . . square . . .

Q. That quote from Roosevelt—is that what you mean by square?

A. Yeah, I guess so.

Q. Your comedy does not hit out directly at the things that really agitate you, does it?

A. No. And I'll tell you why. I don't want to lecture. There have been satirists, comedians, who have crossed over—and it's no longer comedy. I could go on and comment about a number of social and political areas—but I question how funny it would be. I might think it was funny, you might think it was funny, and some of my friends. But I question the over-all reaction across the 50 states.

Q. You're saying that you're not sure that your conservative political humor would be accepted?

A. Yes.

Q. Why?

A. I must be honest. I'm not sure. Maybe that's insecurity on my part.

Q. How is it that, in all these years, you've never said anything like this before?

A. Maybe, if for no other reason, because I wasn't approached in this way.

Q. What way?

A. Through my characters.

Q. You said you were "hiding" in them. Why? Are you afraid of expressing your values directly?

A. That may be true. . . . I look across the country . . . I see the tearing down of flags . . . I see revolutionaries . . . I see freedom under attack, free enterprise under attack . . . I see people mixed up. They're coming to a stage where they're wondering: should we accept democracy or should be accept socialism; should we accept Communism?

Q. Why has this silenced you?

A. It seems to me that I am outnumbered. I find as I look around me that I'm in a minority with my views.

Q. And this depresses you?

A. I'm somewhat depressed. Today, to be patriotic . . . in the eyes of many people—especially in the entertainment business—you're considered a terrible right-winger. . . . You're labeled a John Bircher. . . . I've thought it could harm me professionally to speak out. . . . But, by the same token, you might ask: why is this coming out now?

Q. All right—why is it?

A. Because you've asked me many things that very few people in the press have ever asked me—dug deep inside of me to find out about my characters, and really define them, and put them up here and really take a look. . . . I suddenly realized—they're some kind of a crutch. . . . I've suddenly decided: I'm through running scared. I don't have to run frightened, regardless of what happens in the country.

Q. What you're saying is that you're braver today about being a political conservative in a dominantly liberal profession. What has brought this about?

A. I've had a couple of emotional diseases that I've had to shake. . . . You see, some years ago, I spent eight months in a hospital. I had eight months to think about me. . . . It taught me an awful lot . . .

Q. Then this is the "real" Jonathan Winters? He's out in the open now?

A. Yes. The time has come to stand up and be counted, to get into the arena. . . . That's it. That's everything.

THE NIXON ADMINISTRATION AND OCEANOGRAPHY

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 1969

Mr. ANDERSON of Illinois. Mr. Speaker, last week the Oceanography Subcommittee of the Merchant Marine and Fisheries Committee conducted hearings on a bill that would extend for 1 year the life of the National Council on Marine Resources and Engineering Development. That Council was established by Congress in 1966 to promote a badly needed national oceanographic policy and bring some sense of order and coordination to the proliferation of marine science activities now being conducted in 23 departments, agencies, and bureaus of our Government. The Council is to be commended for the excellent job it has done thus far and I would hope, when the time comes for floor action, that we will authorize its continued existence.

One of the priority items facing the Council will be consideration of the recommendations made by the Commission on Marine Science, Engineering, and Resources which was also established under the 1966 legislation. The Stratton Commission report, entitled "Our Nation and the Sea," is a thoroughgoing study of marine problems and addresses itself to the solution of those problems. One of the recommendations which the Commission urged be given immediate attention was the establishment of a permanent National Oceanic and Atmospheric Agency. I expressed my support for this in the February 5 CONGRESSIONAL RECORD.

Although I am not a member of the Merchant Marine and Fisheries Committee, I have been following these developments with keen interest because of my sincere conviction that the ocean holds the key to meeting many of our future needs. But the ocean will not automatically yield the solutions and resources. If we are to properly exploit its potential we must have a national policy and program aimed at guiding and coordinating research and development of our oceans' depths.

At last Friday's hearing, Dr. Edward Wenk, Executive Secretary of the National Council on Marine Resources and Engineering Development, pointed out that this should not be compared with our space program. This has not been a crash program, and it should not be. It has not been an exclusively Federal program, and it should not be. Marine research and development work is being conducted not only by the Federal Government, but by State and local agencies, universities, and private industry. This should continue to be the case. But at the same time it is essential that these activities should be properly defined and coordinated according to a national policy if we are to fully meet the challenge presented.

The Nixon administration has already stated its dedication to this goal. This was eloquently spelled out by Vice President AGNEW in a speech given to the American Management Association on February 24, 1969. In no uncertain terms, the Vice President stated:

> This Administration will implement the full terms of the Marine Resources and Engineering Development Act. We are reviewing goals and programs of the prior Administration. We are examining the Commission findings. And we will be developing a clear program of our own for the future.

At this point in the RECORD I would like to insert a copy of the Vice President's speech:

OCEANOLOGY: THE CHALLENGE TO INDUSTRY

(Speech by the Vice President at the American Management Association briefing session, February 24, 1969, New York City)

A turn of the century writer defined the ocean as "a body of water occupying about two-thirds of a world made for man, who has no gills." With all the millions of words written about the ocean and its fathomless allure, this precisely, if irreverently, reaches to the root of our problems.

Our nation, its history and greatness are inextricably linked to the sea. Ninety percent of our international commerce is transported by ships; seventy-five percent of our population lives in coastal areas. Fifty million people look to our coastal waters for recreation. All two hundred million Americans depend upon the ocean and its resources for life. Our national power, security, and defense require mastery of the sea. At the same time advances in international cooperation in the peaceful development of resources furthering the prosperity of all nations, can be achieved by unlocking the secret treasury that is the sea.

Millions of years ago life first emerged from the oceans. Now—to flourish—life shall return there. America has always looked to the sea and found success. Now it is time for fresh vision.

As chairman of the National Council on Marine Resources and Engineering Development, I welcome the opportunity to serve at this moment when we stand on the threshold of penetrating present mysteries of the deep and tapping the ocean's rich potential.

The Council, established by Congress in 1966, has a broad mandate to promote fuller

realization of the sea's promise. The 1966 Legislation assigned a leadership role to the Federal government but anticipated a full partnership with state and local governments, and with industry and universities.

The fact that the American Management Association has devoted this briefing session to oceanology indicates private leadership's recognition of this important subject. I hope it also implies your readiness to participate in vital oceanographic programs.

The rich agenda for this conference reflects many of the facets of our national interest in the sea and underscores the importance of industrial involvement in all phases of our broadened ocean endeavors.

Last fall President Nixon stated that an integrated and comprehensive program in oceanography would receive priority attention by his Administration. And as recently as last week, he urged that we now move forward to develop specific policies and programs. We recognize the key role of industry in marine affairs—in providing the necessary entrepreneurship, in developing the unique and complex tools that are needed, in harvesting marine resources—and I can assure you that this Administration is interested in a public-private partnership whether it concerns land, sea or air.

The development of a comprehensive oceanography program first requires coordination. The scope of marine science affairs delineated by Congress encompasses national security, foreign affairs, fishing, recreation, resource development, pollution abatement, transportation and trade, scientific research and exploration. Numerous federal agencies are involved.

The National Council on Marine Resources and Engineering Development will serve as the focal point and forum for this extraordinary range of important interests. All reports from both Republicans and Democrats give the Council high marks in mobilizing our resources, focusing attention on major policy issues, and stimulating ideas and action in all sectors of the marine community.

The President has explicitly requested the Council to provide advice on our ocean policies and programs—and where we go from here.

In response to that assignment and in accordance with its statutory responsibilities, the Council will continue to develop a comprehensive program of marine affairs; clarify agency responsibilities where they overlap; carry out long range policy studies; and coordinate a program of international cooperation.

The President is deeply interested in firmly establishing America as a first-rate maritime power.

We intend to build on our existing technological readiness—the arsenal of ships, research submersibles, buoys, laboratories, instruments, and manpower developed since World War II—to the fullest extent.

We intend to rely upon our talented scientists and engineers.

We intend to blend together the wide and varied interests and capabilities of our states, our industrial and academic communities, and our Federal establishment.

We intend to use the science of oceanology to serve the pressing needs of our society. The knowledge of the seas must be used to serve the cause of world peace.

And we shall pursue these policies—as the Nixon Administration shall pursue all national policies—with an emphasis on realism and a reliance upon the technological genius of our nation.

More than a decade of study and analysis has passed since Congress initially recognized the importance of a national marine program. In 1970 the International Decade of Ocean Exploration will begin. The past years have been a time of preparation, the present year should be one of organization, so that the next decade can be one of cooperation climaxing in realization of the sea's promise.

Yet, even as we explore the depths of the open sea in concert with other nations, we shall complement this effort with a decade of coastal development. Here our goal is to balance economic development with conservation of irreplaceable national resources.

As advisor to the President, the Council on Marine Sciences will give first consideration to recommendations of the Commission on Marine Science, Engineering and Resources. This Commission was composed of distinguished Americans from many different areas—industry, banking, science, state governments. It had a set of Congressional advisors of both parties. It is to be commended for looking at our ocean interests in the broad perspective of the nation's stake in the sea and for adding a further dimension to our understanding of needs and opportunities. While some of the recommendations are controversial, there are cases where bold steps are needed to take advantage of emerging opportunities in this field.

However, apart from the particular points of controversy, the report provides a revealing balance sheet of what we know and what we need to do if America is to enjoy a leadership position in marine science.

We know that the world's ocean contains a storehouse of food critically needed in developing areas where malnutrition rages.

We need improved processes for manufacturing fish protein concentrate (FPC) and the development of marketing and distribution systems. For FPC can make significant contributions toward bringing these vast unused resources into the diets of protein deficient populations.

We know that the oceans provide an indispensable commercial highway with traffic growing at an ever-increasing rate. We know, too, that our existing ports and harbors cannot accommodate the larger and deeper draft ships that are rapidly entering service.

We need to incorporate new technology into our port system, and we need to integrate this system into the transportation needs of the entire nation. The Federal government must work closely with local and regional port authorities and industrial interests to achieve this goal.

We know that the seabed, and particularly the continental shelf, contains a reservoir of fuel and minerals for our expanding economy. At the same time, many of these resources are presently uneconomical to recover. Also, the recent oil spill near Santa Barbara was a grim reminder of related environmental hazards that we still do not completely understand, nor are fully able to control.

We need more knowledge in these areas and we need to develop sound national policies balancing environmental and economic interests.

Delay in this area could be devastating. Consequently, the Administration is now reevaluating the government's offshore leasing policy for fuels and minerals and, with the assistance of industry, we will seek to develop a framework for managing this resource for the benefit of all of our citizens.

We know that the oceans provide us with a deterring shield to protect our country. However, we have no monopoly on Naval technology.

Improved capability to operate in the deep oceans, developed jointly by the Navy and industry, is needed for our national security.

We know that the nation's future in the sea depends on an adequate supply of trained specialists, particularly ocean engineers and technicians, for the technological development of marine resources in the 1970's.

We need an expanded Sea Grant Program to assist in fulfilling this need.

We know that the world's ocean has an important influence on global weather patterns. New technology is at hand to extend our capabilities to obtain the extensive observations required to understand and predict environmental conditions.

We need to continue our work with industry toward the development of buoys, spacecraft, and other platforms to collect oceanographic and meteorological data.

While particularly emphasizing these areas, I wish to point out that the Administration is not unaware of many other aspects of marine affairs which deserve attention. The legal regime of the oceans and seabeds, the decline of our domestic fishing industry, the need for more adequate protection of life and property on the water and along the shores—these and many other problems will receive our earnest consideration.

Finally, I would like to turn to that part of marine environment which I know best—the coastal zone.

As past Governor of Maryland, I claim considerable experience with the blessing and curse of coastal land. Maryland, as you know, is almost bisected by the Chesapeake Bay. The Bay is 195 miles long and up to 40 miles in width, and covers more than 4,000 square miles. It receives fresh water from the Susquehanna, Potomac, Rappahannock, York, James and many other rivers, mixed with salt water tides from the Atlantic Ocean.

The shores of the Bay are homes to 4 million people. It supports a commercial fishery resource valued at more than $65 million annually, one which provides a livelihood for 20,000 persons. It is a thoroughfare for more than 100 million tons of waterborne commerce each year and provides a prime location for industry, with easy access to markets, labor and transportation. It is a first class tourist attraction and recreation retreat for tens of thousands from all levels of our society. They flock to the Bay to enjoy swimming, boating, fishing or sightseeing. Some 60,000 sport boats use its waters.

At the same time, the Bay is the final repository of wastes from all these people and all these industries. Its shorelines are eroding at an alarming rate and some of its islands have disappeared within my memory. Its wetlands are being transformed to accommodate the needs of a growing population. Sediments washed from the uplands and excavated from navigation channels cover thousands of acres of the bottom of the Bay.

We do not know in detail the effects of any of these activities, much less the complex interactions which occur. But we do know that the Bay, and the rest of the Nation's coastal zone, cannot continue to accommodate all of the diverse demands being imposed upon it at random and at an increasing rate, as it has in the past.

During my tenure as Governor of Maryland, we developed and saw enacted the most massive pollution abatement program in the state's history. Even this program—which more than tripled all past efforts—is just the beginning of what must be done.

The problems of Maryland may be applied equally well to many of the bays, sounds, estuaries, and shorelines of all the coastal and Great Lakes states. The total resources of the coastal zone must be better managed. A system of management is needed that permits each use to be considered in its own right, but subordinate to the total economic, social, esthetic, and cultural needs of the people as a whole.

Over two years ago the Council began to examine the coastal zone, using the Chesapeake Bay as a case study. Congress has taken a number of initiatives to examine estuarine conservation and development. And the Marine Commission took a sharp look at the coastal zone and submitted many recommendations for improved management.

All of these considerations can contribute to a sound system of coastal management which takes into account national, regional, and local interests. Such a system should of

course recognize the appropriate role of the states and private enterprise—seeking a harmony of compatible uses for the nation's sake. We will seek to put the Federal house in order by strengthening coordination of Federal programs in the coastal zone, by eliminating the conflicts and unnecessary overlaps resulting from the fragmentation of responsibilities and programs among more than a dozen departments, agencies, councils and committees. We hope to increase public awareness of the need for wise management of coastal lands and waters. We will examine steps as to responsibilities of the individual states in the development of their coastal zone resources, and provide for closer collaboration between state and federal agencies.

In conclusion, I want to underscore that this Administration will implement the full terms of the Marine Resources and Engineering Development Act. We are reviewing goals and programs of the prior administration. We are examining the Commission findings. And we will be developing a clear program of our own for the future.

I leave with you the words of an old Welsh proverb: "Three things are untamable: fools, women and the salt sea."

This is a great moment for civilization—we stand at the threshold of taming the sea. Taming fools and women may take a bit longer.

EXECUTIVE PAY INCREASES WERE UNWISE

HON. FRANK CHURCH

OF IDAHO

IN THE SENATE OF THE UNITED STATES

Monday, March 10, 1969

Mr. CHURCH. Mr. President, when the Senate debated the matter of increasing the salaries of Members of Congress, Federal judges, Cabinet members, and other Government executives, I expressed the view that this was not the time for such action.

The Lewiston Morning Tribune, long noted for its perceptive editorials, sums up the congressional approval of these pay increases as being "one of the most shameful episodes in this unfortunate period of war, social turmoil, and mounting inflation."

I ask unanimous consent that the editorial be printed in the Extensions of Remarks.

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

ETHICS AS HIGH AS THE PAY SCALE

It is asking for trouble to underpay public servants in positions as influential as those held by members of the American Congress. Nations that still underpay such officials find their governments riddled with graft, influence peddling, and conflicts of interest, as ours once was.

But the massive 41 per cent pay increase Congress let go through this week in the midst of an inflationary crisis is the grossest hypocrisy.

There is still some hanky panky in the American government, to be sure, but it is nothing compared with the last century or the early part of this one. For a couple of decades now a new morality has been sweeping across the American political scene. Public servants today—whether in Congress, the state legislature or city hall—are generally far more honest than they once were.

It would be pleasant to imagine that a spontaneous higher ethical standard in the government halls of America is the sole reason for this greater financial honesty. But it is only a part of the reason. Unfortunately, another part is that government salaries have been greatly improved during the last decade. Government officials are more comfortable financially and perhaps therefore somewhat more immune to temptation. They can afford to be more ethical.

Consider the time only 14 years ago when a U.S. senator was paid $12,500 per year. The expenses of the office alone could require nearly that much. Almost all round trips back to the home state came out of that salary. The entertainment of visiting constituents in the Senate cafeteria came out of the senator's pocket (and still does). In other words very little of the $12,500 salary was left over for the senator's personal use. To serve in the Senate then you had to be either wealthy or . . . shall we say, resourceful.

So it was a step forward when in 1955 the pay of senators and representatives was raised to $22,500 and again in 1964 when the pay was raised to $30,000. One might even stretch a point and concede that the $42,500 per year to which congressional pay ascended this week is not out of line for positions involving as much responsibility as these.

But the timing and the method of this latest congressional pay increase constitute a national scandal. The method is based on a new procedure under which a congressional pay raise proposed by the President automatically becomes effective, unless vetoed by Congress. President Johnson proposed the increase before leaving office. And President Nixon magnanimously sent word to Capitol Hill that he supports the measure.

Thus, we have a bi-partisan, back door raid on the treasury, led, to their shame, by the outgoing and incoming presidents of the United States.

If Johnson and Nixon don't know why the pay increases—although otherwise justified—are grossly irresponsible *at this particular moment*, who is there to draw the line? It was first Johnson, and now Nixon, who have had to cope with one of the most frustrating problems of our time—inflation.

The need to bleed some of the heat out of the economy has prompted a tax increase and sharp cuts in too many health and education programs among others. When it came to carving up the health and education budgets and drawing the line on spending for the young, the old and the poor, Congress measured up to the challenge. When it came to getting by on $30,000 annually for a couple more years until the economic situation improves, Congress and two presidents ran out of concern.

The pay raise is one of the most shameful episodes in this unfortunate period of war, social turmoil and mounting inflation. Congress cannot measure up to the same standards of frugality it has imposed upon the rest of the populace in the interest of this nation's economic health. Thus, Congress, Johnson and Nixon resemble very much at this moment a drunken temperance lecturer.

It is too late apparently to reverse this excess in self-interest. But it is not too late to insist upon some new standards. If this nation is going full tilt into handsomely compensating its legislators, then nothing less than the most stringent restrictions on conflict of interest can be accepted.

If men like Senate Minority Leader Everett M. Dirksen are going to parade their contempt for the electorate by defending the pay increases with his incredible comment that "senators have to eat, too," then the other half of a well-paid legislative branch is in order. If Dirksen is going to eat so well at our expense, he can no longer be permitted to wage his normal fight against such ethical reforms as full disclosure of congressional sources of income.

If Congress thinks the public outrage at this 41 per cent pay increase is fierce, wait until it sees what happens if full disclosure and other ethical reforms are once again tabled by members who still cling to the old secrecy policy on conflicts of interest.

As long as we are going to have the best public servants that money can buy, the public should be accorded the courtesy of seeing that it is only the electorate that is buying them.—B. H.

TWENTY HOUSE MEMBERS CALL FOR INVESTIGATION OF MAGAZINE SUBSCRIPTION SALES PRACTICES

HON. FRED B. ROONEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 1969

Mr. ROONEY of Pennsylvania. Mr. Speaker, I am reintroducing today with a number of my House colleagues as cosponsors, a resolution to authorize and direct the House Interstate and Foreign Commerce Committee to investigate magazine subscription sales practices in the United States.

Every day that we delay in taking steps to curb the fraudulent sales tactics of these organizations literally thousands of additional Americans fall victims.

Within the past 2 weeks I have made statements in the Chamber and inserted letters and newspaper articles in the RECORD to demonstrate how vicious these subscription sales practices have become. I will have a great deal more to say in the days ahead.

I have begun to receive consumer complaints from around the country. I have received letters from some individuals who have been subjected to the opening telephone sales pitch but had not yet been contacted by the followup man who makes a personal appearance to get a signature on a contract.

The practices of the companies in the field are despicable. The fact that effective steps have not been taken by the industry's self-regulating agency, Central Registry, to crack down hard on these practices is equally despicable.

And outside the jurisdiction of Central Registry are many more subscription sales companies who have neither subscribed to the industry voluntary self-regulatory code nor made an effort to use honesty and frankness in their sales practices. Their business activities likewise deserve the label, despicable.

I am pleased that a number of my colleagues share my concern that the consumer must be protected against fraudulent sales practices. I am pleased that they have joined today in cosponsoring the resolution to authorize thorough investigation of the magazine subscription sales industry.

Joining Congressman ROONEY in cosponsoring the resolution are: Mr. PODELL of New York; Mr. SCHNEEBELI of Pennsylvania; Mr. BROWN of California; Mr. MIKVA of Illinois; Mr. SCHEUER of New York; Mr. MOLLOHAN of West Virginia; Mr. JACOBS of Indiana; Mr. EILBERG of Pennsylvania; Mr. REES of Cali-

fornia; Mr. CLARK of Pennsylvania; Mr. THOMPSON of New Jersey; Mr. RONAN of Illinois; Mr. HOWARD of New Jersey; Mr. BYRNE of Pennsylvania; Mr. WILSON of California; Mr. GILBERT of New York; Mr. ADDABBO of New York; Mr. BRASCO of New York; and Mr. DADDARIO of Connecticut.

VOLUNTEER WOMEN SPARK ORT, THE CHARITY TO END CHARITY THROUGH VOCATIONAL EDUCATION

HON. MARTHA W. GRIFFITHS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 1969

Mrs. GRIFFITHS. Mr. Speaker, it is heartening that in this world which is so beset by war, poverty, violence, ignorance, disease, and hunger, over 80,000 women volunteers in the United States devote great energies, through Women's American ORT, to promote vocational training and education for the underprivileged and the impoverished in 22 countries and on five continents. Women's American ORT—Organization for Rehabilitation Through Training—is a charity to end charity, because its objective efforts are directed to teaching people skills by which they may support themselves in dignity and self-respect.

Recently, the past president of WAO Washington region, Mrs. Ruth Indritz, made a stirring address highlighting ORT's accomplishments, stressing that our most precious resources are the human beings whose potentialities can be realized through training in vocational skills. I believe her speech was very inspiring, and I include it at this point in the RECORD:

THE ORT SABBATH ADDRESS

(By Mrs. Ruth Indritz, past president, Washington region, Women's American ORT, at Har Tzeon Synagogue, Wheaton, Md.)

It is a privilege to be here tonight with Rabbi Brandries and all of you. I sincerely appreciate the Rabbi's relinquishing his sermon time to me. I know I can not bring you a message such as he brings to you. I feel like the visiting Rabbi who served a Congregation for a summer while its own Rabbi was touring in Israel. The visiting Rabbi noted, during three successive sermons, that Mr. Cohen, one of the *balabatim*, or lay leaders, of the community, invariably closed his eyes and drooped his head. Finally, the Rabbi said to him: "Mr. Cohen, I don't know how to say this, but it seems to me that when I'm preaching, you are sleeping." "So," replied Mr. Cohen, "would I sleep if I didn't trust you?"

I have yet to earn your trust, but if I might have an advance on the trust, I'll do my best not to put you to sleep.

ORT, the Organization for Rehabilitation Through Training, was born in 1880. ORT was established as a fund to aid needy Jews. ORT opened trade schools, sponsored courses for apprentices, and granted loans. For only through the acquisition of a skill could the Jews escape from poverty.

When local pogroms and wars forced Jewish people to leave their homes, ORT followed them, trained them, found work for them, and helped them to open cooperative workshops.

But when the Russian Civil War, and more widespread pogroms, shattered whole Jewish communities, ORT found itself without means to help them.

In 1921, ORT representatives gathered and founded the World ORT Union. Six years later, its American child, WAO, was born. The ORT program, this program with vision, a global overseas program, now operates over 660 schools in 22 countries in 5 continents.

Let me take you abroad, to take a look at ORT today. Let's stop first in Iran, a place where tigers still threaten villages, where the only wheeled objects are millstones, and shepherding is still a major occupation. Conducive to higher learning? Hardly. Yet the first prize for a scholarship to the University of Teheran among 2300 applicants was awarded to an ORT student, Aroni Karimi. When Aroni entered the ORT school at 15, he had a stone age mentality. After 4½ yrs. at the ORT school, this new man stood erect and composed before the Shah of Iran, while the Shah pinned a national medal on his lapel. This is what ORT can and is doing for our people today!

In 1967, 3500 Jews lived in Libya. Many could trace their settlement back to Biblical times. Overnight, history was eclipsed and destroyed by mob hatred. Weeks of nightmare were ended for 3000 persons when they were brought to ORT Italy. Refugees from persecution, forced to leave their homes of generations, they are truly a people of whom we may say, "emergency, no other resource."

Immediate problems of food and shelter had to be solved. Problems of language, problems of culture, problems of vocational training. ORT Italy is quickly becoming the third largest country of refuge for our people. Does ORT Italy need our help? Yes, ladies and gentlemen, these are our people.

France and Israel contain ORT's largest concentration of schools. French Jewry has doubled from 250 thousand to over 550 thousand in the past ten years. Most of these people were refugees, who, like the refugees in Italy, may correctly be described, "emergency, no other resource." Last summer was particularly difficult, when 250 to 300 individuals were arriving daily, each requiring immediate aid, each one an emergency without any other resource.

To add to the problems of food, housing, education, there is the major cultural problem of direct confrontation between the naive, unsophisticated, patriarchal, father-centered, disciplined, religious, even superstitious, society of North Africa—and the free, child-centered, permissive society of France. The Results are shocking and traumatic.

We can be proud of WAO's contributions to ORT France. But we are saddened that for every student accepted, three are turned away, although these refugees from fear who found a haven in France are our people!

No one can yet foretell the consequence or full implication of France's recent monetary crisis, or President De Gaulle's attitude toward Israel. Each day brings new demands, each day brings new challenges. And ORT must answer these needs—ORT must accept the challenge—for these are our people.

There are now 20,000 students in ORT Israel, and over 50,000 graduates of ORT Israel. The State of Israel has many problems. The serious political situation requires that Israel not neglect its defense, not for one moment. Yet all other demands for development must be met simultaneously, even though the country has meager natural resources. There is also the problem that 50% of the elementary school population are from Moslem or European cultures and need to be integrated to preserve the democratic culture of Israel.

The 55,000 students in ORT schools today were represented at our recent ORT national board conference in Cleveland, Ohio, by 16 yr. old Itzhak Buncel, one of the 1200 students now attending one ORT center in Tel Aviv. He is one of the 20,000 students now in ORT Israel. His parents are refugees from Czechoslovakia. Itzhak, a tall clean-cut Sabra, has finished 2 years of study in electronics and looks forward with enthusiasm and eagerness to the 3 more years yet to come. Speaking of his school, which he attends daily from 8 to 4, Itzhak said, "It has beautiful rooms, a laboratory, and a gym." Simply and sincerely, with eyes shining, he said, "I think it is the best school in Israel."

As Itzhak spoke, my eyes turned to the face of Mr. Michael Avitzour, the deputy general of ORT Israel, who was also at the conference. No father could be prouder of a son. This is the relationship between the ORT student and the ORT professional. As I looked at the faces of Itzhak and Mr. Avitzour, my 20 years in ORT compressed into a moment of deep understanding. Now I saw it. The human being, the human spirit; these, our people, are our most precious resource!

Yes, Israel has meager natural resources when it comes to water, land, minerals. But there is no element stronger, no element more filled with possibility, none more precious, than the human being, the human spirit: our most precious resource!

This belief has been the propelling factor in the growth of ORT for the women of ORT are women with a mission.

They believe that to have a meaningful life a man must maintain his individuality and his dignity: that to maintain these he must be a productive, useful and independent person able to help himself.

The women of ORT believe that ORT is the charity to end charity because it seeks to free people from charity by giving the greatest gift one can give a man: the opportunity to build and live his own life in dignity.

In many countries where ORT schools flourish, there are local chapters of ORT. Recently I was privileged to meet Mrs. Vilmay, the President of ORT Jerusalem. She is a wife and a mother, with 2 sons, one a gunner and one a paratrooper, in the Israeli Army, both of whom served in the 6-day war in June 1967.

The Jerusalem chapter had spent most of its last meeting recruiting volunteers to help some of the children in the ORT schools with their reading. As she put it, "we have a group of 14 students who somehow managed to finish the 8th grade without learning to read. We had to find 14 women to work with them, to teach them to read, and we did." The human being, the human spirit, the same everywhere—everywhere—our most precious resource!

When Mrs. Vilmay spoke of her sons' experiences, she held her head high. She concluded: "We shall fight to the last man, the last woman, the last child. All we ask is that you give us the best trained technicians. This only you can give us!"

Truly, these, our people, are our most precious resource.

Several weeks ago, Mr. Jacob Oleiski who served ORT for 40 yrs. visited us in Washington and spoke to a gathering of ORT members and their friends. He personified the spirit of ORT. Born in Lithuania, educated in Germany as an agronomist and a chemist, he returned to Lithuania to found a Jewish agricultural school operated jointly by ORT and the Jewish public schools of Kovna. He directed all ORT activities in Lithuania, until 1941 when the Jewish people were transferred to the Kovna ghetto. There he founded the ORT school where the children were given the vocational training required to remain within the protection of the ghetto rather than be sent to labor gangs. But within 3 years the ghetto was stripped of its protec-

tion, liquidated, and replaced by the horrors of a concentration camp.

When he was liberated from living death, Mr. Oleiski thought not of himself, but of the people he could help. He began vocational courses for displaced persons and supervised all 60 centers in the American zone, until he went to Israel where he was director of ORT Israel for 18 years.

Mr. Oleiski's warmth, understanding, and love for the ORT student defy description. They penetrate the heart and the soul. The Talmud tells us, "the soul is the Lord's candle." We must keep the candle lit, for truly, people are our most precious resource.

This truth was forciby brought home to me, when, after Mr. Oleiski's visit, we had a call from a man who had seen the article in the Jewish Week about Mr. Oleiski's speech. He had been a child in the Kovna ghetto. Now he lives just a short distance from my home. He was an ORT student under Mr. Oleiski. He lived thru the concentration camp with Mr. Oleiski. After the war he studied auto mechanics in an ORT school. I've met him and his lovely wife and their 3 fine children. There is no doubt, the human life, the human spirit is our most precious resource!

Let us not delude ourselves that persecution of cur people is a thing of the past. Continuing dislocation, new waves of emigration, new anti-Semitic manifestations in at least a dozen countries of the world, have come in the wake of the 6 days' war.

Today, masses of Jews numbering in the thousands, in the many, many thousands, are in flight. Are they not our responsibility?

In St. Thomas, the Virgin Islands, I visited a synagogue built in 1795, almost 100 yrs. before ORT was born. Standing there alone, I gazed at the floor and saw it was covered with sand, a reminder of the wanderings of our people in the desert. Do we need to be reminded? I think we do.

Not long ago there perished in European concentration camps over six million Jewish men, women and children, as many as all the Jews now in the United States, 6 million Jews. Do we need to be reminded?

Rabbi Rosin, the chief rabbi of Rumania, has today in his library a strange book. A book which has in it not pages, but 4 cakes of soap, made of the bodies of 4 human beings. Four cakes of soap which he uses to serve as a reminder of the past.

Many years ago, I was privileged to have dinner with the First Lady of the World, Mrs. Eleanor Roosevelt, a magnificent woman with the ability to examine a complicated problem, to extract the essence of the problem, and to find its solution. Succinctly and without equivocation, she said: "The children of the world are in need, we must not allow this to be."

That past is now the present, and "we must not allow this to be."

Today, many thousands of our people look to us, the richest community in the world. What is our responsibility?

The crisis in the inner city has broadened ORT's role. ORT's task continues to be its overseas program. In addition, the needs of the American community command ORT's attention, ORT's experience, and ORT's organization.

The recent ORT national board conference reaffirmed and extended the resolutions adopted by ORT conventions and conferences since 1962 in regard to the overwhelming and dire problems of American life. Poverty, racism, and anti-Semitism are not confined to any time or place. They are alive. They are growing. They are abroad. They are here in our community today.

In this direction, ORT women are working through the national organization, in the Head Start program and other Federal and municipal programs and groups in a concerted effort.

ORT women are translating their understanding and knowledge of the ORT program to meet the crisis, to help resolve it, and to help restore equilibrium.

ORT women are supporting measures and legislation to establish and extend social justice to all of our citizens. For all citizens are our people.

We cannot be an island of safety in a sea of uncertainty. If we close our eyes to truth, we may never see again.

I remind you what Hubert Humphrey, who, but for a few votes, would have been the 37th President of the United States, said, "To be indifferent is the worst evil of all."

A woman of ORT cannot be indifferent. The philosophy of ORT and the philosophy of Judaism are the same. No one stands alone.

Let us remind ourselves how fortunate we are not to be on the receiving end. Let us remind ourselves that it is our privilege to extend our hand to help our brothers to live their lives in dignity and self-respect. Let us remind ourselves that we have the power to build the stairway to the future for our people—our most precious resource.

THIRTY-CENT WAGE LURES FIRMS ACROSS BORDER

HON. JOHN H. DENT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 1969

Mr. DENT. Mr. Speaker, despite the low statistical level of unemployment, millions of men and women who need jobs are unable to find them. Millions of others are forced to work for wages that provide less than decent living standards. Americans, I believe, are increasingly determined to meet these problems. Public and private efforts to provide decent jobs at fair wages for all who are willing and able to work are growing in every part of the country. But I am particularly disturbed—and I think most Americans would be too—about the concerted effort of a group of Tucson businessmen to lure industry south of the Mexican border to exploit shamefully low wages there. Every Member of this House should be alert to this scheme and others like it. Therefore, having received permission, I insert in the CONGRESSIONAL RECORD an article which appeared recently in the AFL–CIO News, as follows:

THIRTY-CENT WAGE LURES FIRMS ACROSS BORDER

TUCSON, ARIZ.—Mexico's "inexhaustible inexpensive labor market" is being touted as a 30-cents-an-hour gold mine for U.S. businessmen willing to invest in plants on both sides of the border.

"You don't have to go to Hong Kong, Taiwan, South Korea or Japan for low cost easily trainable foreign labor," says the official publication of DATE—Development Authority for Tucson's Expansion, which describes itself as a "nonprofit corporation representing a broad cross section of the Tucson community."

"It's available right here . . . along the Mexico-Arizona border for as low as 30 cents an hour in virtually inexhaustible numbers," DATE proclaims in glowing Chamber of Commerce prose.

"Mexicon labor is competitive with foreign labor—easily recruited, quickly trained and equally as productive."

Tucson businessmen headed by J. Karl Meyer, DATE's executive director, point to the "advantages" of "cooperative U.S.-Mexican border operations such as low absenteeism and a proud, cheerful attitude toward work . . . under the Twin Plant concept."

That concept is described in these words:

"Components are manufactured in Tucson, assembled in Nogales, Mexico, and returned to Tucson for final inspection, and packaging and shipping. . . . Duty is imposed only on the added value of the assembly."

Tucson is only one of the Southwest's border towns promoting the "cheap foreign labor" concept. Among the first to tap the new lode was Laredo, Tex., which induced the Transitron Electronics Corp. of Wakefield, Mass., to move its non-union operations into a new plant with a small work force.

Across the border at Nuevo Laredo, Mexico, within walking distance of Laredo, is a Transitron plant with 1,400 workers, all Mexican nationals. Under the twin plant formula, Transitron may use its small U.S. work force to manufacture products and its large Mexican force to assemble them.

Wage rates in the U.S. are $1.60 an hour and up. In Nuevo Laredo the rate is a reported $2.16 a day.

DEFENSE CONTRACT

The U.S. plant has started work on a $1.7 million contract to make telephone cables for the Defense Dept. The contract is for a one-year period, but the Army Electronic Command awarded Transitron an additional contract on its bid of $1.1 million, and the Economic Development Administration procured a grant of $28,000 in U.S. funds to "train 15 or 20 persons in the electronics field" at the Transitron plant in Laredo. A subsidiary, Phalo Corp., got the contracts and the grant.

The hands-across-the-border concept got a jolt, however, when the Mexican workers cast off the "proud, cheerful attitude toward work" extolled by the tubthumping U.S. businessmen and stopped work for three weeks at the Nuevo Laredo plant.

The walkout was not an official strike, sanctioned by the ruling powers, but it forced Transitron to ship some of the quartz crystals used in its production processes to another company subsidiary in Kansas City, Mo. The workers finally went back when the governor of Tamaulipas state stepped in and the State Labor Board agreed to hear the dispute—over wages promised but not paid for lunch "breaks."

Last year an AFL–CIO Executive Council subcommittee urged joint action by American and Mexican labor movements and governments to change the immigration and tariff laws. It cited unfair competition by low-wage border-jumping plants and "green card" tourists who cross the border freely to take jobs in agriculture, often at the expense of union farm workers.

GHANA'S 12TH ANNIVERSARY

HON. CHARLES C. DIGGS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 1969

Mr. DIGGS. Mr. Speaker, on March 6 Ghana celebrated the 12th anniversary of its independence. On behalf of the Subcommittee on Africa. I am very pleased to extend to General Ankrah and to the people of Ghana, congratulations and every best wish for the future.

We have watched with warm approval the last 3 years of reconstruction in Ghana and have noted the National Liberation Council's plans for a return of civilian government in Ghana this

year. We can now see that Ghana is well on the path to realizing the great promise it showed on the historic day of its independence on March 6, 1957.

I recall with pride being a member of the official U.S. delegation to that historic event and that the chief of our delegation was the Honorable Richard M. Nixon.

WHAT WOULD HAPPEN IF EVERY BLACK TURNED WHITE TONIGHT?

HON. GUY VANDER JAGT

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 1969

Mr. VANDER JAGT. Mr. Speaker, under leave to extend my remarks I ask unanimous consent to have printed in the RECORD a column by Paul Harvey that appeared in a recent edition of the Muskegon Chronical. The contents of the column follows:

WHAT WOULD HAPPEN IF EVERY BLACK TURNED WHITE TONIGHT?

(By Paul Harvey)

If every black turned white tonight, tomorrow morning we would find most of our problems unresolved.

Statistically, we would have less crime—but we would still have much too much. The percentage of whites committing crimes is about five times greater than the white population increase.

We would still have unemployment in the midst of plentiful jobs, because 40 per cent of the unemployed are white.

We would still have mothers bearing illegitimate children to make themselves eligible for increasing welfare handouts.

We would still have unwon wars overseas and resultant domestic restiveness.

Many Americans have been allowing themselves to adopt the ancient scapegoat concept, imagining that we can absolve ourselves of our own sins by blaming everything on the blacks. We can't.

Indeed, the black-white relationship in the United States, in perspective, amounts to a very commendable amalgamation.

Historically, many of the world's diverse cultures have not been able to pull as close together in 2,000 years as our black-white cultures have in 200 years.

Britain, for all her centuries of involvement with Africans and Asiatics, is "less close" to them than we Americans are to one another.

That we have domestic black-white strife involving fractions of our black-white populations should not be nearly so surprising as the larger fact that we have come so far so fast in providing equality of opportunity and mutual social acceptance.

I do not intend to try to defend the so-called "black militants."

It is too obvious that many of them have a chip on their shoulder, resenting their own blackness—and that they use blackness as a catalyst for mobilizing resentment, restiveness and rebellion.

They are as wrong to blame all their troubles on their color as we are to blame all our troubles on them.

That's why I say every black could turn white tonight and tomorrow morning we would still have legions of lazy Americans demanding more for working less.

We would still have young Americans burning our flag because they resent the maladministration of some of our foreign affairs and foolishly blame our ism. . . .

We would still have rebellious youths growing long hair and wearing dirty clothes in rebellion against a generation of parents who drink and say "don't" and smoke and say "don't" and who denounce the misuse of sex while they misuse it themselves.

If every black should turn white tonight, we'd still have too many too hungry and unenlightened: Mexicans, Indians and shantytown whites.

We'd still have public nudity, lurid movies and putrid magazines feeding carnal appetites of corruptible Caucasians.

We would still have large segments of our college and university populations going to "pot" . . .

So most of what ails us is not so simply dismissed as a matter of black and white.

If every black turned white tonight, tomorrow morning we would still have most of our problems.

And so would they!

THE NATION'S CRYING NEED FOR TRAINED WATER QUALITY CONTROL MANPOWER

HON. WILLIAM C. CRAMER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 1969

Mr. CRAMER. Mr. Speaker, during the recent hearings held by the Committee on Public Works, we were appalled to learn of the incredible shortage of personnel trained in the field of water quality control. This shortage of trained personnel is to be found at all levels, from operators of sewage treatment plants through postgraduate engineers and scientists. We were equally distressed to learn, Mr. Speaker, that the Water Pollution Control Act is not achieving the purpose which Congress intended, in great part because of this lack of personnel.

Unless this sounds overly dramatic, I would point out that we can build all the sewage treatment plants that we are capable of constructing, yet without the operators to rake bar racks, to clean the grit chambers, to skim the settling tanks, to operate the digestors, to regulate operation in accordance with flow and season, to draw off sludge, to run the laboratory tests necessary to determine control, and the thousand and one other tasks that a treatment operator must supervise, these plants will be useless. Testimony before our committee indicated that there are many now that have been closed down because of lack of personnel and many others that are operating it far below design efficiency because of lack of training of the personnel now on duty.

It has become clear to us that determined action should be taken to provide the Nation with personnel capable of carrying out the programs that Congress has concluded are necessary if we are not to drown in our own filth. We must act to provide these personnel at all levels as quickly as possible. Accordingly, Mr. Speaker, I have attempted to determine the causes of this problem. While they are complex, it is clear that in order to have trained personnel active in the field, aid must be made available to those who might be inclined to enter this field.

There are certain statutes now in effect, which, to a very great extent, help the institutions that have been developed for the training of water quality control personnel. My investigation, for example, has revealed an area in which help is necessary immediately. Those who would become sewage treatment plant operators and supervisory personnel find themselves unable to attend the institutions which have been developed, and which are now being developed, dedicated to the teaching of this art. The reason is that they cannot afford to take the time to go to school because they have no other sources of income. This bill would provide for stipends where necessary to be paid to these individuals when properly certified by approved institutions, and, in this manner, would encourage those who have an interest in the field to complete the studies necessary.

Further, it provides assistance for those individuals who wish to study technical aspects of water quality control—engineers, ecologists, bacteriologists, and technicians who now turn their eyes toward more profitable areas of endeavor by helping them obtain the training in this field.

Mr. Speaker, this is but a very necessary first step in making available to the Nation the corps of trained citizens without whom all the authorizations, appropriations, and acts of Congress would be meaningless; for if we do not have the people who can do the work, our words here have little significance, and our actions in this Chamber playacting. Therefore, Mr. Speaker, I urge all the Members of this body to consider this measure among the most important to the well-being of every citizen of our country and to lend their support to this bill for, indeed, I am convinced that without it we will expire in our own excrement.

MR. NIXON AND THE ABM: A TIME FOR DECISION IS HERE

HON. BERTRAM L. PODELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 1969

Mr. PODELL. Mr. Speaker, Mr. Nixon must decide shortly on whether to construct an ABM system or not. America is entitled to an answer. America is entitled to a rational response—one which will halt this monstrous surge toward an open-ended weapons system known to be utterly useless as far as defending the United States against missile attack. Our scientific community has railed against this proposal. Many military people have little faith in it. City after city has opposed it. Millions of Americans have expressed vehement opposition to it.

This outrageous military boondoggle is designed to enrich profit-swollen military contractors, who give us nothing in return. Adoption of the ABM will eventually inflict an annual military budget of $100 billion upon this Nation. It would endanger our major cities, surrounding

them with land-occupying base facilities, studded with multimegaton warheads—more a menace to those being defended than potential aggressors.

Once military contractors and their military apologists thrust a foot in our Treasury door with a "thin" system against the Chinese, it is but a side step to a "thick" system supposed to defend against the Soviet Union. I give little credence to their financial estimates. A recent Brookings Institution report starkly reveals how defense contractors' estimates of the past decade proved to be so many fairy tales. We eventually paid from 300 to 700 percent more for weapons systems of the 1950's. When Pentagon figures turn out to be true, bathtubs will gallop.

We wasted $5 billion on Nike-Ajax, Nike-Zeus, and Nike X. After 5 years, we would have an ABM, which could defend against low-grade, unsophisticated Chinese missiles. The Russians already have missiles which would laugh their way through our proposed ABM. And what about the Red Chinese in the interim? For if the Pentagon says we will build the ABM system in 5 years, we can count on it taking at least 7 years—witness the disaster of the TFX and our new battle tank.

A rising chorus of condemnation and resistance has come from both parties in both Houses of Congress. It would be an unconscionable outrage against the American people to construct this system against the expressed will of the people. It would also be a gruesome joke, for we would obtain nothing in return for our money. Equipped with the Sentinel system, America would be a star-spangled ostrich with its head imbedded in the sand—like the imbecile dashing into a rainstorm waving an umbrella without fabric, like a gaping, howling fool.

Mr. Speaker, President Nixon has already stated that the Sentinel system was not designed as a permanent limited defense against any possible Chinese attack. He knows how nonsensical arguments in its favor really are. I pray he has the courage, for all our sakes, to stand up to the modern robber barons of the defense industry and their military satraps. If he wishes to attack domestic problems, he can begin by preventing the throwing away of billions on this gargantuan fraud called the ABM.

TAX INEQUITIES

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 1969

Mr. BINGHAM. Mr. Speaker, the inequities contained in our Federal tax structure have long been a matter of concern to me and to many of my colleagues. Over the past year, they have increasingly become a matter of open concern to the millions of Americans of low and moderate income on whom the burden falls most heavily and most unjustly. And in recent weeks, they have become a matter of immediate concern to the Committee on Ways and Means, which is holding hearings on a number of proposals aimed at bringing to the tax structure a greater measure of the equity which it has so long lacked.

But inequities in taxation are not a matter of concern solely at the Federal level. For State and local tax systems often contain their own measure of inequity—sometimes locally legislated and sometimes simply carried over from the Federal structure in order to achieve conformity of tax returns.

Both these problems have appeared in my own State of New York, and were recently pointed out by the distinguished minority leaders of the State senate and assembly, Senator Joseph Zaretski and Assemblyman Stanley Steingut. These two legislative leaders, in a statement late last month opposing a proposed increase in the State sales tax, called for "a sweeping reform of the State's tax structure" in terms closely paralleling those heard here in the House with regard to the Federal tax structure. They set two goals for their reform effort: First, to insure that the burdens of government costs are equitably distributed among all our people; and, second, to obtain the greatest possible revenues for the State, without imposing greater burdens on those already overtaxed.

Senator Zaretski and Assemblyman Steingut commented that one of the principal sources of inequity in the existing State tax structure arises from the decision made in 1959 to adopt the tax policies of the Federal Government, in order to achieve conformity of tax returns. They pointed out:

> In so doing we have willy nilly adopted all the loopholes and all the special tax privileges incorporated in the Federal tax statutes. . . . Conformity of taxes means that the burden of tax costs is unequally distributed among State tax payers in the same degree as under the Federal laws.

The taxpayers of a number of other States undoubtedly suffer the same double inequity system. Indeed, in localities where city or county taxes are superimposed as a percentage of State tax returns, taxpayers may even suffer from a system which is triply unjust.

Mr. Speaker, this is just one additional argument for the comprehensive reform of our Federal tax structure which a number of us have long sought. By introducing such reforms, we cannot only help the millions of Americans of low and moderate income who file Federal tax returns each year, but we can also offer a helping hand to progressive legislators like Senator Zaretski and Assemblyman Steingut who seek to remove inequities at the State level.

Mr. Speaker, I believe the statement issued by Senator Zaretski and Assemblyman Steingut will be of interest to all my colleagues who are concerned about this problem. The full text is as follows:

ZARETZKI AND STEINGUT FIGHT SALES TAX HIKE—URGE TAX REFORM

Senator Joseph Zaretzki and Assemblyman Stanley Steingut, Minority Leaders respectively of the State Senate and Assembly, announced today that they will oppose Governor Rockefeller's proposal for a 50 percent hike in the State sales tax, from two to three percent, and press instead for tax reform.

In a joint statement, the Legislators said: "We will oppose Governor Rockefeller's proposal to impose a 50 percent increase in the State sales tax, from two to three percent, to finance what the Governor describes as an austere budget. We will oppose this proposal, because a sales tax bears most heavily upon low and middle income families who already are contributing more than their fair share to the cost of government operations.

We cannot in good conscience vote for a proposal that will compound the difficulties confronting our people by enactment of an economically regressive tax to finance a socially regressive budget.

We consider it imperative, instead, to examine the budget for State purposes with the finest microscope to eliminate every ounce of fat from the budget. We are in the process of doing just that at this very moment. We will detail our findings and our views shortly.

We deem it equally imperative to undertake a sweeping reform of the State's tax structure to accomplish two urgent needs. One is to insure that the burdens of government costs are equitably distributed among all our people. The other is to obtain the greatest possible revenues for the State; without imposing greater burdens on those already overtaxed.

We have been informed by Commissioner Joseph H. Murphy, President of the State Tax Commission, that for the year 1967, the number of tax returns on which no State income tax was due were as follows:

New York adjusted gross income:	
$25,000 to $49,999	200
$50,000 to $99,999	75
$100,000 to $199,999	26
$200,000 and over	19
Total (no tax)	320

We have also been informed by Commissioner Murphy that there are "several hundred" tax payers at the higher income levels "paying relatively small amounts of tax."

Since 1959, the first year of the Rockefeller Administration, the State has adopted the tax policies of the Federal government, in order to achieve conformity of tax returns. In so doing, we have willy nilly adopted all the loopholes and all the special tax privileges incorporated in the Federal tax statutes.

There is a myth that those whose earnings exceed $50,000 a year pay a greater percentage of their income in taxes than those with smaller incomes. The blunt fact is, according to Federal statistics, that those earning $25,000 a year and more pay on the average just 28 percent of their incomes in taxes, while those in the $5,000 to $7,000 category pay 33 percent; those in the $7,000 to $10,000 bracket pay 32 percent; and those in the $10,000 to $15,000 bracket pay 31 percent of their income in taxes.

Conformity of taxes means that the burden of tax costs is unequally distributed among State tax payers in the same degree as under the Federal laws. Moreover, it means that the people earning more than $25,000 in 1967, who incurred no State tax liability, similarly incurred no Federal tax liability. And if they live in New York City, they also escaped liability for payment of City income taxes.

Obviously such variations in tax burdens are no longer tolerable by those who bear the lion's share of the cost while earning the lower levels of income. We are focusing our attention sharply on the urgent needs for tax reform, and plan to make public within the next few days detailed proposals for moving in that direction.

STUDY OF CRIMINAL USE OF FIREARMS

HON. GEORGE BUSH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 1969

Mr. BUSH. Mr. Speaker, located at Sam Houston State College in Huntsville, Tex., is a remarkable organization known as the Institute of Contemporary Corrections and the Behavioral Sciences. Under the direction of George G. Killinger, Ph. D., the institute has sought to discover the sources of criminal conduct, delving into such challenging areas as chromosome abnormalities.

Recently, the president of Sam Houston State, Dr. Arleigh B. Templeton, informed me of a special study undertaken among inmates of the State prison—also located in Huntsville—which probed the use of firearms by felons. This study, entitled "The Guns Criminals Use," was prepared by Dr. Charles M. Friel, director of research at the institute. I am inserting the major portion of a letter written to me by Dr. Friel in which he outlines the compelling results he obtained.

Before citing Dr. Friel's work, Mr. Speaker, I would like to make a few observations of my own based upon it.

First, it is freely admitted that these findings apply only to inmates of the Texas prison system and do not necessarily reflect the entire body of criminals in the United States at large—although there is no evidence to suggest the contrary.

Second, it is to be noted that only a miniscule number of firearms were obtained through the mails: never as much as 2 percent of the cases interviewed. Far larger sources were from pawnshops—approximately 24 percent of handguns, 11 percent of rifles, and 7 percent of shotguns—and from theft—24 percent of handguns, 12.5 percent of rifles, and 15 percent of shotguns. The study also suggests the marginal value of the registration of all firearms as an effective crime-fighting measure.

Third and last, I do not mean to imply by means of Dr. Friel's excellent research that the legislation we passed last session was a mistake. Inasmuch as it may serve to prevent undesirable people from obtaining weapons with which to commit crimes, the so-called gun-control law must be deemed proper, despite the widespread inconvenience and embarrassment it has caused law-abiding citizens. But if the Sam Houston State study demonstrated anything to us, it is that much more must be done at the State and local levels to curb illicit purchases of firearms, particularly if upward of half these weapons are obtained through theft and pawnshops.

I Join Dr. Friel in his conclusion that existing anticrime laws must be firmly enforced and that our State and Federal prisons be modernized with an aim toward true correction of the criminal—who, we must always remember, is the true evil doer, not the firearm. Further, I recommend that every State legislature end the practice of easy sales of weapons to felons and potential felons at pawnshops.

On a national scale, I trust the Department of Justice will join the States and localities in effecting these recommendations—a joint response to a crisis which demands resolution on all levels of government.

The letter from Dr. Friel follows:

SAM HOUSTON STATE COLLEGE,
Huntsville, Tex., January 14, 1969.

Hon. GEORGE BUSH,
House of Representatives,
Washington, D.C.

DEAR REPRESENTATIVE BUSH: The study was conducted during the summer of 1968 at the Diagnostic Unit of the Texas Department of Corrections. All men received by Texas Department of Corrections are held initially for 30 days at the Diagnostic Unit to be debriefed and interviewed. During this time, with the cooperation of Major Ballard of the Diagnostic Unit and Mr. Kutach, Assistant Director for Treatment, 389 men were interviewed on a volunteer basis regarding their purchase and use of firearms.

The interviews were conducted by trained interviewers of Texas Department of Corrections using a standardized format. It should be noted that although inmate participation was voluntary, very few inmates refused to participate in the study. This was probably a function of the fact that the inmates were advised that their names would not be recorded nor would any of the information be used against them. The sample was taken without any selection bias as to race, age, offense, prior criminal record, etc.

Summarizing the results, it was found that the 389 felons admitted to having possessed a total of 1122 handguns since they were 13 years old, 922 rifles, and 447 shotguns.

With respect to possession of handguns, it is interesting to note that only 38.05% of the felons admitted to never having owned a handgun, while 61.95% claimed to have possessed one or more handguns. Approximately one out of eight inmates (12.83%) admitted to having owned 6 or more handguns, while a few inmates confessed that they had owned a total of more than twenty handguns (3.08%).

Although we do not have any data to show that felons have possessed more handguns than citizens in the community, examination of the data on how the inmates obtained their weapons is most revealing. Of the handguns owned by the inmates, 23.95% were stolen, 24.23% were purchased from pawn shops, 0.70% were mail-ordered, while only 9.52% were purchased from commercial and sporting goods stores. The remaining 41.60% were inherited, borrowed, won by gambling, found, homemade, etc. This suggests that laws prohibiting the mail-order purchase of handguns will have virtually no effect on the criminal in Texas and that regulations affecting legitimate sources of handguns (such as commercial stores and sporting goods stores) would affect only about 9.5% of the guns owned by felons. However, tighter regulations and control of the pawn shop sale of handguns would affect practically one out of every four handguns (24.23%) that come into the possession of felons in Texas.

The data also revealed that one out of every six felons sampled admitted to having sold/given/loaned a handgun to persons with a known criminal record, while one out of twenty five admitted to having sold/given/loaned 5 or more handguns to persons with prior records.

While relatively few offenses by definition involve a weapon (e.g., armed robbery, possession of a prohibited weapon, assault with a weapon, etc.), practically one out of every four inmates sampled admitted to having a gun on his person at the time he committed the offense for which he was convicted. Although this percentage is higher in the cases of individuals convicted of armed robbery, murder with and without malice, and aggravated assault, it should be noted that 20.00% of persons convicted of narcotics charges, 11.19% of persons convicted of burglary, 21.43% of persons convicted of auto theft, and 40.00% of persons convicted of rape by force, had weapons on their person when they committed their respective crimes.

When asked the question "Did you ever obtain a gun with the intention of using it for criminal purposes", approximately one out of seven answered yes while one out of ten refused to answer. This observation is even more significant when it is considered that 68% of the inmates sampled had prior felony convictions, with 9.6% having 5 or more prior felony convictions.

The data on handguns also revealed some interesting statistics on the calibers of guns owned by convicted felons. By far, the most common caliber reported was the .22 caliber, which comprised 34% of the reported guns. Other popular calibers were the .38 cal. (22%), .32 cal. (13%), .45 cal. (9%), .25 cal. (8%), and the .357 cal. (3%). The other 11% of the reported handguns were .44 cal., .30 cal., 6.35 mm., 9 mm., P.38, .41 cal., .30 cal., .303 cal., air guns and blank starter pistols.

The study was not solely devoted to handgun traffic. Information was also gathered as to the traffic in rifles and shotguns. As mentioned above, the 389 inmates admitted to having possessed 522 rifles. Of those sampled, 43% admitted never having owned any rifles, while 6.40% admitted to having owned 6 or more. Again, it is of interest to note how these weapons were obtained. One out of every eight rifles was stolen while one out of nine was purchased at a pawn shop. Only one out of five rifles was found to be purchased from a commercial or sporting good store. In regard to mail-order purchase of rifles, it was found that only 1.53% of the reported weapons were obtained in this manner. It is of further interest to note that 16.49% of the rifles were borrowed, 15.33% were gifts and 13.79% were bought from a private owner. The remaining 8.23% were won gambling, inherited, homemade, etc. Better than half (55.66%) of the reported rifles were .22 cal. Other popular calibers were .30–30 (12.09%), .30–06 (9.79%), .30 cal. M–1 carbine (4.42%), .303 (4.22%), and .25 (2.11%).

The inmates also admitted to having owned 447 shotguns. One half of the sampled admitted never having owned a shotgun, while of those who admitted possession of shotguns, 7.45% admitted possessing in excess of four weapons.

Again the pattern of how these weapons were obtained is not dissimilar to that reported above. Fifteen per cent were stolen, 6.84% were obtained from pawn shops, 17.38% were purchased from commercial or sporting goods stores, 0.57% were mail-ordered, 17.38% were borrowed and 15.39% were received as gifts.

Approximately one-half (51.57%) the reported shotguns were 12 gauge, while 22.53% were .410 cal., 12.89% were 16 gauge, 10.89% were 20 gauge, 2.01% were 10 gauge and 0.29% were 28 gauge.

In light of the data reported above, existing and proposed restrictions on mail order sale of firearms will have virtually no effect on the felon in Texas. It should be remembered that legislation regulating the mail order sale of weapons, though it is well intended and relatively easy to enforce, may have little to do with the firearm purchasing patterns of most felons. The results of the present study certainly support this conclusion with respect to the State of Texas.

In a *Life* magazine editorial dated May 10, 1968, it was suggested to ". . . tighten controls on sales of antitank guns, bazookas, mortars, grenades and other highly destructive weapons." Although such legislation may be desirable, the results of the present study suggest that action of this kind does not address itself to the problem. Assuming that the data gathered in this study is reliable, only 0.58% of the reported weapons were machine guns, which was the only fully automatic weapons reported by the inmates. Furthermore, the most common weapon reported by the inmates was the .22 caliber handgun, not the exotic, imported, high-powered weapons. This is understandable since .22 cal. weapons are inexpensive, easily concealed, and cheap to repair. The ammunition for such weapons is likewise inexpensive and readily available.

In another editorial appearing in Life magazine dated June 28, 1968, the author called for ". . . registration of all guns now owned or bought in the future". The ineffectiveness of this proposal is evident from the following considerations. First, the serial number on a firearm is not necessarily unique to that weapon. For example, the .22 Derringer usually has only a three digit serial number. This means that every one thousandth gun manufactured has a redundant serial number. Considering that far in excess of one hundred thousand of these weapons have been manufactured, the problem of registering them is obvious. Similarly, Harrington & Richards manufactures eight different models of a .32 cal. handgun. Based on the serial number configuration used for the eight models, there is no way to identify a given weapon as a unique model.

Another problem in registration of weapons is that the part on which the serial number is etched is interchangeable within the same make, model and caliber. Finally, it is a fair assumption that the criminal population, who admits that one out of every four handguns they have owned was stolen, is not likely to formally register these weapons, or probably any other weapons they have obtained from legitimate sources.

In making these comments, I do not want to appear as opposed to any form of gun legislation or in particular a supporter of the N.R.A. lobby. Rather, I feel that such legislation should be based on material fact, addressing itself to the heart of the problem, not the periphery. Firearms are not a cause of crime; they are a means used in the commission of a crime. The criminal is the agent who commits the crime, not the weapon.

Based on the fact that one out of every four felons admitted to having a gun on his person when he committed his respective crime suggests that the legislative effort should be put on removing the felon from society, not the weapon. This is particularly noteworthy when it is recalled that 68% of the inmates sampled had been convicted of a felony in the past, with practically every tenth one having 5 or more prior convictions. The Texas Penal Code provides that "whoever shall have been three times convicted of a felony less than capital, shall on such third conviction be imprisoned for life in the penitentiary" (Article 62, Texas Penal Code). Based on a study conducted in March of 1968, only 0.58% of convictions in the Texas Department of Corrections were for habitual or subsequent offenses. This is an extremely small percentage, relative to the number of cases in which the habitual and subsequent statutes might have been employed. Although, there is admittedly a need for more stringent legislation regarding possession of a prohibited weapon and use of a weapon in the commission of a crime, prosecutors should prosecute under such statutes and not simply use them as a legal wedge to pressure the defendant to "cop-out" and negotiate the plea.

If society on the one hand demands more stringent legislation to remove weapons from the hands of the criminal and on the other hand is reluctant to use the full extent of such legislation, the effort will be a failure.

Based on the results of the present study, the majority of weapons owned by convicted felons in Texas have been obtained either ellegally or from sources extremely difficult to regulate. This suggests that gun control laws are not the only answer to the problem. What is pertinent, aside from gun control legislation, is more rigorous employment of existing statutes and a greater investment by society in our correctional institutions to assist in the rehabilitation and restoration of the offender to society.

Sincerely,

CHARLES M. FRIEL, Ph. D.,
Director of Research.

TAX REVISION AND TAX EXEMPT GROUPS

HON. JAMES B. UTT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 1969

Mr. UTT. Mr. Speaker, I would like to include in the Extensions of Remarks today the testimony of David R. Jones, executive director, Young Americans for Freedom, Inc., on the subject of tax revision and tax exempt groups, before the Committee on Ways and Means on February 21, 1969. I feel that this statement deserves wide attention.

TESTIMONY OF DAVID R. JONES, EXECUTIVE DIRECTOR, YOUNG AMERICANS FOR FREEDOM, INC., ON THE SUBJECT OF TAX REVISION—TAX EXEMPT GROUPS

Mr. Chairman and Members of the Committee: My name is David R. Jones and I am Executive Director of Young Americans for Freedom, Inc. with national headquarters located at 1221 Massachusetts Ave., N.W., Washington, D.C. 20005. I am appearing today before your Committee as a representative of the national board of directors of YAF. I wish to express the appreciation of our organization and its members for the privilege of being heard on the important matter of tax exempt organizations.

Young Americans for Freedom, founded in 1960, is the nation's largest conservative youth organization. Nearly 30,000 young Americans have joined YAF since January 1966. Our members include high school and college students as well as young graduates in many careers and professions.

As a national political action and political education organization we are honored to have many Members of Congress, governors of several states and many leading conservatives serve on our National Advisory Board. I think I can say that YAF has built a national reputation for responsible representation of the conservative viewpoint among students and other young Americans.

The purpose of my testimony today is to relate to your Committee our organization's intimate experience with tax exempt foundations and organizations which have sought to influence student and youth affairs, often in the most blatantly political manner. This experience, extending over more than eight years, has convinced us that there is a dire need for amendments to the Internal Revenue Code to prevent tax exempt groups from exploiting and controlling youth and student activities, particularly on college campuses. We have no doubt, as my testimony will prove, that much of the student unrest and violence which has disrupted colleges and universities in all parts of the nation has many of its origins in large amounts of money granted by tax exempt foundations and expended by the major tax exempt student organization, the National Student Association.

1. THE NATIONAL STUDENT ASSOCIATION (NSA)

NSA is a national organization of student governments at various colleges and universities which join by the payment of annual dues. Individual students do not have membership in NSA, although the organization constantly refers to itself as representing "millions" of American students.

Of the several thousand American colleges and universities, only about three hundred currently are affiliated with NSA.

In May of 1961, the National Student Association claimed a total membership of 399 colleges and universities. Although actual membership in the Association has fluctuated considerably since the organization was born in August of 1947, NSA has experienced an increasing number of disaffiliations in recent years. The mass exodus of member schools prompted a lengthy debate at the Seventeenth National Student Congress concerning the Association's political entanglements which many student leaders believed were detrimental to the Association's ability to function as a service organization, but a resolution which sought to limit NSA's political activism was defeated and, by October of 1965, NSA's total membership had plummeted to below the three-hundred mark. Since that time, the membership has fluctuated between three hundred and three hundred fifty as schools continue to withdraw while others are induced to join or re-join.

2. TAX STATUS OF NSA

The National Student Association enjoys a tax exempt status under Section 501(c)(3) of the United States Internal Revenue Service Code of 1954. This section allows tax exemptions for "corporations . . . organized and operated exclusively for . . . *educational purposes . . . no substantial part of which is carrying on propaganda, or otherwise attempting to influence legislation,* and which does not participate, or intervene in (including the publishing or distributing of statements) any political campaign . . ." The Code further provides that any organization which engages in prohibited activities will lose its tax exempt status and be taxed in full.

The history of NSA's tax exempt status is rather interesting. NSA first applied for tax exemption as an educational organization in 1949. In a letter dated April 25, 1950, the Commissioner of Internal Revenue refused the requested exemption on the grounds that NSA did not qualify under the law. The ruling held that NSA was not operated exclusively for educational purposes and that "a substantial part of its activities consisted of attempts to influence legislation." To get around this, the 1954 NSA president, James M. Edwards, again wrote to the Commissioner on March 26, 1954. Edwards pleaded that "students" had prepared the previous request for exemption "without the assistance of counsel" and that they "were not familiar with the Internal Revenue Service procedure on such rulings." Once again, he requested exemption, but this time he submitted a carefully selected stack of NSA publications all of which emphasized NSA's educational activities and ignored the political activities which the previous Commissioner had found as legal ground to refuse exemption. Bending over backwards to make his point, Edwards told the Commissioner:

"As a practical matter the resolutions (which concern legislation and are adopted by the NSA annual Congress) have not been implemented by any substantial activity on the part of the Association or its officers. Although in the summer of 1953, the Congress, without the advice of counsel, concluded that the Association should register as a lobbying organization, in the fall of 1953 the Staff considered this question, concluded that they

and the Association did not engage in lobbying. . . ."

Edwards then included, in his rather lengthy letter, a resolution which was apparently passed especially for the benefit of the Commissioner of Internal Revenue. The resolution, dated March 4, 1964 said:

"Resolved, the United States National Student Association was organized exclusively for the educational purposes stated in the preamble of its constitution and no substantial part of its activities may constitute influencing or attempting to influence legislation by propaganda, lobbying or other means. The President and Vice Presidents of the Association shall have the duty of enforcing this resolution."

Apparently, Edwards' letter, which was part of the sworn statement submitted by the National Student Association under penalty for perjury, was sufficiently convincing and, within a few months, the tax exemption was granted. The benefits of such a status become increasingly evident when one realizes that one of the principal sources of NSA funds is the tax exempt foundation which could not legally contribute to the Association if NSA, itself, did not continue to maintain its tax-free status. Beginning in 1953 when NSA first filed an annual statement with the IRS under the provisions then applicable (Section 101(6) of the IRC of 1939 governing tax exempt organizations) a number of tax exempt foundations have poured millions of dollars into NSA which, after 1954, was itself tax exempt.

These tax exempt foundations have included the Ford Foundation, the Fund for the Republic, the Catherwood Foundation of Bryn Mawr, Pa., The General Mills Foundation, the Clara Buttenweiser Unger Memorial Foundation, The Asia Foundation of San Francisco, the Edward W. Hazen Foundation of New Haven, Conn., the Edward John Noble Foundation of New York City, and a number of "Foundations" which subsequently turned out to be tax exempt fronts formed by and controlled by the U.S. Central Intelligence Agency.

A full examination of the tax returns for the National Student Association covering the years 1953 through 1960 and 1963 leads to the conclusion that NSA may well have received their original tax exemption from IRS at the behest of the CIA, rather than on their merits as a student educational group.

It is a matter of record that at the same time that NSA received tax exemption as an educational corporation, the officers of NSA also incorporated under the laws of the State of New York another corporation known as "United States National Student Association Educational Travel, Inc." This corporation also applied for and received IRS designation as a tax exempt corporation. It too received hundreds of thousand of dollars from tax exempt foundations, including CIA funds.

3. NSA AND THE CENTRAL INTELLIGENCE AGENCY

In February of 1967, the National Supervisory Board of the NSA, its governing body, released a statement to the press after several days of frantic meetings in Washington. The statement said in part: "During the past fifteen years the Association (NSA) has received considerable funds from the Central Intelligence Agency, which at one point provided as much as 80% of the NSA budget . . ." The Board statement also admitted that CIA funds were not limited to use for international activities of NSA but "general support" was also provided, including administrative grants and occasional donations to cover NSA budgetary deficits incurred by both the National and international departments of the Association."

Whether the CIA's conduct promoted the best interest of the United States, which is supposedly their assignment, the CIA was able to create a series of tax exempt foundations with offices in various parts of the nation which in many cases were only one man operations, presumably by CIA agents. These foundations were granted full tax exemption by the IRS but I know of no public revelation as to whether or not the IRS acted with the knowledge that they were aiding the CIA. It is difficult to believe that someone at IRS did not know what was going on.

The CIA-front foundations included the Foundation for Youth and Student Affairs located in New York City. This was the principal tax exempt foundation which funneled hundreds of thousands of taxpayers' dollars in NSA, often making up the NSA deficits which occurred as a result of the sloppy management provided by the students running its national office in Philadelphia.

Other CIA foundations used were the San Jacinto Foundation of Houston, Texas, and the Independence Fund of Boston. This latter tax exempt group paid for the national headquarters building of NSA in Washington plus its furnishings and gave NSA a 15 year lease, rent free.

So cozy did the arrangement between the CIA, NSA and the IRS become that NSA did not even bother to file the required annual reporting forms 990–A. When Young Americans for Freedom requested copies of these annual reports in 1963, the District Office of the IRS in Philadelphia, where they would normally have been filed, reported that NSA had filed no forms for the years 1959, 1960, 1961 and 1962. As a result of our demand for the forms, the IRS apparently contacted NSA and on August 15, 1963, NSA sent in their forms for 1959 and 1960. To this day I do not know whether the other forms were filed. The two that did come in four years late were crudely lettered in handwriting and did not even approach fulfilling the legal informational requirements of form 990–A.

Young Americans for Freedom believes that it is an exceedingly dangerous policy for the CIA or any other government agency, whatever their purpose, to secretly subsidize private organizations. This practice is of direct pertinence to your Committee's inquiry especially when such secret government subsidies take the form of large amounts of money passed through sham foundations which have official IRS sanction to be tax exempt. Added to this is the fact that the recipient of the funds was another tax exempt organization and a subsidiary state corporation which also had tax exemption.

4. THE PROHIBITION AGAINST LOBBYING AND POLITICAL ACTION

As you well know, the provisions of the IRS prohibit any tax exempt foundation or group from engaging in any activities which can be considered political action or lobbying. This provision surely applied to NSA, but just as surely has never been enforced.

Each summer the NSA has had a meeting of its annual Student Congress at some large university campus, usually in the Midwest. Each year the Congress has been the scene of massive political exhibitions which consist of the passage of numerous resolutions directly dealing with political issues, many of them seeking to influence the Congress of the United States in one way or another.

These are some of the controversial policies which were adopted over the last several years by the delegates to the National Student Congress of NSA, acting as the "representatives" of the American student community; NSA:

Has condemned the U.S. government for acts of "aggression against the people of Vietnam;"

Has called for the "liberation" of all Black people in America "by any means necessary;"

Has strongly urged that the House Committee on Un-American Activities be abolished;

Advocates the admission of Red China to the United Nations;

Views Student power as following the line of Columbia and Berkeley;

Has urged cessation of military and/or economic assistance to Spain, Portugal, Republic of South Africa, Nicaragua, Haiti, Paraguay, Guatemala, Peru, Argentina, and Iran.

Condemned the U.S. government for sponsoring the Bay of Pigs invasion of Cuba in 1961.

Condemned the U.S. for use of "military force" in putting down the riots in the Panama Canal in 1964.

Urged opposition to the proposed constitutional amendment which would have permitted non-denominational prayers in public places.

I do not have the time to enumerate the many past political and lobbying activities of NSA, a tax exempt group. It is enough to note that the IRS never lifted a finger to enforce the law against them.

5. THE PRESENT NSA TAX STATUS

In spite of daily national publicity in 1967 concerning NSA and the use of tax exempt foundations as funding fronts for CIA, to this day IRS has never taken any action to revoke NSA's tax exemption. Nevertheless, now that NSA has supposedly parted company with the CIA, it has become far more radical in its political actions. It has also manifested a public nervousness about its tax exempt status.

In August of 1968, the 21st NSA Congress meeting at Kansas State University adopted what can only be termed a blatant attempt to create a tax dodge for future NSA activities. On Aug. 30, 1968, TIME magazine reported that "In its one substantive act, the congress took the first step toward breaking NSA into two corporate groups; one would retain NSA's tax-exempt status and carry out its present "educational" functions; the other would pay taxes and remain free to lobby for legislation approved by NSA's annual congress."

If your committee desires, I can provide you with copies of the new incorporation papers of the two corporate entities which TIME mentions. Both were filed last year in the District of Columbia and in essence they provide for two separate corporations governed by the exact same officers and governing board. One will continue, NSA hopes, with its original tax exemption granted in 1954, the other will openly engage in political and lobbying activities.

The half of NSA which retains tax exemption is to be known as the National Student Institute. The incorporation papers and bylaws do not provide single membership for any schools joining NSA. They must join both the tax exempt NSA and the now avowedly political NSA. For all intents and purposes there is no separation of the two entities.

This conclusion is strongly reenforced by a report written by Jim Graham, campus affairs vice president of NSA, which was issued last November, 1968, to various student leaders. The report states as follows:

"Through a series of rather complicated legal measures, the National Student Association Congress approved what is known as the "Dual Corporation Proposal" which divided NSA into basically two separate corporate entities. In the past, the Association was limited by the Internal Revenue Service prohibition against "carrying on propaganda, or otherwise attempting to influence legislation or intervene in any political campaign." While NSA previously was limited in political activity, its favorable tax status allowed grants from private foundations without jeopardizing the foundation's own tax-exempt status. In addition, U.S. Government agencies—the Office of Economic Opportunity, the Office of Education, the National Institute of Mental Health—are reluctant to fund organizations which lobby for legislation. Therefore, for these and other reasons (including money for admin-

istrative expenses gained from foundation grants and financial transfers from NSA's subsidiary corporation, the National Student Travel Association), it was and is important to retain our old C–3 tax status as a non-political corporation.

". . . Up until the 21st National Student Congress this past August, there existed no national organization which concerned itself with student political interest. The Congress, at that time, approved a proposal which established a new corporate for the purpose of lobbying on those issues under a C–4 corporate status. This corporation, which includes and is supported by the services division, will become, in name, the U.S. National Student Association. The traditional funded programs of NSA will retain their favorable tax status and will be known as the National Student Institute. The new C–4 NSA, will also be financially supported by National Regional dues and publication sales.

"The dues for the new Association, which include automatic membership in the institute, will remain the same. The 'services' of the institute would be available only to the members of the National Student Association, and there will be no separate membership offered.

"In essence, but quite legally, the two corporations are 'governed' by the same people, i.e., the National Supervisory Board of NSA is the board of directors for the institute and the officers of NSA are the officers of the institute."

In passing, I would like to raise the subsidiary issue that is presented by the fact that the CIA has long given U.S. Treasury funds to NSA, and further, by the series of grants to NSA amounting to hundreds of thousands of dollars from other Federal government agencies including the O.E.O. ($376,000 in 1967–68), the State Department, and the National Institute of Mental Health.

The question is, did the parties to these grants act in violation of the law which prohibits the use of Federal funds for lobbying on legislation pending before Congress? Since NSA has continued to take part in lobbying on any number of legislative matters, there is no doubt in my mind that any Federal grants to NSA, for whatever purpose, may well be spent for lobbying.

6. NSA BECOMES MILITANT

With the public break between NSA and the CIA in 1967, NSA has launched itself on a new course of radical left wing militancy which I believe has directly fomented many of the campus disorders in the last two years. (Bear in mind once again that the following events which I will describe are conducted by a tax exempt organization with tax exempt funds granted by other tax exempt foundations.)

In November of 1967 NSA held its "First National Student Power Conference" at the University of Minnesota. There NSA president Ed Schwartz (one of the incorporators of the new dual corporations) presented a "working paper" which was an NSA blueprint for revolution on every college campus in America. Among other things it called for:

(1) "Gradual escalation" which meant "students must be weaned gradually into revolutionary ferver" on college campuses.

(2) "Non-Negotiable Tactics," NSA instructed student revolutionaries that "the goal is to create a dialectical situation in which the administration is forced to reject seemingly reasonable requests for change in such a manner as to alienate the entire campus." The reason given for avoiding negotiations, such as would take place if reform rather than revolution was the goal of these students, is that "as soon as the first proposal appears negotiable, for followers will be lost." What this adds up to is that *the radicals want college administrators to become immoderate or reactionary and to alienate the entire student body.*

3. "Administration Fury." NSA stresses the importance of maneuvering the president of the college or the regents into reacting angrily and slurring the character of the campus groups. The NSA president declared, "Even if your first proposal is not acceptable to many students, the administration's reactions will outweigh their reservations. A slur on the character of any student group within reasonable bounds of respectability is an indirect slap at the entire campus. That should be made clear."

4. "Campus Response." Student workshops are advised by NSA, "if the first move appears too inflammatory, the students may feel that the administration's response is justified. If you can get a few campus 'respectables' or even invulnerables like honor students and Woodrow Wilson winners, you will have a better chance of success."

The NSA Paper admits frankly that the goals of revolutionary campus movements are basic changes within the universities, such as "resignation of the president, abolition of the board of trustees, elimination of classes."

According to Life magazine of October 20, 1967, the NSA Congress mapped out ways *"to bring any university which won't cooperate with our desires to a grinding halt."* At least 40 campuses were selected as targets for revolutionary fervor—including Northwestern, Columbia University, the University of Colorado and Stanford.

In late 1967 NSA, using Federal funds granted by the National Institute of Mental Health, held a three-day conference on student use of drugs. One participant, Jaron Summers of Brigham Young University in Utah, wrote into the drug problem and youth, the entire three days were devoted to statements made by student drug *addicts* about the allegedly beneficial aspect of drug use, including LSD and marijuana. The only warning given by NSA leaders at the conference was to watch out for the Federal narcotics agents they presumed to be present at the meeting.

In January 1969, the NSA filed as a friend-of-court in the U.S. Supreme Court case of Timothy Leary, known as the high priest of drug addicts. What did the tax-exempt NSA ask the Court to do? Strike down all Federal laws prohibiting the use of marijuana!

Four days ago the Washington *Post* reported that NSA President Bob Powell has announced a massive NSA national effort to unite black militants on campuses all over the nation. Toward this end Powell said that his organization had already hired three black organizers who had started their work.

Said Powell: "Most of the universities in the South are sitting ducks for black militants," indicating that NSA would do its best to organize and encourage black militants to make demands on such schools. These are the same kinds of demands which have led to riots on other campuses.

Now listen to this quotation from the *Post* article of Feb. 18, 1969: "According to (NSA president) Powell, the bulk to NSA's $850,000 budget for 1968 come from "clean" government agencies such as the Department of Labor and foundations such as Ford and the Stern Family Fund."

Powell also announced a national NSA drive to accomplish the following objectives:

Court challenges to the laws past by Congress last year which require colleges to cut off Federal funds to students convicted of campus disruptions.

A National campus drive to abolish academic grading systems.

A decentralization of NSA's staff members so that they can get out onto to college campuses.

For your committee's information, I should note that the Ford Foundation has recently granted NASA $315,000 supposedly to be used by the tax exempt half of NSA now called the "Center for Educational Reform." It has been reported that the grant, which was made last fall, so far has not been fully employed by NSA, but will eventually go for "the establishment of training schools where promising students can sharpen their skills, not only in curriculum reform, but also in leadership, organizing other students, and the tactics of dealing effectively with faculty and administrators."

This quotation above comes from the "Student Organization News" an independent publication in New York run by former NSA officials. While its words sound pleasant, I have no doubt the Ford Foundation money will be used, based on NSA's past record and present announced intentions.

7. LEGISLATIVE RECOMMENDATIONS

Members of the Committee, I have read and do endorse the several legislative recommendations made before you today by the American Conservation Union.

In addition, based on the facts I have related today, Young Americans for Freedom would also like to advocate the following amendments to the Internal Revenue Code:

(1) A strict prohibition against any secret Federal subsidies to any private tax exempt organizations.

(2) A prohibition in the IRC which will effectively prevent any "double corporations" which are used as a means to circumvent prohibitions which apply to tax exempt groups. There is little point in having legal prohibitions against lobbying and political action by tax exempt groups, if such groups can establish parallel corporations with interlocking directorates which accomplish the same results.

In addition we would hope that your committee will amend the IRC so that in the future the gross abuses of the tax exemption statute which have been perpetrated by NSA and other tax exempt groups cannot again occur.

ADDRESS BY I. W. ABEL, PRESIDENT, UNITED STEELWORKERS OF AMERICA

HON. JOHN H. DENT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 1969

Mr. DENT. Mr. Speaker, boosting unemployment to slow the economy makes neither social nor economic sense. To even consider such a course when profits are welling into corporate treasuries in record amounts is ludicrous. AFL–CIO Vice President I. W. Abel, president of the United Steelworkers of America, put it bluntly to a group of business executives in St. Louis recently. He labeled the idea of trading misery for profits a "callous disregard" for human suffering. I agree with Mr. Abel, and I think the points he made in that speech should have the full consideration and study of every Member of this House. With unanimous consent, I insert his speech in the CONGRESSIONAL RECORD, as follows:

ADDRESS BY I. W. ABEL, PRESIDENT, UNITED STEELWORKERS OF AMERICA

Officers of the Purchasing Management Association of St. Louis, distinguished guests and ladies and gentlemen:

When Glenn Otten, your First Vice President, extended the invitation to be with you this evening to say a few words, he was

thoughtful enough to enclose some background information about your banquet and your Association.

I learned that your Association is made up of individuals who hold responsible positions on what we refer to as management's side of the table. I also learned that I would be speaking at what is known as your Annual Executive Banquet—a title with a definite management ring to it. In addition, I am informed that this is the designation because this is the night members of the Association bring along executives of their companies.

Despite all this, I was assured that someone from the trade union movement was the person you really wanted at your Annual Executive Banquet.

However, you must forgive me if I feel that the circumstances of my appearance here tonight gives me some indication of how the early Christians must have felt when the Romans asked them to the Colosseum.

I must say, though, that your invitation is both an act of tolerance and act of courage. Tolerance because I cannot bring you the sharp insights of a scholar or a statesman. I am a steel worker by trade—only less than four years ago elevated to the profession of an International Union President. An act of courage because any view of mine almost certainly will bring some distress. In fact, many steel company executives say I distress them all the time.

Seriously, though, I know you invited me to say a few words because you are genuinely interested in hearing what a labor official might have on his mind these days. And so I thank you for your kind invitation and this opportunity to be with you this evening.

I feel fairly confident that I have on my mind these days perhaps the same questions and hopes that are on your minds. These questions and hopes concern the new Administration in Washington and President Nixon.

What, for example, will be his foreign policy? Will he bring the Vietnam peace talks to a successful conclusion? What kind of domestic programs will be advocated? Will he provide the kind of leadership that a confused, troubled Nation obviously is yearning for?

And what about our hopes? As Americans we all certaintly hope that Mr. Nixon will pursue programs and policies that will bring us a sense of unity. As Americans we all certainly hope that he will inspire a sense of determination to solve the complex problems confronting this Nation. And, of course, as Americans, we all hope he succeeds in providing us with that sense of peace, progress and unity.

As an official of the trade union movement I will not only be looking to the new Administration in the way I have just described, but more specifically I will be concerned about policies affecting workers. In addition, as a trade union official with an interest in economic and social justice, I will be concerned with Mr. Nixon's policies as they relate to an equal sharing of our Nation's ever-increasing affluence.

This, of course, takes us into many areas—labor legislation, tax policy, appointments to government agencies, consumer protection legislation, and so forth. It would be wrong and unfair to forecast Mr. Nixon's actions in these areas or to attempt in any way to pre-judge such actions.

But I would like to get specific this evening about an area which has come in for increasing speculation and discussion as Mr. Nixon assumes the office of the Presidency.

This is the area defined as "inflation"—prices, wages, profits—who is the culprit in the inflationary spiral—and what do we do about it?

So, recalling that I already have praised your courage for asking me here because—as I said—any view of mine almost certainly will cause some distress, permit me to cite a few facts about inflation.

In the period from 1960 to the January-March quarter of 1968, *after-tax* profits of corporations increased 95.5%.

Dividends to stockholders in the same period rose by 73.1%.

Corporate cash flow—the amount of money available to a company for actual use—rose by 84.7%.

Now, how did workers in non-supervisory jobs make out over the same period? Not nearly as well.

The after-tax earnings of such workers went up only 26.6% in the same period between 1960 and the January-March quarter of 1968. After allowing for increases in the cost of living, such workers were really only 9.6% better off.

These figures I have just cited come from information made available by the U.S. Department of Commerce and the Bureau of Labor Statistics of the U.S. Department of Labor.

I trust that figures from such sources are not suspect to anyone. In any event I will now cite another source. The source is the Wall Street Journal which, like Caesar's wife, must be beyond suspicion by the business world.

The Wall Street Journal of August 5, 1968, for example, carried a surprising but welcome story—to labor at least—on who was to blame for today's inflation. It was a rather long, analytical story but I believe some brief quotations will give you the main thrust of the story.

In attempting to fix the blame for today's inflation, the story said the attempt should *not* be limited to a consideration of labor costs because the blame belongs in many places. And now I want to quote the next few paragraphs:

"A major culprit may be corporate profits. A glance at the economic history of the post-World War II era certainly suggests that inflation has been just as much 'profit-push' inflation as 'wage-push.' Consider a few facts about the post-War era—the story continued.

"In the past 20 years, there have been three distinct periods in which factory prices climbed substantially over a prolonged interval.

"In each instance, labor costs per unit of factory output were *declining* when the price climb began and these costs continued to decline for a considerable period after the price rise was under way.

"In each case—the story noted—corporate profits began to increase sharply well *before* the price climb started."

The article then quoted the president of a New York consulting firm, Peter L. Bernstein of Bernstein-Macaulay Inc., as saying that such facts make the pattern clear enough.

"Instead of labor costs pushing prices up," Bernstein told the Journal, "what we see instead is a sort of profit push. Profits are already well on their way up before prices begin to rise, and prices are well on their way up before wages begin to rise faster than output."

James Tobin, a professor of economics at Yale University and a member of President Kennedy's Council of Economic Advisers, was also quoted in the Journal story. He said that there's no question that excessive labor costs add fuel to inflation "but if you want to put first things first, you have a look at the role of profits."

The story then detailed what happened in each of the three periods in the last 20 years when factory prices climbed substantially over a long interval. The most recent period—which is still going on—began in 1965. The article pointed out that profits started rising in this period long before prices and that unit labor costs actually were declining when the price rise got under way.

There's an old saying, "Never let go of a good thing." In the case I am making this evening, the Wall Street Journal is a "good thing" and I'm not going to let it go just yet.

Shortly after the Journal story of August 5 on the role of profits in inflation, a story on the role of *price* increases in inflation appeared in the Journal of October 22. *This* story cited chapter and verse to show, in effect, that unions were not guilty of causing large price increases.

Contrary to the view that the current inflation is fueled mainly by union demands for higher wages, the Journal story asserted, many economic analysts say that the "biggest price increases are coming where unions are weak or where labor costs are not even a major consideration."

For example, it noted that few businesses are more strongly unionized than the auto industry. Yet, the Government's consumer price index puts new car prices, on the average, at about the same level as 10 years ago.

On the other hand, it added, few fields are so little unionized as medicine but doctors' fees have jumped almost 40% on the average in the last 10 years.

I also call your attention to the following comment in the story by Victor B. Fuchs, an economist at the National Bureau of Economic Research:

"The stereotype of big unions commanding big pay increases and causing, ultimately, big price boosts, just doesn't jibe with the facts."

Instead, the Journal noted, "The economic record shows that the biggest price increases are coming where highly skilled professionals are needed to meet sharply rising demand, or where it's difficult to offset higher wage rates with automated equipment, or where factors are involved that have little at all to do with labor costs."

The story then went on to list the different areas where significant price increases *have* occurred for the past 10 years. It showed that prices have increased 101% over the last 10 years for what it called "daily hospital service"—70% increase in movie prices—48% for maid service—44% for auto insurance rates 42% for postal rates—36% for property insurance rates.

In a second table, the paper listed some items whose prices actually declined in the last 10 years, taking quality improvements into consideration:

Radios down 23%; TV sets down 20%; Refrigerators down 17%; and Washing Machines down 14%. The industries that manufacture items in this second table are highly unionized, the story pointed out.

And then, in a follow-up editorial on its articles on inflation, the Wall Street Journal stated that it was more accurate to say that rising consumer prices cause rising wage demands than to say that rising wage demands cause rising consumer prices.

"In this post-election period—the Journal concluded—inflation remains a clear and present danger. And it won't be diminished one whit by efforts to put the blame solely on the labor unions."

I have referred to these statistics from the Government and the articles in the Wall Street Journal to make two points:

One—Workers have not been sharing equally in the increasing prosperity of the country.

Two—The blame for the current inflation cannot be placed on the trade union movement; but more on rising prices and rising profits.

Having made that part of my case though, does not solve the problem of inflation. And that is one of the major problems confronting the Nixon Administration.

We are all aware, I am sure, of the running discussion in the news media and Government about the proper course to follow in preventing runaway inflation.

What I have been reading and what I have been hearing has disturbed me very much. I am certain it has disturbed my colleagues in the labor movement. It is disturbing because the burden of the discussion and debate seems to completely ignore the facts of inflation, as I have just pointed out, but more so because they amount to a callous disregard of the human factor. This is what I mean—

Back in October, in the plush resort setting of Hot Springs, Virginia, the Business Council—made up of executives of large corporations—held one of its periodic meetings with Government officials to discuss policy issues.

During the discussions, the members of the Business Council agreed that the Nixon Administration should take swift steps to halt inflation even if such steps meant an increase in unemployment to as much as 5½%.

Ralph Lazarus, chairman of Federated Department Stores, Inc., and chairman of the Business Council's committee on the domestic economy, told the press it was their feeling that if unemployment is the price for ending inflation—and I quote—"it must be paid."

The Chase Manhattan Bank, in a recent newsletter, had this comment to offer on the issue of inflation:

"Over the long run, the economic challenge for the new Administration is to develop fiscal and monetary policies that will keep unemployment within socially acceptable bounds and maintain price stability."

I am just as confident, as you are, that it is little comfort to an unemployed worker with a wife and children to support, to be told that his unemployment is within socially acceptable bounds. The fact of his unemployment—to him—is that it is a depression, not a recession. And it's not the least bit acceptable

It seems to me that everyone *assumes* that there must be some kind of a trade-off in higher unemployment in return for a slowing down of increasing inflation.

Columnist Sylvia Porter, for example, started a recent column this way: "Of course the Nixon Administration will be willing to trade off a higher rate of unemployment in return for a slower rate of rise in prices."

Eileen Shanahan in the New York Times of December 8 put it this way: "The issue is simply how much unemployment should the Nation be willing to accept (or trade off) to maintain reasonably stable prices?"

Paul McCracken, new chairman of Mr. Nixon's Council of Economic Advisers, will play a key role in the Administration's approach to the inflation problem. So his thinking in this area is vitally important.

In a speech last September to the National Industrial Conference Board. Mr. McCracken said, "We must learn to live with an uneasy compromise between inflation and unemployment."

He also has said that we must first get the price level down to a 3% rate of increase and this means "unfortunately, we'll have to accept the consequences in somewhat higher unemployment."

In all fairness, though, Mr. McCracken has since expressed the "hope that we can, by very careful management of economic policy, cool down the price level without having adverse effects of unemployment."

Yet, Mr. McCracken expressed only a "hope"—not a determination or a pledge—only a "hope" that such can be done without increasing unemployment.

However, the point I want to make clear by these statements I have just cited, is that in all the discussion and writing about halting inflation there is no talk about a "trade-off" in profits—no reference to a "trade-off" in prices—no reference to the fact that the official policy of this Nation on employment is a policy of full employment; not a little *un*employment or 4% unemployment or any level of unemployment. Our Government, under legislation enacted by the Congress of the United States, is directed to pursue a policy of full employment. There is no escape clause in the law allowing the Government to ignore it in periods of inflation, or at the pleasure of any national Administration.

In all the talk and all the writing I have not seen a single reference to a trade-off in any area of the inflation picture except to a trade-off in unemployment.

Now I ask this question, in view of who's been receiving a larger share of the profits and who's responsible for our inflation:

Why should those who have not been sharing fairly in the Nation's prosperity, and those who are not primarily responsible for the inflation, be made to bear the burden of stopping the inflation?

Why should the worker, who has been trying to catch up and stay even with prices, now be expected to accept unemployment as the cure for inflation?

Why should the worker, who is not the primary cause of the inflation, be made to suffer some hardship to stop the inflation.

It's one thing for a steadily-employed economist or columnist to write about a trade-off in unemployment as a price for halting inflation. But it's quite another thing when it's your job at stake.

To bring it home a little closer: Would any of you accept calmly the necessity of going without a job—and that means no income—for four or five months as your contribution to halting inflation? You know what they say: When the other fellow is out of work, it's a recession; when you're out of work, it's a depression. Just as there is no such thing as a little pregnancy for the individual concerned, there is no such thing as a little unemployment for the fellow out of work.

Look at it from the worker's viewpoint. He reads in the paper that corporations continue to ring up record profits. General Motors sets a record and then raises prices. He sees prices and profits going up all round him. Yet everyone seems to be pointing the finger at him, blaming him for high prices and saying he must be willing to be laid off so things can slow down a little.

It just doesn't make sense to him, and rightfully so. Unemployment means hardship, privation and perhaps some suffering. The state of joblessness is not something that a worker can look at with detachment, or in the cold analytical manner of an economist or a writer. So he has a right to expect—yes, a right to demand—that *another* way be found to harness inflation.

He has a right to ask the question: Is there any real suffering if General Motors or Ford or AT&T or U.S. Steel make a few million dollars less a year? Is there any real denial of the necessities of life if corporations hold the price line when they enjoy fat profits?

He has the right to ask: Why shouldn't corporations share their affluence with consumers through steady prices and with their workers through wage adjustments instead of charging what the market will bear?

He has the right to ask: Is the business of this country business—as Calvin Coolidge said—or is the business of this country people, as is often expressed but not always practiced?

I say it is wrong—as a trade unionist and as a person concerned with the human and humane aspects of economics—to make the worker pay the price for slowing inflation.

Instead of talking so freely about trading off unemployment for more stable prices, we should be expressing a resolve to make our economic system distribute its benefits equally and without penalty to any sector.

Can it be done? If a Nation can land a man on the moon, it can keep a man on his feet on earth. If a Nation can produce machines to write checks at the rate of 10,000 an hour it can come up with an answer to inflation that doesn't involve unemployment.

A starting point, I might suggest, is a willingness by all concerned to search for a solution that would not require making people jobless. There must be an end to the unchallenged assumption that the Steelworker or marginal worker must suffer unemployment as the most likely and logical way to halt inflation. The profit record breakers must become less record conscious and be more willing to share with consumer and worker.

The Government should also look at those areas where the real rapid price increases have occurred and do something about them. For example, medical costs and services are rising too fast and are out of line with what hospital workers are paid.

Additionally, the President should be given discretionary tax authority so he can adjust taxes in times of threatening inflation and thereby nip inflation in the bud. This was recommended by both President Kennedy and President Johnson but Congress remains wedded to doing things the old and impractical way and did not grant such authority. If the President, for example, had had such authority in 1966—when there should have been tax action—the present inflationary situation would not have developed. Such action two years ago would have curbed the capital goods boom and slowed the unprecedented rise in corporate profits that helped perpetuate it.

Remember, it was in 1966 that Gardner Ackley, Chairman of the President's Council of Economic Advisers, told a meeting of the U.S. Chamber of Commerce:

"Now that profits after taxes . . . are providing the highest sustained rate of return on owners' equity in our modern history, it is time to ask whether a further rise in the *share* of profits in the national income is in the interest of the health of the Nation's Economy or in the interest of business itself."

Also, there should be established some kind of a machanism for reviewing prices and price increases, particularly in those industries where prices tend to be administered prices and where the law of supply and demand was repealed long ago.

There should be more effective anti-trust action to halt the unhealthy trend to the creation of larger and ever larger corporations—the conglomerate, where we see companies in unrelated fields merging into a single giant. I say it is wrong for a company such as Kennecott Copper—largest copper company there is—to merge with Peabody Coal—the largest coal company there is. So did the Federal Trade Commission but the two companies merged anyway. The matter is now in the courts and we can only hope that the FTC is sustained.

There also must be more effective legislation in the area of consumer protection so consumers are guaranteed a fair shake and price-gouging is stopped.

But the major factor, as I see it, is general resolve and recognition to search and find a way to bring stability and equity to the economy without making the worker the fall guy.

Of one thing you can be sure, though: The labor movement will continue to demand—as it consistently has—that this kind of search be undertaken and that the only correct policy regarding employment is one of full employment.

As I said at the beginning of my remarks, I think you invited me because you genuinely wanted to hear what was on the mind of at least one labor official in these somewhat troubled times.

I also warned that my views almost certainly would bring you some distress. I have stated, quite frankly, some of the things

that are on my mind, so I trust I did not misread the purpose behind your invitation. And I also sincerely trust that I have not caused too much distress.

Someone once said that a speech must not be eternal to be immortal. In keeping with that advice, I will close my remarks with another sincere thank you for asking me to be with you. Thank you.

BATTLE ON LIMITING U.S. FARM PAYMENTS LIKELY TO BE REVIVED BY AGENCY PROPOSAL

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 1969

Mr. CONTE. Mr. Speaker, I have for some time been interested in limiting farm payments. Last summer I supported an amendment to H.R. 17126 which placed a $20,000 limitation on the total amount of all payments combined that could be made to any one individual or any one farming operation. A most interesting article on the subject of farm payments appeared in the Wall Street Journal on March 3, 1969. Because of the importance of this subject, I recommend that this article be included in the RECORD.

The article follows:

COMMODITIES: BATTLE ON LIMITING U.S. FARM PAYMENTS LIKELY TO BE REVIVED BY AGENCY PROPOSAL

(By Burt Schorr)

WASHINGTON.—The ceiling on Government payments to farmers could be set as low as $5,000 per crop program and $10,000 per farm "without serious adverse effects on production or on the effectiveness of production adjustment programs."

That's the gist of a proposal worked up by Agriculture Department Democrats a few weeks before they left office. It's likely to revive a heated wrangle over limiting Government payments to farmers.

The proposal never got beyond a draft policy statement polished by then Under Secretary John A. Schnittker. The reasons: White House enthusiasm for a payment-ceiling study apparently evaporated after the November election, and Mr. Schnittker's boss, Secretary Orville Freeman, found it difficult to reverse his prior public position that payment limitations would destroy the supply-management effectiveness of major crop programs.

But the draft is currently being read with interest in Congressional and Executive Branch offices here and seems to offer the sharpest blade yet for Capitol Hill liberals bent on cutting back big crop payments to well-off farmers. The case for payment lids seems likely to get far wider attention if, as expected, Mr. Schnittker is called as a Congressional hearing witness later this year.

BREAKDOWN BY CROPS

For one thing, a table appended to the draft statement supplies the department's first payment breakdown on producers getting $10,000 or more under each of the cotton, feed-grain and wheat programs. Federal payments to individuals of $5,000 and up from all the programs combined have been available for two years. But a breakdown by crops—considered an essential step in limitations planning—had been lacking.

In 1967—the year on which the Agriculture Department's calculations were based—cotton payments exceeding $10,000 each went to nearly 8,200 growers, who accounted for almost half of total U.S. cotton production. The overall cotton payments in excess of the hypothetical $10,000 ceiling amounted to $262 million, or more than five times the excess for wheat and feed grains combined. Among the recipients was Sen. Eastland; the Mississippi Democrat and members of his family collected a total of $211,000 in crop payments that year, mostly for cotton-program participation.

By comparison, only 850 wheat growers, producing a mere 1% of total U.S. wheat in 1967, received more than $10,000 each in wheat payments. Similarly, fewer than 4,600 producers of feed grains (primarily corn and grain sorghums), with about 10% of overall U.S. production, got more than $10,000.

Based on the findings of this new computer analysis, the Schnittker draft concludes that a payment ceiling as low as $5,000 per program and $10,000 per farm could be imposed. But it suggests that a limit of $10,000 per program or $20,000 per farm is a more realistic objective.

Budget savings of perhaps $300 million annually could be expected on the more than $3 billion Uncle Sam currently pours into direct farm payments, the Schnittker draft contends. Advocates of payment limitations envision money saved in this manner being reallocated to fatten Government food aid to the poor or to job training and land retirement for low-income farmers.

As might be expected, top Republican newcomers at the Agriculture agency are reserving judgment until the Nixon Administration has time to investigate payment ceilings on its own; nonetheless, one of them confides that if limitations worked as touted, "we could all be heroes." Even if benefits from such a program don't live up to expectations, one department economist believes a limit on payments would be an important transitional step toward reduced Government intervention in commodity marketing—a long-term objective of the new Administration.

A HANDY TARGET

Whatever the practical arguments, fat Federal payments, particularly to big cotton and sugar planters, clearly have become a handy target for those who charge that farm subsidies make the rich richer and don't do enough for poor rural residents. There already is a $2,500 ceiling on conservation payments, while the sugar program has a sliding scale weighted to smaller growers, but no top limit. Of the five payees receiving more than $1 million from Uncle Sam in 1967, two were in the sugar program and three in cotton.

Last summer, liberal Republicans and Democrats in the House joined forces to tack a $20,000 payment ceiling on the bill extending major crop legislation for one year. The Amendment later was eliminated from the final House-Senate version, but leaders in the ceiling fight made it plain they will raise the issue again. When they do, the Schnittker draft policy and the crop-by-crop payments breakdown it discloses are bound to be wielded as one of their biggest weapons.

Supporters of the Schnittker draft contend a $10,000 ceiling would affect so few wheat farmers that there wouldn't be any significant harm if some of them dropped out of the program to produce their crop without regard to Government acreage restrictions. The threat of a surplus buildup resulting from ceilings for feedgrains payments is somewhat greater, but proponents of the $10,000 limit contend this can be offset by sweetening acreage-diversion inducements for smaller growers.

To make payment limitations as painless as possible under all three programs, the draft suggests imposing them gradually over a three-year period. Wheat and cotton producers also might be allowed increases in their acreage allotments commensurate with their payment decrease, while feed-grain producers could be permitted similar reductions in land diversion required, under the Government program.

Mr. Schnittker believes that, given such an opportunity, producers of high-quality cotton in the Mississippi River delta, Arizona and California, where farms tend to be big and efficient, would elect to expand acreage.

This is sharply disputed by payment-ceiling foes. Horace D. Godfrey, former Agriculture Stabilization and Conservation Service administrator who now is Washington representative for domestic sugar cane growers, asserts total cotton production costs simply are too high for this to happen.

The counter argument for some department economists is that such calculations are distorted by inflated cotton land values; they say operating costs, which include fertilizer, seed and labor, would be a better guide—a view bolstered by continuing pressure from Western growers for increased cotton acreage allotments.

What both sides agree on is that intensive computer studies are needed to determine what cotton growers would do when faced with a ceiling—turn to livestock, perhaps causing still more rural unemployment; switch to alternative crops like soybeans or vegetables, and maybe soften prices for those commodities; or remain in cotton.

One Government cotton expert believes there would be a tendency for big landowners to lease or sell their cotton tracts to bring payments within any ceiling. Others predict more troublesome methods of avoiding the ceiling's effect would develop. Even a $20,000 limitation would produce an "absolute administrative monstrosity," warns Mr. Godfrey, who as ASCS chief oversaw compliance with crop programs. One of his predictions: Landowners who lease cotton acres to tenants and take the Federal payments as rental might instead opt to give each tenant the Government cash—thus keeping individual payments within the ceiling—and take all fiber raised as rental.

The Schnittker draft acknowledges that ceiling-evasion tactics would present "serious administrative problems." Any ceiling "would need to be backed up by a firm policy against such farm-splitting," it adds. "There would need to be strict, uniformly administered regulations to back up the law. As much as one-third to one-half of the potential savings might otherwise be lost," the draft warns.

Even without such calculated evasion, farmers who serve on the ASCS committees in each county might be hard-pressed to determine bona fide changes in family farm partnerships and small corporations. "It would be impossible for Washington, for a state administrative committee, and especially for a farmer-elected county committee to distinguish changes for causes other than those which would be a direct result of payment limits," the draft states.

But the draft concludes that such problems aren't decisive and "are not good reasons for opposing payment limits."

THE NATIONAL DEBATE OVER HOT WATER GETS HOTTER

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 1969

Mr. ROBISON. Mr. Speaker, America stands on the threshold of a new era in the production of electric power. As our Nation grows, and as its peoples' standard of living improves, we can expect to

see the demand for electricity continue to double at least every 10 years.

At present, the waste heat—called a thermal discharge—produced by the cooling systems of steam powerplants affects something over 7 percent of all the available fresh water runoff in the 48 contiguous States, a figure that is projected to rise to more than 16 percent by 1980 and on to about 50 percent by the year 2000, if conventional once-through cooling procedures would still be generally employed at that time.

Even if the waters of our lakes and streams scheduled to receive these discharges were as clean as they should be, it is obvious that this prospect poses an environmental and ecological challenge of tremendous proportions.

In an effort to avoid the damage to our aquatic environment which would result wherever the adverse effects of these discharges on those receiving waters turned out to be thermal pollution—in the sense that such large quantities of hot water added to a lake or stream upsets nature's ecological balance—the Committees on Public Works of both the House and Senate have been holding hearings on a variety of pending bills dealing with this subject about which all too little is yet known.

My interest in what is clearly a fast-developing national problem, stems from a utility company plan to construct a nuclear-fueled steam powerplant on the east shores of Cayuga Lake—a plan that, as one magazine recently noted, has set off "one of the major conservation battles of the nuclear age." With the thought, Mr. Speaker, that my colleagues might find a background description of the issues in that dispute of value to them against the day when they may be called on to consider legislation in this area of concern, I now include—under leave granted—the text of my statement on all this as recently submitted to the Subcommittee on Air and Water Pollution of the Senate Committee on Public Works:

STATEMENT BY REPRESENTATIVE HOWARD W. ROBISON, 33D CONGRESSIONAL DISTRICT OF NEW YORK, AS SUBMITTED TO THE SUBCOMMITTEE ON AIR AND WATER POLLUTION OF THE SENATE COMMITTEE ON PUBLIC WORKS ON MARCH 5, 1969

Mr. Chairman, and Members of the Subcommittee:

The lead paragraph in an article entitled "A Battle Rages Over a Nuclear Plant," as published on February 3, 1969, in "The National Observor," reads as follows:

"Cornell University nestles into the steep hills overlooking Ithaca (New York) and commands a dramatic view of long, narrow Cayuga Lake, the largest of New York's Finger Lakes. And it is here—'Far Above Cayuga's Waters'—that one of the *major conservation battles of the nuclear age* is being fought."

Mr. Chairman, I deeply apreciate this opportunity to appear before you and this subcommittee to comment briefly on this localized "battle"—which is being fought out largely in the Congressional District I am privileged to represent—and then to go on from there to address myself to the larger, national issues therein involved.

I have appended to the original copy of my remarks, today, a copy of the "Observor" article since it provides us with a clear and, I would say, fairly objective description of the Cayuga Lake dispute and, in the interest of saving time, I would appreciate it if the text of that article—which is not overly long—could here be incorporated into the record as a part of my statement:

"FAR ABOVE CAYUGA'S WATERS: A BATTLE RAGES OVER A NUCLEAR PLANT

"ITHACA, N.Y.—Cornell University nestles into the steep hills overlooking Ithaca and commands a dramatic view of long, narrow Cayuga Lake, the largest of New York's Finger Lakes. And it is here—'Far above Cayuga's Waters'—that one of the major conservation battles of the nuclear age is being fought.

"Nearly three dozen Cornell professors have begun a no-surrender fight to force New York State Electric & Gas Corp. (NYSEG) to alter its design for an 830,000-kilowatt, nuclear-fueled power plant that the utility intends to build on Cayuga's eastern shore 16 miles north of here.

"It's hardly a localized situation. Already, there have been angry confrontations between conservationists and utilities in Oregon, Florida, and Connecticut, and over plants being proposed near New York City.

"And there are sure to be many more as the construction of huge third-generation reactors, requiring great quantities of cooling water, spreads inland from what is now a seaboard concentration.

"The Atomic Energy Commission (AEC) says that 13 nuclear power plants, many of them small and experimental, are now operating in the United States. But there are 44 under construction and 42 more being planned. While nuclear power generated only 1 per cent of the nation's electricity in 1967, it will generate an estimated 37 per cent by 1980 and 50 per cent by 2000.

"Jumps in the demand

"The nation's demand for electricity is increasing even faster than its population. Electrical demand doubles every 10 years, and the only feasible way to meet future demands is with plants whose capacity is in the 750,000-kilowatt class. The bigger the plant, the cheaper the per-unit cost of generating electricity.

"But the bigger the plant—whether it's nuclear-fueled or fueled by coal, oil, or natural gas—the more water required to cool it. NYSEG's plant here on Cayuga Lake, for example, would circulate through its cooling system an estimated one-quarter of Cayuga's volume of water each year. Nationally, it is estimated that by 1980 the electric industry will require for cooling purposes one-sixth to one-fifth of the nation's entire annual supply of fresh runoff water.

"And this, say the conservationists, could create devastating problems if not planned for stringently and carefully.

"The professors and the citizens' group they helped to organize—the Citizens Committee to Save Cayuga Lake—are not objecting to the plant here just because it's nuclear, instead, they say, they are objecting because its hot-water discharge will cause thermal pollution that might well radically and irreversibly alter Cayuga Lake's ecology—its life system.

"The opposition also questions the utility's intention to release minute amounts of radioactive wastes into the lake regularly. No one knows what these wastes would do to the lake's aquatic life, they argue.

"A way out

"They say that they are not intransigent. Everything, they argue, would be solved if NYSEG would simply build cooling towers and filters that would add only $5 a year to each of the utility's 500,000 customers' electric bills.

"Except for the $5 figure, which is the utility's own, the company disputes its opponents down the line. It says it would never do anything to harm the environment and that the professors and the committee are making hasty inferences from incomplete knowledge. NYSEG has put up $500,000 for ecological studies, now under way, of the plant's effects on Cayuga. If these studies show pollution is likely, the utility says, it will install whatever equipment is needed to prevent it. Until then, NYSEG adds, there is no point in spending unnecessary money.

"The utility's opponents here—pretty much like conservationists everywhere—don't think there's anything hypothetical about the problem.

"Fresh-water runoff, they explain, replenishes the nation's streams and lakes, whose living creatures are highly dependent upon water temperature. Trout, for example, require that water be 48 degrees or colder.

"But, for many conservationists, it's not solely a matter of protecting trout or the crustaceans that trout eat. It's a matter of preserving a balance in nature. No one knows, these conservationists say, what the ultimate consequences of turning nature upside down may be.

"Lakes are especially vulnerable; they can't carry off as much heat as swift-moving rivers. Lakes have what is called a flushing time—meaning the time required for an 'average' drop of water to move through them—of a few years to a few hundred years. If lakes are big enough, hot-water effluent may have a negligible effect. But if they're too small to cope with the discharge, trouble may develop quickly.

"Heat stimulates biological activity in lakes and quickens a process that ecologists call eutrophication. Like all natural systems, those of lakes have evolved over millennia and achieved a delicate balance between the water and the life forms that inhabit it.

"When man intervenes, nature's processes often are overwhelmed. Industry dumps in its waste; cities add their sewage; and run-off water leaches fertilizer residues and insecticides from farms and carries them into the lake. Some additives kill the aquatic life and others—nutrients—stimulate growth so that algae proliferate. These range from green algae to the stinking blue-greens, so potent that their noxious stench can peel the paint off a house. The result, as the saying goes, is water that is too thick to drink and too thin to plow.

"Of such nightmares was the battle against New York State Electric & Gas Corp. born.

"It began early last year, about nine months after NYSEG announced its plans to build Bell Station, $170,000,000 nuclear power plant, on an 815-acre site adjacent to its 290-megawatt, coal-fired Milliken Station plant on Cayuga Lake. The man who started it all was Dr. Alfred W. Eipper, an associate professor of fishery biology at Cornell.

"Professor Eipper does not have the appearance of a man who tackles power companies. Slight of build and soft of voice, he does not smoke, he eschews a predinner cocktail, and he utters no word of profanity during a four-hour discussion of the Cayuga question. He is altogether professional, with one exception: He doffed his academic robes and donned the gloves when NYSEG's explanation of its plant's effects on Cayuga Lake did not satisfy him.

"Writing a pamphlet

"Sixteen other Cornell professors soon joined him. With Professor Eipper as chairman, they wrote last May a pamphlet titled 'Thermal Pollution of a Lake by a Proposed Power Plant.' The authors included limnologists, biologists, fishery specialists, conservationists, a geologist, and experts in water-resources engineering and aquatic studies.

"The Citizens Committee to Save Cayuga Lake was Professor Eipper's brain child. Formed last August, the committee is chaired by Mrs. Cornelia Hill of Ithaca. Its working head is its executive director, David D.

Comey, a research associate in Soviet studies at Cornell and director of the Research Institute on Soviet Sciences, private consultants. Mr. Comey, 33, is independently wealthy, drives a hot Porsche Super 90, speaks fluent Russian, and has the wherewithal to devote the time required to make a committee like this work well.

"He quickly lined up a gilt-edged list of initial members and added to it a newspaper publisher, two state legislators, local politicians, and other community leaders. Though he says the committee has had only $2,000 in donations, it is well-organized and efficient. It recently put together a 199-page loose-leaf handbook of public hearings and published reports concerning NYSEG's plant. 'I had some of the wealthiest people in Ithaca on their hands and knees on my living room floor putting together the pages for that,' he says.

"The Eipper paper and the committee's formation were followed last Nov. 22 by another paper, written by 12 Cornell professors headed by Dr. Clarence A. Carlson, Jr., an assistant professor of fishery biology. It was titled 'Radioactivity and a Proposed Power Plant on Cayuga Lake,' and it, like the Eipper pamphlet, challenged NYSEG's assertions—set forth in NYSEG's application to the AEC for a permit to construct the plant—that the plant's discharges of hot water and radionuclides would be well below levels deemed harmful.

"Therein lies the difference between the people opposing NYSEG and the groups that customarily are found in the thick of such hassles. The authors of the Eipper and Carlson pamphlets were not little old ladies in sneakers or irate housewives with much umbrage and little knowledge. They were all experts with credentials, men who had studied Cayuga Lake for years and were professionally competent to make judgments.

"Whether their judgments are too quick-triggered remains to be seen. 'It is unfortunate,' says William A. Lyons, NYSEG's president, 'that some individuals are already jumping to conclusions before the facts are in. If premature assumptions such as have been made were conclusive, it certainly would be needless for us to be expending research funds of the magnitude we are devoting to this most comprehensive study ever made of any of the Finger Lakes.'

"Moreover, the utility's vice president and chief engineer, Albert D. Tuttle, says that power plants' designs take shape right up through construction and that Bell Station employs the 'flexibility concept.' Does this mean the utility would build what its critics are demanding if its research studies show pollution is likely otherwise? 'That's not only implied,' Mr. Tuttle replies, 'that's the whole thing. If it became apparent that the cooling towers were required, we would build them.'

"If Cayuga were a larger lake and Bell Station's water requirements were proportionately smaller, there might be no argument. But Cayuga is the smallest lake on which a large nuclear plant has ever been planned, and it is a most unusual lake. Thus the controversy.

"Nub of the argument

"Cayuga is long (38 miles), narrow (1.7 miles average), and very deep (435 feet maximum, 179 average). Its flushing time is nine years. From May to November it is thermally stratified. That is, its cold lower layer and warm upper layer mix into one only when cold weather cools the upper layer, makes it denser, and lets it sink. This mixing replenishes the lower layer's oxygen supply. The trout and other cold-water life forms live the rest of the year on the oxygen brought down from November to May.

"The nub of the argument is NYSEG's plan to pump cold water from the always-cold lower level into the plant, pass it through a condenser cooling system, and discharge it at the lake's surface at 65 to 70 degrees Fahrenheit. NYSEG's critics say the added warmth would delay the start of Cayuga's layer-mixing in the winter and prolong the onset of stratification in the summer.

"They say this would prolong the lake's growing season at both ends. Prolonging stratification would mean increased biological production in the upper layer and less oxygen available in the lower. The critics also say that microscopic food forms would be killed by the sudden rise in heat as they passed through the condenser.

"The Eipper group says the net effect would be disruption of Cayuga's natural balance and, eventually, the lake's destruction. NYSEG officials think differently, of course. They cite studies of their own that predict imperceptible effects from the discharge. Anyway, they add, they'll continue studying the lake after the plant starts up, and make whatever corrections are indicated.

"The question of danger from radioactive wastes is, if possible, even more debatable.

"Bell Station will use a General Electric Co. boiling-water reactor. Its heat turns water to steam, which spins a turbine and generator, passes to a condenser, is converted again to water, and is pumped back into the reactor in a continuous water-steam cycle. Before long this water becomes highly radioactive, containing radionuclides of strontium, cesium, iodine, and the like.

"GE experts say 99.99 per cent of these radionuclides, gases and liquids, will be filtered out, collected, sealed, and eventually shipped off and buried. The fraction left over, some of it from water drained off from leaks and cleaning operations, will be routinely released into the condenser water's outflow of 500,000 gallons per minute, which will dilute it before it reaches the lake.

"More study needed

"NYSEG and GE say the discharges will total only one-tenth of 1 per cent of the maximum permissible concentrations (MPCs) allowed by the AEC. The Carlson group argues that 'no one can accurately predict the effects such accumulations might have on aquatic organisms' because the problem hasn't been studied enough.

"The Atomic Energy Commission is responsible for enforcing standards of reactor safety and radioactive emission from nuclear plants, but it is not legally bound to consider thermal pollution. It has advised NYSEG to heed Federal standards set up by the Federal Water Pollution Control Administration, but its role is only advisory.

"In 1967 the AEC ruled out of order state witnesses from Vermont and Massachusetts who sought to protest thermal pollution of the Connecticut River by a proposed nuclear plant at Vernon, Conn. Gov. Philip H. Hoff of Connecticut later testified before the Senate Subcommittee on Air and Water Pollution, headed by Sen. Edmund Muskie, Maine Democrat, that 'we were dismayed during the Vermont Yankee [Power Co.] hearings when the AEC decided that thermal pollution was none of its concern.

"'I would submit that this decision removed the AEC as an objective governmental agency responsible to the public interest.' Governor Hoff said.

"'The AEC is charged both with the regulation of atomic energy and with promoting its use,' adds Cornell's David Comey. 'Thus it has a conflict of interest built right into its enabling legislation.'

"An equally controversial situation involves the New York Health Department, from which NYSEG must obtain a permit to discharge water into Cayuga. In a letter to one committee member regarding departmental policy, an official wrote that 'the Health Department is concerned with protecting the waters of the state but reasonable use of the waters of the state must be allowed in order to encourage industrial development.'

"Thus the state's Health Department must balance environmental threats against economic benefits of nuclear powerplants. The New York health commissioner, Dr. Hollis S. Ingraham, two months ago became chairman of the New York State Atomic Energy Council, whose aims include dvelopment of atomic energy.

"The broad issue, for Cayuga Lake and the nation, may have been stated before a legislative committee hearing in Ithaca last fall. Lawrence Hamilton, professor of conservation at Cornell, said this:

"'After we have argued costs, safety factors, algal growth, fall turnovers, planned releases of radionuclides, after we have heard one protagonist say that no harm will result from our present plans and heard others say that the lake environment will be seriously impaired, the issue, the decision, is a political one.

"'With noise, smog, garbage, sewage, industrial waste, junk autos, billboards, drab and depressing urban sprawls, highways and pesticides, we have fouled some of our most desirable natural environments. We have eliminated species of plants and animals and thus diminished the wonderful biotic variety of life on earth. On the strength of our knowledge of nature, we have set ourselves above nature and now presume to alter the environment for any living creatures at whim or for short-term profit. . . . Are we playing environmental Russian roulette?'

"From the testimony here in Ithaca, there's no easy answer. It would be nice to know just what the answer is.—JIM HAMPTON"

* * * * *

Mr. Chairman, J. F. Hogerton has written: "The problem of *balancing risk against benefit* is perhaps the oldest problem in human experience."

It is a problem with which all of us, as representatives of the people, are fully familiar, but I do not envy you your task as you turn your attention to the vexing problem of the impact of waste heat on water quality—an area of concern where, as it has been stated, ". . . the unknowns still far exceed the knowns in water quality requirements—even to the experts!"

Despite that fact, certain statistics—that I assume have also become familiar to you—dictate a considerable amount of urgency in your search for legislative safeguards against the growing environmental threat of what some call *"thermal effects"* but which others stoutly denounce as *"thermal pollution."*

Whatever the outcome of that semantical debate, we *know* that the nation's demand for electricity is increasing even faster than its population. It is a demand that is doubling every ten years and, as a result, large power plants with enormous cooling water requirements will become commonplace.

I understand that the proposed Cayuga Lake nuclear-fueled power plant will circulate an estimated one-quarter of that lake's body of water through its cooling system each year, but that matter of *local* concern needs to be translated into such *national* concerns as the estimate that, by 1980, our electric power industry will be requiring about one-sixth of *all* the total available fresh-water runoff of the *nation* for cooling purposes!

Taking into consideration the further fact of the strong trend within the power industry towards nuclear-fueled steam power plants which, as presently designed, waste about 2.25 units of heat as compared to the fossil-fueled plant's average of about 1.5 such units for each equivalent unit of useful energy output, it has further been estimated that the power industry would, by the year 2000—if conventional once-through cooling procedures were still then generally employed—be using about *half* of our supply of fresh-water runoff for cooling purposes!

Even if our nation's waters were as pure as they should be, it would seem obvious that

this eventuality poses an ecological threat of massive proportions.

And it would seem equally obvious to me, as we consider the knowns and the unknowns in this equation, that (in the words of last year's report sponsored by the Energy Policy Staff of the Office of Science and Technology, and entitled "Considerations Affecting Steam Power Plant Site Selection"), it would be ". . . *only prudent* that *great care* be exercised *so as to avoid damage* to the aquatic environment rather than to plan to correct gross problems after the power industry is heavily committed to the use of facilities which provide little or no control over the effects of their activities on the environment."

Mr. Chairman, S. 7—as introduced by the distinguished Chairman of this Subcommittee (Mr. MUSKIE) and others of the Senate, and of which I am a sponsor in the House—seeks to address itself to this problem, and it does so in what I believe to be a constructive fashion.

Suppose, for a moment or two, we endeavor to apply its tentative provisions in this respect to the Cayuga Lake situation:

Of glacial origin, Cayuga Lake is about 38 miles long, with an average width of only 1.7 miles, and it is very deep—with a 435 foot maximum and a 179 foot average depth. Because of those depths, its waters are cold as any former Cornellian (like Senator MUSKIE) who has ever swum in them can attest, and this is one of the reasons why the New York State Electric & Gas Corporation (NYSE&G) has chosen it as the site for its proposed nuclear-fueled power plant.

Although the proposed plant's opponents—or some of them—wish another site had been chosen, there were other logical reasons behind NYSE&G's decision; it already has, for instance, a fossil-fueled steam power plant at the same location and substantial acreage around it as required for nuclear safety regulations. The heavy reactor casing for the plant could be transported to this site by water, since Cayuga Lake is connected to the Barge Canal, and the site is near the geographical center of NYSE&G's system, an integral part of the electric industry's overall plan for spending an estimated $50 billion over the next 20 years to meet the Northeast's swelling demand for power.

However, despite the prospect that a substantial part of that overall investment might be made in their area, adding to their local tax-base and providing a substantial addition to their community's work-force, a good many of the leading citizens living in the communities near the lake have banded together to oppose the project unless "adequate" safeguards against "thermal pollution" and the possibility of hazardous radioactive wastes are incorporated into the plant's design.

Naturally enough, the question of what is "adequate" in these respects has become and remains a subject for on-going—and often hot—debate.

You will note, Mr. Chairman, that this debate centers around *two* separate and distinct concerns—the first related to that question of "thermal pollution" and, in this instance, revolving around the issue of whether or not the plant ought to be provided at the outset with "cooling towers" or some such device for lowering the temperature of its discharge waters, and the second related to the discharge of radioactive liquid wastes from the plant into Cayuga Lake, which is a question of considerable technological complexity in any event but is here made even more so by the fact that Cayuga would be the first, relatively small, "slow-flushing" lake in the nation on which a commercial nuclear power plant was built.

Mr. Chairman, unless the Subcommittee wishes otherwise, I will not attempt any comment in detail (I doubt I am technically competent to do so in any event), on that *latter* question, even though Section 14(b) of S. 7 would seem broad enough in both language and intent to cover this water-pollution-control aspect of Federal licensing procedures despite the fact that Mr. MUSKIE—in his remarks to the Senate on January 15th—when he introduced S. 7 referred specifically only to the problem of "thermal pollution" and, in passing, to the Atomic Energy Commission's responsibilities in that connection as a licensing agency.

This is not to say—by so passing over this aspect of the Cayuga Lake problem—that the responsibility for protecting our citizens from radiation hazards, whatever their nature may be, is an *exclusive* AEC responsibility for, until I have seen an authority to the contrary, I would assume that the New York State Department of Health, or any comparable State agency in other instances, could if it wished adopt such water-quality-standards criteria as would be reasonable and proper in *this* area as well as in the area of thermal effects.

However, to get back to S. 7 and the Cayuga Lake thermal effects dispute, NYSE&G—whose application for a construction permit is now pending before the AEC—declares that it is no less interested in the protection and preservation of the lake than any of the plant's more-outspoken opponents, and one of its spokesmen has been quoted as saying that ". . . if it became apparent that . . . cooling towers were required, we would build them."

In a preliminary effort to determine whether or not such a device will be required, NYSE&G has financed some research—mostly using Cornell University people—into the possible effect of an "open" cooling system on the ecology of the lake. At the same time, the opponents of the plant have conducted some largely-volunteer research into the same question—with here and there an interesting overlap of technicians—but it seems doubtful to me, at this point, whether the sum total of such research will produce any better answer *prior* to the AEC hearing than some variation of: "We simply aren't sure *what* the thermal effects of the plant will be, yet, and more work needs to be done!"

Meanwhile, Mr. Chairman, since you will wish and need to know if S. 7 should be enacted, what the States might do, you will be interested to learn that the New York State Water Resources Commission has begun public hearings throughout the State on its proposed *new* criteria governing thermal discharges.

In those proposals, the standard for thermal discharges into the waters of the State is declared to be ". . . none alone or in combination with other substances or wastes in sufficient amounts or at such temperatures as to be injurious to fish life . . ." or impair the water for any other best usage.

"Best usage" in this context is based on the principle of multiple use of waters, and an attempt to classify them " . . . in accordance with consideration of *best usage* in the interest of the public."

A "thermal discharge" is defined in the proposed new criteria as ". . . one which is at a temperature greater than 70° F.," it being further stated that ". . . a discharge at a lower temperature will also be a thermal discharge if it results in a temperature rise of the receiving water above the permissible temperature rises . . ." listed for various categories of bodies of water, it being stated that for "LAKES—the water temperature at the surface of a lake shall not be raised more than 3° F. over the temperature that existed before the addition of heat of artificial origin, except that within a radius of 300 feet or equivalent area from the point of discharge, this temperature may be exceeded . . . (while) . . . in lakes subject to stratification, the thermal discharges shall be confined to the epiliminetic (surface) area."

It is further stated that the Commissioner of Health may impose limitations in addition to the stated criteria where he determines, in the exercise of his discretion, that such additional limitations are necessary to maintain the quality of the receiving waters for their "best usage" classifications. And it is further stated that the Commissioner may authorize a modification of such criteria upon application, but only after consultation with the Federal Water Pollution Control Administration, the burden being on the applicant in such instances to establish to the satisfaction of the Commissioner that one or more of the stated criteria are unnecessarily restrictive in his case, and any such modification is then conditioned upon actual operational experience.

In proposing these tentative criteria, Mr. Chairman, our State Water Resources Commission would seem to be following the recommendation made, in this respect, on April 1, 1968, by the National Technical Advisory Committee on Water Quality Control to the FWPCA—reference being had to the booklet entitled "Industrial Waste Guide on Thermal Pollution," as issued by the FWPCA in September of 1968.

Now, of course I have no way of predicting whether or not these proposed new criteria will be adopted by my State without change, or when final action might come. Nor am I able to state what the effect of their adoption might be on the design for the Cayuga Lake plant; for the question of whether or not that design should incorporate "cooling towers" or some such device from the outset then becomes an engineering question that I am not competent to judge. However, I offer this information, Mr. Chairman, to you and the Subcommittee as evidence of the fact that the States, once they understand the problem, can and probably *will* be responsive to the problem of thermal discharges, even as they have in other water-quality areas of concern where our present knowledge is substantially broader.

If this *does* prove to be the case, then by enactment of the "14(b)" provisions of S. 7 we will have moved forward to close an existing loophole in the regulatory framework for water-quality control we have been developing, and we will have done so within the philosophical framework of the Water Quality Act of 1965 that struck a careful balance between State and Federal interests in this field of concern. I believe it is important to maintain that balance if we can—and I believe the situation that I have outlined for you indicates that we *can* do so.

The "14(b)" provisions of S. 7 should be enacted as soon as possible—perhaps even as separate legislation if there is a chance that something else in S. 7 runs into a legislative roadblock—and I say this because, with 44 nuclear power plants moving towards construction and 42 more in the planning stage, action is fast outrunning our ability to apply reasonable environmental control and safeguards.

I might say that I have been in rather close communication with the AEC as to its attitude on this overall question, and with respect to some such legislation as that now before this Subcommittee, and I was therefore gratified to note that, earlier this week, a spokesman for the AEC *did* give its endorsement of the "14(b)" procedure.

As that spokesman may or may not have told you, however, even if the "14(b)" procedure became law there would still seem to be one remaining "loophole" in our regulatory framework in that—as pointed up in the Energy Policy Staff's "sitting" study—*no*

Federal license is required for a fossil-fueled generating plant. I believe we ought to try to avoid putting special burdens on the *nuclear* side of the developing power industry since, if the demand for electricity that is foreseen is going to be met it will largely have to be met through nuclear-fueled plants. At the same time, I do not think it would be advisable for the Federal Government to attempt to license fossil plants, so I suppose we must hope, here, that by elevating State control procedures over thermal effects in the nuclear field as will be the result of enactment of the "14(b)" provisions, we will simultaneously stimulate State action regarding the termal effects of fossil-fueled plants as well.

Mr. Chairman, it would be appreciated if you would permit me to make a few more-personal observations in conclusion.

As you might have anticipated, there have been substantial pressures on me to take a public position either "for" or "against" the Cayuga Lake plant.

I have resisted that because I have not seen my true responsibilities in as simple a light as that, which is why I have sought to address myself, in these remarks, as much as possible to the broader national issues highlighted by the Cayuga Lake dispute.

However, on the local level I must say that I do regret the aura of suspicion that has come to surround NYSE&G's efforts to move forward with this project in the minds of some of my constituents. As a recently-adopted Tompkins County Board of Supervisors resolution reminds us, NYSE&G has, for many years, been a "good neighbor" to those of us who have been its customers, and we are all indebted to it for its willingness to make the investment represented by the Cayuga Lake plant in an effort to meet our *own* future demand for the cheapest-possible electric power.

All of us want "progress"—and the better things in life—but we at the same time seem to want the benefits of "progress" without the less-pleasant aspects of it ever touching our lives. Power plants are not pretty things, yet—like the thief in the chicken house—"everybody's got to be *somewhere!*"

And one of the real anomalies about this entire situation for me has been the fact that so many of my constituents who have become so deeply disturbed about the prospects of "thermal pollution" or radiological pollution of our lake—concerns I understand because I share them—have nevertheless, in the recent past, either tolerated or been unaware of the fact that our beautiful lake is *already* polluted from many sources, so badly so, in fact, that the once popular swimming beach at Ithaca, New York (where Cornell is situated), has been closed to bathers for several summers now because of the bacterial content in the water and dense growths of plankton that limit its transparency.

In addition to which, a recent State Health Department report lists some 132 locations around Cayuga Lake that are classified as "polluted" for human bathing purposes, of which 92 are identified as being "grossly polluted."

Mr. Chairman, I do not cite these facts with any sense of pleasure—indeed, they shame me as much as anyone—but only for the purpose of trying to put our Nation's environmental and ecological problems in some better perspective.

For the great challenge we face in this respect, Mr. Chairman, is not just one posed by certain faceless industrial "ogres" bent heedlessly upon the destruction of our environment, but one posed by the past actions and attitudes of *all* of us toward the great natural resources with which God, in abundance, has showered us—and the successful meeting of that challenge similarly now depends upon the response and the responsiveness of *all* of us!

EFFECTS OF MERGERS

HON. HASTINGS KEITH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 1969

Mr. KEITH. Mr. Speaker, 6 weeks ago I submitted House Joint Resolution 315, which calls for a study by six Federal agencies of the effects of conglomerate mergers on the transportation and communications industries, the securities markets, and interstate and foreign commerce. Since then, merger activity in both regulated and nonregulated industries appears to be accelerating. By the time we authorize and complete such a study, or see the fruits of those already undertaken by various agencies, we will face a situation similar to that of the barn door being shut after the horses have escaped.

To forestall takeovers which may be contrary to the public interest, at least in the field of transportation, I am today introducing a bill which has two major purposes: first, to accelerate the study contemplated by House Joint Resolution 315; and second, to provide for a moratorium on mergers involving the air and ground transportation industries. The latter section of the bill would prohibit the takeover of certain carriers by a person not engaged primarily in the business of transportation or in a business which is reasonably incidental or economically necessary or appropriate to the operations of such a transportation company. This restriction would remain in effect until 6 months after the authorized study is completed. In turn, the study must be completed within a 6-month period after passage of the act.

I have added these specifications regarding time to the bill so that the President and the Congress are given ample opportunity to act upon whatever legislative recommendations are forthcoming from the study. It is also intended to prevent the subjection of carriers and their would-be controllers to a permanent freeze on their merger operations should the study give them a clean bill of health.

The moratorium would be effective today—March 10, 1969. This provision is designed to put on notice noncarriers presently contemplating takeovers that, if and when this legislation is enacted, they will be required to make showing before the appropriate regulatory agency that: First, they are engaged in an allied business; or that, second, the takeover is necessary for the continued functioning of the carrier.

Mr. Speaker, a quiet revolution of potentially profound significance for the nature and direction of the American economy is well underway. We cannot wait to see where it is carrying us before we attempt to control it. It is time that the conglomerate phenomenon be held in check, at least in the key area of transportation, until its implications can be analyzed and fully comprehended.

It is to this end that I have submitted this bill today. The Congress may wish to expand it to include other conglomerate mergers such as in the field of communications, or it may wish to restrict the scope of the bill or make other appropriate modifications. In any case, Congress should act upon it quickly so that we can begin now to develop a comprehensive national policy.

NIXON'S IMAGE IS REMARKABLE AFTER FIRST MONTH IN OFFICE

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 1969

Mr. ANDERSON of Illinois. Mr. Speaker, I wish to call the Members' attention to an article which appeared in the Aurora, Ill., Beacon-News on Sunday, February 23, 1969, by Dumitru Danielopol.

As Mr. Danielopol indicates, the record of achievement and the successes of the first weeks of the new administration clearly show how uniquely and wisely prepared was our new President at the time he assumed the highest office of this Nation. He is indeed "just the man for the job."

The article follows:

NIXON'S IMAGE IS REMARKABLE AFTER FIRST MONTH IN OFFICE

(By Dumitru Danielopol)

WASHINGTON.—President Nixon's image after a month in office is remarkable. Even his erstwhile critics are using terms like "relaxed, sure of himself, articulate."

He has put "his best foot forward," said one Washington editorial.

It should not be a surprise to anyone who has watched Mr. Nixon's activities in the last few years.

He worked hard for the presidency. Few men have been better prepared.

Just as one cannot ask Jack Nicklaus to win the Masters after a few rounds of golf, or Nathan Milstein to play a Stradivarius in Carnegie Hall on his first attempt on the violin, one cannot be adequately equipped for the presidency if he starts to learn on Jan. 20.

Mr. Nixon knew the magnitude of the task. After eight years as vice president, he knew that the man in White House has in his hands not only the fate of his country but that of the whole world.

On his decisions depend the life, the freedom and the happiness of millions of human beings.

Mr. Nixon wasn't taking any chances.

He had undertaken the grinding work to prepare himself for the toughest job in the world. He worked systematically, methodically and with great determination.

He travelled extensively abroad. He talked to the top political figures in the free world and many of the Iron Curtain countries.

He criss-crossed the nation time and time again, appearing and speaking at a multitude of Republican and other functions.

He kept abreast of foreign and internal problems.

"I think I am ready," Mr. Nixon told this correspondent in his Broad Street law offices in New York, in October 1967.

He buttressed this in an appearance before a formidable array of editors in Washington last April.

He spoke without notes, answered every difficult question competently and conducted

himself with a poise that won plaudits for "the new Nixon."

This isn't a "new Nixon," this is an "old pro."

Old friends recognize it, even if new friends are surprised.

An eminent Swiss colleague, Drago Arsenijevic, of the Tribune de Geneve, in Geneva, listened to Mr. Nixon at a Republican dinner in Arlington last June and reported that "Nixon's success is indisputable."

After only one month in the White House it gradually becomes evident that Mr. Nixon has brought a new dimension to the presidency.

I would call it "expertise."

One already senses a sure touch, a dexterity, that marks the top executive of a large organization who has made his way through the ranks and has learned the business.

He is, without any doubt, the best prepared man to enter the White House since World War II.

His opposition is already worried.

"There is a dark suspicion growing among Democrats that Richard Nixon stole off to charm school in his years out of power and he may in 1972 look too strong . . ." writes Mary McGrory in the Washington Evening Star.

The President's expertise will no doubt be tested. His meeting with high caliber political figures during his trip to Europe provide an early yardstick.

But the free world is hungry for a competent spokesman and leader. No one is equipped like a President of the United States.

The way is open, and Mr. Nixon looks like just the man for the job.

TWO MARINE CORPORALS KILLED IN VIETNAM

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 1969

Mr. LONG of Maryland. Mr. Speaker, Cpl. Billy H. Best and Cpl. Paul A. Cumberland, two fine young men from Maryland, were killed recently in Vietnam. I wish to commend their courage and honor their memory by including the following article in the RECORD:

CITY, COLLEGE PARK MARINES ARE KILLED IN VIET FIGHTING

Two Marine corporals, one from Baltimore and the other from College Park, have been killed in action in Vietnam, the Defense Department announced yesterday.

They were:

Cpl. Billy H. Best, 18, of Baltimore, who was killed Monday near the An Hoa combat base in Quang Nam province by enemy small-arms fire while on patrol.

Cpl. Paul A. Cumberland, 19, of College Park, a squad leader in the 3d Battalion, 26th Marine Division who was killed February 27 by enemy fire while on a search-and-clear mission in An Hoa, Quang Nam Province.

Corporal Best, who was born in Wilson, N.C., had lived in Baltimore since he was 12 years old.

He attended Calverton Junior High School and was in the Job Corps for several months before he enlisted in the Marines in August. Corporal Best arrived in Vietnam three weeks before he was killed.

Corporal Best is survived by his mother, Mrs. Minnie Ruffin, his stepfather, Chester Ruffin, and a brother, Kenneth Earl Best, all of Baltimore.

Corporal Cumberland attended parochial school in College Park and was graduated from St. Anthony's High School in Washington in 1967. He was a member of the College Park Boys' Club.

After graduation, Corporal Cumberland was a storekeeper in the Capitol Building for the Chesapeake and Potomac Telephone Company.

Corporal Cumberland enlisted in the Marines in January, 1968, and had been in Vietnam since July.

He is survived by his parents, Mr. and Mrs. Francis D. Cumberland of College Park; two sisters, Mary and Nancy Cumberland, and five brothers, Daniel F., Matthew T., Stephen W., Jeffrey P. and Francis D. Cumberland, Jr., all of College Park.

TRIBUTE TO LAWSON B. KNOTT

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 1969

Mr. PICKLE. Mr. Speaker, after nearly 34 years of Federal service, one of the most capable men in Washington has retired. Lawson B. Knott, the sometimes unsung but always untiring Administrator, will be missed by his friends. I sure know that I will miss his rapt attention to duty, his efficient manner, and his warmth.

Lawson is a professional with the human touch. He has to be. As Administrator for GSA, he directed the activities of 39,000 employees. The scope of his agency stretched across the Nation. His wide range of responsibilities included construction and daily operation of thousands of Federal buildings, procurement and distribution of common-use supplies, drafting procurement regulations, operation of the National Archives and Federal records centers, use and disposal of surplus property, management of stockpiles of strategic and critical materials for use in national emergencies, and transportation and communications management. He guarded and dispersed a budget that ran into the billions of dollars.

This native son of North Carolina was well backgrounded and extremely well qualified for this high position that he earned. A graduate of Duke University, he came to GSA from the Department of Defense in 1956, after 21 years of Federal service in various legal and administrative positions relating to property management.

From 1959 until he was appointed Deputy Administrator of GSA, Mr. Knott served as Deputy Commissioner, Public Buildings Service. Former GSA Administrator Boutin resigned in 1964, and Lawson Knott was the logical man to serve as Acting Administrator until President Johnson made it official by appointing him Administrator in 1965.

Mr. Knott and his wife live in Arlington. He has promised her a leisurely vacation. She, too, has earned one.

I wish to thank the both of them for services to the people of this great Nation. I wish them well in their next adventure. And there will be one; Lawson is yet a young man to have compiled such outstanding credentials. I await anxiously to learn what the future holds for him.

Mr. Speaker, Lawson Knott is able, as attested to by his own record. But he is more than that, Mr. Speaker. He has the quality of integrity that a public servant must have, and Lawson Knott has it in abundance. And even more, he has great loyalty—loyalty to friends who have seen him tested and proven, and loyalty to his job and country. As one Congressman I want to express my personal appreciation of his loyalty to our beloved former President Lyndon Johnson, and to tell him again that we in Texas will always remember with affection the help and friendship of Lawson Knott.

SILENT WEAPONS

HON. ROBERT L. F. SIKES

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 1969

Mr. SIKES. Mr. Speaker, the reawakening of controversy about the place and the need for chemical and biological weapons in defense tends to obscure the significance of the contributions made to the Allied cause by chemical weapons during the current conflict. These contributions, which should be the subject of much wider interest than has been shown, are set forth in the Army Digest for November 1968 in an article titled "Silent Weapons," I submit it for reprinting in the CONGRESSIONAL RECORD:

SILENT WEAPONS

They don't kill or even wound. They weren't intended for battlefield use. Yet today they are emerging as a major new development in combat support in Vietnam.

What are these agents?

One is the newly battle tested (but far from newly developed) riot control powder known as CS—an agent much more effective and much less dangerous than the older CN type. The other is the use of chemical defoliants to deprive the Viet Cong of cover for ambushes and covert movement of their troops and supplies.

CS is not a gas. Neither is it a toxic chemical agent under the standard definition. It is a white crystalline powder which in finely ground form is disseminated by mechanical dispensers or explosive grenades, or in coarser form by burning type grenades.

Effects of CS on humans are pronounced and instantaneous—coughing, severe burning of the eyes, tightness of the chest, acute discomfort.

These effects are very much the same as CN which has long been used by civil law enforcement agencies in riot control situations. But CS acts much faster, and has been proven extremely safe. It is temporarily disabling but nonlethal. Those exposed to it quickly lose their aggressiveness and seek only to reach fresh air quickly, where the effects disappear within 10 to 15 minutes, with no after effects.

CS compound takes its name from two American chemists, B. B. Corson and R. W. Stoughton, who first reported its preparation in 1928. The British further developed the compound and compiled data on its potentialities in riot control. For the scientifically-minded, it is known as ortho-chlorobenzalmalononitrile.

Because it is so effective and fast acting, some people believe that CS must therefore

be more dangerous than CN. Actually, CS is much less toxic.

In the many tests using troop volunteers and in actual riots and battle, there has never been a fatality attributed to CS.

USE IN VIETNAM

As a newcomer to the battlefield in Vietnam, CS initially encountered considerable skepticism as to its effectiveness in combat support. This, coupled with unfamiliarity with its use and absence of proven field techniques, posed problems. But these were swiftly overcome as experience was gained. New uses and novel methods of disseminating the agent have rapidly developed. Commanders now find it a valuable weapon in combat situations when it is apparent that explosives are not the sole or best answer.

Viet Cong have frequently forced women and children to accompany them as hostages; they do not hesitate to use them as protective shields against anyone seeking to clear their tunnel hideouts.

In such situations, CS quickly proved its value. Labyrinthine tunnels no longer guarantee snug sanctuary to VC snipers. At first, explosive grenades were simply tossed into tunnel openings. These proved ineffective, since some tunnels consist of as many as six levels, covering extensive areas.

A handy solution to the problem was a small, commercially produced blower known as Mity Mite, often used on farms to dispense insecticides. CS grenades are set off in the tunnel opening and the powder-like substance—very much like the talcum powder that is used in training to simulate the real thing—is forced in by blower.

In one reported operation, 17 Viet Cong and some 400 non-combatants being held as hostages were forced from a tunnel complex by CS, with nobody wounded on either side. Again, 43 armed Viet Cong were captured with no friendly losses and one enemy killed when he tried to break away.

CS quickly forces those hidden in caves or tunnels to find their way to fresh air. If civilians emerge, they are escorted to VC suspect enclosures. If military emerge without firing, they are captured swiftly. Reports from Vietnam state that greatly increased intelligence, plus more cooperation from both noncombatants and prisoners, have resulted. Lives are frequently saved on both sides.

DELIVERY METHODS

When more tunnels are located than can be destroyed quickly, CS is used to deny use of the complex until supporting engineer troops can be brought up to destroy it efficiently. Often, smoke is forced into the tunnel to locate all exists. After an airing, the complex is inspected for intelligence information. Then CS powder is blown into the tunnel.

CS also can be forced in by connecting bags of the powder to an explosive charge, which renders the tunnel uninhabitable for at least a week and a waterproofed CS gives promise of extending this to several weeks. In routing the dug-in enemy, infantrymen usually lob in a CS grenade, then toss in a fragmentation grenade after the first one has exploded. This dispenses a cloud of CS into the tunnel.

CS has proved extremely effective when delivered by helicopter onto a suspected enemy area. VC scamper out, even from well camouflaged locations, gasping and seeking fresh air. As a result, U.S. forces often are able to move into large areas totally unopposed.

Dispensing the powder by helicopter effectively clears a village quickly. Inhabitants running for fresh air don't have time to hide weapons and munitions. Reports from Vietnam credit the agent with saving lives in reconnoitering villages—and it also works very well in discouraging sniper fire.

Usually psywar leaflets and loudspeakers are used to warn villagers that CS will be used if sniping persists. In one case, sniping stopped in the entire surrounding area as well as in the village under surveillance.

In one major operation the 1st Cavalry Division used CS to flush VC from fortifications, suppress automatic weapon fire and put down preparatory fires on an objective area and a whole village. Eighty VC suspects were taken with virtually no resistance.

TACTICAL USE

As part of their field tactics, the VC often move in close to U.S. troops in order to escape air and artillery attack. The tear agent is coming into wide use lately to force them to break contact.

In one operation, helicopters dropped CS grenades to blanket a small patch of jungle believed to be a fortified VC headquarters. After the area was blanketed with CS, airmobile troops with protective masks were set down by helicopter and took over the area with almost no resistance.

Another use of the agent is in perimeter defense of fixed installations. CS booby traps are placed around the area, to be exploded by unwary VC trying to penetrate the defense. Sometimes an even simpler method is used—powdered CS is simply sprayed on foliage along trails.

Coughing, gasping enemy infiltrators are located easily as they seek to retreat.

Patrols operating some distance from friendly lines spray CS behind them to prevent ambush patrols from following them down a trail. In one reported instance, a CS grenade tossed down the path gave the patrol time to set up a counter ambush.

In still another application in Vietnam, CS is disseminated preceding attack on strongly fortified positions. Entrenched areas that had successfully resisted both aerial and artillery fire have been reduced in an hour or two by combining the use of CS with maneuver and firepower.

BEER CANS AND BASEBALLS

Several methods are used to disseminate the tear agent. One type of grenade bursts. Another burns. The burning grenade (M7) resembles the ordinary 12-ounce beer can. It weighs about a pound, is armed with a quick burning fuse—one to two seconds—and the contents burn for up to 35 seconds. An alternative fuse is available to give it an 8 to 10 second delay. The grenade can be fired from a grenade launcher-equipped rifle, or from a grenade projector.

The baseball-size grenade (M25) is three inches in diameter, bursts within two to three seconds after the pin is pulled. It weighs about eight ounces. Its short fuse discourages the enemy from tossing it back. That same short fuse means that a grenadier can toss it high to explode in midair over a suspect area.

The Army also has dispersers designed to spray a finely-powdered form on a target larger than can be covered by several grenades. One can be man-carried, while another type is designed for mounting on vehicles or aircraft for large area coverage. Additional types of dispersers and munitions, including cluster munitions for delivery from helicopters, have been developed.

HERBICIDES SERVE TOO

Along with the use of the tear agent against the enemy in Vietnam, some chemicals currently in wide use on farms or lawns in the United States are being taken to war. These herbicides or common weed killers are the same chemical compounds that are on sale in this country at your corner grocer, hardware or agricultural support house.

Dense jungle, which is home to the Viet Cong, provides the enemy with effective ambush cover. Wooded areas along trails, roads, railroads, canals and power-lines have been a happy hunting ground for VC units until U.S. Air Force transport planes began to spread their loads of defoliating chemicals. The planes have been flying at such low levels that many are pock-marked with red-metal patches—signs of bullets through wings and bodies.

Defoliants assist our forces in gathering intelligence by permitting a view below the jungle canopy for analysis of trail activity, storage site locations, and targeting. Removal of overhanding foilage exposes the ground area to intensive photographic surveillance and direct fire.

It is obvious, of course, that neither the riot control agents nor the herbicides alone can be expected to win a war. But as an added silent weapon in the Army's arsenal, they are helping to win battles, and to achieve military objectives.

RESOLUTION BY GOVERNORS COMMENDING PRESIDENT NIXON

HON. GLENARD P. LIPSCOMB

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 1969

Mr. LIPSCOMB. Mr. Speaker, under leave to extend my remarks I submit for inclusion in the RECORD a resolution commending President Nixon which was unanimously adopted at the recent National Governors' Conference.

The resolution, proposed by Governor Reagan of California, praises President Nixon for his recognition of the vital role of State and local government in providing public service to our Nation's citizens and urges continuation of this spirit of cooperation throughout the Federal Government. It expresses the resolve of the Governors to work to help assure the highest degree of intergovernmental cooperation.

Strengthening cooperation between the Federal, State, and local governments is important to preserving freedom and good government in our great Nation and I am sure the resolution approved at the Governors' Conference will be of interest to the Congress and the public. The text follows:

Whereas President Richard M. Nixon has from the start of his Administration recognized the vital role of state and local government in providing responsive and effective public service to the citizens of our nation; and

Whereas the President has specifically designated a former governor, Vice President Spiro T. Agnew, to provide top level leadership in maintaining liaison between state and Federal government; and

Whereas the Office of Intergovernmental Relations has been established under the direction of former governor Nils Boe to facilitate communication and cooperation between all units of government at all levels; and

Whereas the President has directed every element of the Federal government to work closely with state and local governments to improve coordination and to develop the best possible cooperative relationships to effectively serve all the people and to solve the many problems facing public officials throughout the nation; and

Whereas the confidence of the President in the leaders of state and local government has been reflected in the appointments to the Cabinet and to other high positions throughout the Executive Branch of the Federal government:

Now, therefore, be it Resolved that the National Governors' Conference expresses its

appreciation to the President and the Vice President for their recognition of the appropriate role of state and local governments in the total spectrum of public service; urges the continuation and expansion of this spirit of cooperation and effective communication throughout all elements of the Federal government; and expresses the commitment of the assembled governors to work closely with our national leaders to assure the highest degree of intergovernmental cooperation in solving the many and complex problems facing the people of our nation; and

Be it further Resolved that the National Governors' Conference wishes to express its deep appreciation to the President and the Vice President of the United States for their assistance and cooperation in making this a memorable meeting of the Conference. We also wish to express our special thanks to Members of the Cabinet and the Congress for their active participation in our activities and deliberations.

WASHINGTON REPORT

HON. GLENN CUNNINGHAM

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 1969

Mr. CUNNINGHAM. Mr. Speaker, I periodically make a report to the people of the Second Congressional District of Nebraska, whom I have the honor to represent in the U.S. House of Representatives.

This will be my first report for the 91st Congress:

WASHINGTON REPORT: CONGRESSMAN GLENN CUNNINGHAM, SECOND DISTRICT, NEBRASKA

DEAR FRIENDS: The new Administration has not made dramatic changes as yet. It is being very careful and cautious. It does not envision spectacular headline grabbing like that put on by other Presidents when first elected, which more or less proved only that they wished to get into the headlines.

President Nixon, because of his studious and cautious approach, has been exceptionally well received by the newspapers, TV and radio reporters and columnists because he has done just the opposite of some previous Presidents.

A very intelligent man, President Nixon has given top priority to what he and the responsible authorities he has appointed to top positions believe to be the most pressing problem at this time—*foreign relations.*

I agree with the President's actions in his first few weeks in office, because so much of our nation's budget is tied up in national defense (which now accounts for 41 percent of the total national budget with another 13 percent devoted to Vietnam). Our foreign affairs which are now in a mess have to be put in order to end the war, restore trust with our allies, and reduce defense spending, so that we may then tackle the multitude of problems on the home front with the money available and bring about a reduction in taxes.

Mr. Johnson put his main emphasis on domestic issues when he became President. Of course, these rate high priority, but by so doing, Mr. Johnson found his foreign affairs policies had gotten out of hand. Urgent domestic problems were then neglected and confused becaused he could not follow through on them due to the deteriorating international problems.

You know what happened!

There was escalation in Vietnam and this focused the President's attention on where it should have been in the first place. *This resulted in failure to follow through, perfect and make workable* the multitude of domestic programs which the previous Administration initiated. That is the reason domestic programs were so ill-prepared and so poorly administered.

THE PUEBLO AFFAIR

I have spoken out many times regarding the handling of the Pueblo affair. You can be certain I will not rest as long as there is any chance that the ship's captain and crew may not receive fair treatment. I have received hundreds of letters from Nebraskans and others who feel the present proceedings have the appearance of an attempt to let Commander Lloyd Bucher and his men take the rap for higher officials who sent him out on a mission with an ill-equipped vessel and without proper contingency planning.

We in Nebraska claim Commander Bucher as our own—one who has overcome many obstacles to gain command in the United States Navy.

In addition to Commander Bucher, an orphan who was raised and schooled at Boys Town and graduated from the University of Nebraska, there was another Nebraskan aboard the Pueblo—Charles Sterling, son of Mr. and Mrs. James Sterling of Omaha.

I was astounded to learn, as the testimony unfolded at Coronado, California, that no American forces—either ships or planes—were available to aid the Pueblo when it was hijacked in international waters off North Korea on January 23, 1968. This is but one of the many areas where those responsible failed Commander Bucher and his men. Neither I nor the House Armed Services Committee intend to stand idly by and let these outstanding Americans become the goats for others.

THE 91ST CONGRESS

The opening days of the 91st Congress and President Nixon's Inauguration are now history. It was, as it always is, a thrill for me to be sworn in a seventh time as your Representative in Congress. Members of my family were in attendance, and my wife Janis and the youngsters also attended the Inauguration on January 20th.

Effective representative government requires a continuing two-way communication between a Congressman and the people who elected him.

It is for this reason that I will again use these periodic reports from Washington to keep the people of Nebraska's 2d Congressional District—Burt, Cass, Sarpy, Douglas and Washington Counties—informed about Congressional activities and other national and international problems and developments. *I give this to you straight, as I see it,* and I try to keep you from being misled by reporters, columnists and those who deliberately try to confuse you.

If you have any reason to write me in Washington, just address your card or letter to: Congressman Glenn Cunningham, House of Representatives, Washington, D.C. 20515.

As you well know, I also maintain a full time office in Omaha, located in the New Federal Building, Room 3412, 215 North 17th Street. The phone number is 221-4631.

MY LEGISLATIVE RECOMMENDATIONS TO THE CONGRESS

I am continuing my fight to rid the mails of smut—the material that poisons the minds of the young (and some not so young). I have introduced another anti-obscenity bill (H.R. 6200) which would eliminate second, third and fourth class rates for those who send pornographic material through the mails. (You know of my successful effort of last Congress in gaining passage of legislation which provides a means of having your name removed from the mailing lists of smut peddlers soliciting you to purchase.)

The American people are not obligated to support with their hard-earned tax dollars subsidized mail rates for items of an obscene nature sent through the mail. *Mail permits are a privilege, not a right.* If the conditions of the permits are not fulfilled, the permit should be withdrawn.

Among other bills I have sponsored in this session of the Congress are the following:

H.R. 7170.—increases to $3,000 the amount Social Security recipients can earn without penalty.

H.R. 50.—raises the personal tax exemption for a taxpayer and his dependents from $600 to $1,200.

H.R. 162.—calls for seat belts on interstate buses.

I am continually working on other legislation which will be introduced as the session progresses.

Sincerely,

GLENN CUNNINGHAM.

AN APPROPRIATE RESPONSE IN VIETNAM

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 1969

Mr. BINGHAM. Mr. Speaker, when President Nixon last week warned North Vietnam that continuation of its current offensive in the South would bring an "appropriate response," he carefully left undefined the form that response would take.

As he considers the question, I hope that President Nixon will bear in mind what he himself said in a campaign statement last August:

> This new kind of war is not primarily a military struggle in the conventional sense. It is primarily a political struggle.

As such, it requires a political solution, a solution which can be attained only through recognition by both sides that the only hope for avoiding further death and destruction lies in a renewed commitment to the negotiating process now so frustratingly stalled in Paris.

Mr. Speaker, both the Washington Post and the New York Times yesterday spoke out editorially against any fresh resort to a stepped-up military effort in Vietnam. Both these great newspapers echoed Ambassador Harriman's judgment that the North Vietnamese-Vietcong offensive is "essentially a response to our actions." Both urged patience on the military front and new efforts in Paris as the only course which can lead to eventual settlement. And, just to make the case even clearer, the Washington Post also carried a thoughtful news analysis by George C. Wilson, who pointed out that the military options available to the President at this time are all relatively unpalatable and concluded:

> A diplomatic appropriate response would thus seem to be more tempting than a military one at this moment.

For the benefit of my colleagues who may have missed these three items, their texts are as follows:

[From the New York Times, Mar. 9, 1969]

THE PRESIDENT'S VIETNAM TEST

The challenge confronting President Nixon in the current Vietcong offensive is to resist the Lyndon Johnson tendency to react, in the words of one high official of the old Ad-

ministration, "as if his manhood were at stake."

The sudden doubling of American casualties in South Vietnam is a bitter new indication of the high price of this dismal war, one that makes clearer than ever the necessity for ending it with maximum speed. That endeavor will not be aided by another rash of self-defeating responses dictated by frustration and anger.

In his foreign policy news conference last week, President Nixon confirmed that the Communist attacks in South Vietnam have been "primarily directed toward military targets." Only "technically," in his phrase, do they contravene the American warning that attacks against major cities would make it impossible to maintain the bombing halt.

Several factors need consideration before an Administration decision on what to do about the present attacks. The first is that experience at all stages of the war indicate that Communist offensives soon run out of supplies and that their duration is not significantly affected by bombing North Vietnam.

Before President Johnson ordered the halt last Nov. 1, it had become abundantly clear that attempts at aerial interdiction of supply routes through North Vietnam were incapable of stopping the tortuous flow of arms and equipment into the South. Nor has the punishment and economic damage inflicted on the North ever visibly shaken Hanoi's will to fight.

The most predictable effect of precipitate resumption of the bombing would be to alienate world opinion again and hamper negotiations on Vietnam and other critical issues with the Russians. It certainly would halt the Paris talks, prolong the war and escalate the fighting, thus increasing instead of reducing the ultimate cost in American casualties.

Moreover, as former Ambassador Harriman last week told James A. Wechsler of The New York Post, the present Vietcong offensive is "essentially a response to our actions rather than a deliberate, reckless attempt to dictate the peace terms or torpedo the talks." General Abrams after the Nov. 1 bombing halt was instructed by Washington to maintain "all-out pressure on the enemy" in South Vietnam.

Pentagon figures show that from November to January the number of allied battalion-sized operations increased more than one-third, from 800 to 1,077. Of these 919 were South Vietnamese, 84 American and 74 combined. Meanwhile, the North Vietnamese pulled all but three of their 25 regiments in the northern sections of South Vietnam back across the borders. This freed more than a full division of American troops to join in maximum military pressure further south as a means of maintaining morale there and encouraging Saigon to get into the Paris talks.

American spokesmen had heralded successes on the battlefield and in renewed pacification efforts as improving both the allied bargaining position in Paris and the Saigon Government's chances for surviving a peace settlement. There have even been repeated claims that an allied military victory was ripe for the taking.

The United States simply cannot have it both ways. It cannot demand the right to press the fighting with increased vigor itself while charging doublecross whenever the Communists do the same. The sad fact is that the Paris talks have been left on dead center while Ambassador Lodge awaits a White House go ahead for making new peace proposals or for engaging in private talks out of which the only real progress is likely to come. Everything has been stalled while the Nixon Administration completes its military and diplomatic review.

Now that the Communists have responded with a new military offensive in South Vietnam, the United States will simply have to grit its teeth and see the battle through. Hanoi as well as Washington and Saigon must once again learn the hard way that military victory is an impossibility for both sides, that the sole real hope lies in ending the drift in the peace talks. Anything either side does to retard progress there simply condemns more life and treasure to destruction in the bottomless pit that is the Vietnam war.

[From the Washington (D.C.) Post, Mar. 9, 1969]

THE OFFENSIVE

There ought to be no mistaking the seriousness of the latest Communist offensive in South Vietnam. In the week ending last Thursday, 453 Americans and 522 Vietnamese soldiers were killed; more than 2000 Americans were wounded. The shelling of Saigon on Thursday took the lives of 25 civilians, many of them women and children; there was an attempt on the life of Premier Tran Van Huong that failed, and one on the life of a Saigon University dean that succeeded. The offensive, according to the best estimates, is not equal to the one the Communists mounted a year ago; but because the targets are mostly military installations, the enemy has "managed to kill significantly more American soldiers this year while losing half the men he lost last year," to quote a briefing officer in Saigon.

These are the events the President said "will not be tolerated" without "some kind" of "appropriate" response. Secretary Laird, in Saigon yesterday, echoed the phrase as did Vice President Ky (whose departure from Paris is probably as much a personal desire to leave the fenced-in fishbowl of the Bois de Boulogne as any diplomatic ploy). Ambassador Lodge, in a statement vague even by his standards, declared to Hanoi and the National Liberation Front: "The consequences of these attacks are your responsibility."

There is not much doubt that the attacks constitute a violation of the curious "understanding" which produced the bombing halt and the expanded talks in Paris. Further, it should be noted that the "understanding" is just that, and no more; it is not an agreement. American negotiators asked the North Vietnamese if they "understood" that if we halted the bombing, there could not be gross violations of the DMZ or shelling of South Vietnam's major cities. The details were left deliberately imprecise, and in due course the Soviet Union—requested by the United States to act as an intermediary—reported that Hanoi "understood what we were saying," in the words of a Johnson Administration official closely involved in the October discussions. They did not necessarily agree to abide by the American interpretation; but they "understood" it.

It ought to be noted that there were no other agreements: the war would proceed as it had before, with the full paraphernalia of B-52 strikes, search-and-destroy missions and harassment and interdiction artillery fire on our side; shellings and ground attacks on military installations, ambushes and political assassinations on theirs. The offensive war would continue, with both sides using the means available to them. The killing would not stop.

It is a measure of the madness now upon us that somehow there is a political distinction between a dead American in a command post at Dakto and a dead South Vietnamese child in a market place in Saigon. There may well be a distinction in morals, but there is none in warfare; in warfare there is killing, and all manner of innocent people die. Hanoi has embarked on its latest offensive probably with the intention of serving notice on the Nixon Administration that it is not supine, still less defeated. Hanoi probably wishes to demonstrate that her cadres in the South remain resourceful, energetic—and everywhere. If the United States wishes to proceed with the talks Hanoi is saying, it must recognize the Communists as equals. Or at least that is as rational an explanation as any.

"Deadlock" properly describes the situation at the Hotel Majestic, and deadlock it will probably remain until both sides recognize that in a political war there can be none other than a political solution. Meantime, there is the problem of what can be the "appropriate" response to the Communist offensive. Is the understanding that led to the bombing halt and the expanded talks being violated in a serious way—that is, in a deliberate pattern damaging enough to cause us to abandon the talks, and embark on a new round of escalation, the resumption of the policy that proved futile in the past? On the evidence so far, our judgment would be no.

[From the Washington (D.C.) Post, Mar. 9, 1969]

VIETNAM OPTIONS ARE LIMITED—NO APPROPRIATE RESPONSE IN SIGHT FOR NIXON

(By George C. Wilson)

President Nixon, in looking for an "appropriate response" to the enemy's offensive in South Vietnam, has few appealing military options right now.

His recognition of the practical limits may be behind the sudden revision and extension of remarks by Defense Secretary Melvin R. Laird.

Mr. Nixon on Tuesday said that enemy attacks on South Vietnam's cities "technically" could be a violation of the U.S. understanding with Hanoi which led to the bombing halt.

But when Laird landed in Saigon on his first inspection visit Thursday he called "indiscriminate assaults" against civilians "an ominous violation" of the understanding.

The very next day, reporters in Saigon were called in and heard a revision of those remarks. A high U.S. official—who would not let his name be used—went back to the narrower interpretation that the understanding barred attacks on major cities like Saigon, Danang and Hue.

The same official was quoted as saying: "On the basis of what has happened so far, I would question whether we would be able" to resume bombing North Vietnam—although he did not rule this out for the future.

There is, of course, military support for resumption of the bombing. But such options being discussed at the Pentagon and elsewhere must be looked at in the light of political and military realities:

Resumption of bombing—Some military leaders see selective bombing as an "appropriate response." The idea is to pick out a military target in North Vietnam, smash it with a small number of planes and make clear the raid was in retaliation for a specific enemy act.

Civilian opponents contend this scheme would return the United States to the tit-for-tat strategy. Begun in 1964 with a bombing strike against North Vietnamese torpedo boat bases in retaliation for their runs against American destroyers in the Gulf of Tonkin. The tit-for-tat kept going up the ladder of escalation, resulting in the present commitment of 541,500 American troops to South Vietnam.

In a larger sense, going back to bombing of the North would appear to be a return to the quest for a military solution in Vietnam—rather than the political one sought in Paris. The same goes for shelling the North from American warships.

Nixon, as a Presidential candidate, said on Aug. 1 that "this new kind of war is not primarily a military struggle in the conventional sense. It is primarily a political struggle . . ."

Unleashing South Vietnam—This option, publicly advocated by South Vietnamese Vice President Nguyen Cao Ky, is to let the South

Vietnamese Air Force bomb the North if the Americans will not.

One look at the airplanes available to South Vietnamese pilots shows how unsound this idea really is. The South Vietnamese have about 30 F-5 jets and 100 A-1 propeller driven Skyraiders available for such bombing missions.

Once loaded with bombs, however, these planes would have too short a range to make any meaningful raid against the North. The loaded F-5 would have a combat radius of only about 300 to 400 miles, the A-1 slightly more. And the South Vietnamese have not been trained in refueling their aircraft in flight—essential for long-range operations.

An Israeli-type commando raid against the North by South Vietnamese troopers has been discussed as an "appropriate response." But the record of past covert attempts in this direction is not encouraging. And American support of such a raid would still amount to resuming the attacks on the North.

U.S. counter-thrust—This option would amount to stepping up the American military campaign in South Vietnam in response to the enemy's own offensive. A series of battalion operations could be announced as one big offensive.

Of course the American troop ceiling for South Vietnam could be lifted for a stepped up campaign. But Nixon, pledged to end the war, hardly would find that option appealing.

Attacking sanctuaries—Enemy sanctuaries in Laos and Cambodia could be attacked. But bombing of Laos increased when planes were released from bombing the North. And past proposals for sending troops into either country for quick thrusts have been rejected. New possibilities are thus distinctly limited.

Sweeping the DMZ—Sweeping both the southern and northern portions would clearly violate the announced U.S. interpretation of the understanding. The six-mile no-man's land between North and South Vietnam, Johnson Administration officials made clear, was to be demilitarized in fact as well as in name. Each side, however, has charged the other with violations there.

All this does not mean President Nixon has no military options at all; only that there is no easy choice for the new President. A diplomatic "appropriate response" would thus seem to be more tempting than a military one at this moment.

ESTONIAN INDEPENDENCE DAY

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 1969

Mr. VANIK. Mr. Speaker, I join my colleagues in the House of Representatives in celebrating the 51st anniversary of the Estonian Declaration of Independence. Although Estonia is one of the smaller Baltic States, comprising 18,000 square miles, it established one of the strongest Baltic governments after declaring independence. Proof of the ability of a free and inspired people to successfully govern themselves came in 1924 when the Republic of Estonia successfully put down an abortive coup d'etat.

Learning and culture flourished in the climate of individual freedom during the years of the republic. Even though the free people of Estonia displayed strength and spirit far in excess of their size, the Estonian Republic was ended by the world tragedy of 1939.

Since that time, the Estonian American people have continued to demonstrate the advantages of liberty through their contributions to American culture and society. Their inspiration and accomplishment are continuing proof of the superiority of democratic government.

ABM FALSE SECURITY

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 1969

Mr. DORN. Mr. Speaker, today I sent the following wire to President Richard M. Nixon:

THE PRESIDENT,
The White House,
Washington, D.C.:

Respectfully urge rejection of ABM system as inadequate defense and outdated. Such defense psychology would provide false security and become America's Maginot Line. It would cost many billions, add to inflation and provide no real security. U.S. space flight renders ABM obsolete. Offensive power and control of space is America's best defense.

WM. JENNINGS BRYAN DORN,
Member of Congress
from South Carolina.

Mr. Speaker, in 1967 I placed the following statements and articles in the CONGRESSIONAL RECORD. I believe these articles are even more timely today, and I commend them to the attention of my colleagues:

ABM OBSOLETE?

(Extension of remarks of Hon. WM. JENNINGS BRYAN DORN, of South Carolina, in the House of Representatives, Monday, October 16, 1967)

Mr. DORN. Mr. Speaker, British Defense Secretary Denis Healey several days ago referred to the proposed ABM defense system around the United States as obsolete.

The following story about the Secretary's reference to the ABM system appeared in the Washington Post on Tuesday, October 3:

"ABM OBSOLETE, BRITISH DEFENSE CHIEF SUGGESTS

"SCARBOROUGH, ENGLAND.—Defense Secretary Denis Healey said last night that the projected U.S. antiballistic missile system could prove obsolete even before it is deployed against a possible Red Chinese attack.

"Healey said there is no evidence that any ABM system now conceived could produce meaningful defense against a major nuclear attack.

"He said the system being planned by the United States could provide only 'marginal and temporary' protection and, further, that it poses the danger of an accelerated arms race between East and West.

"McNamara, in announcing the $5 billion ABM defense, said it was intended as an answer to the intercontinental ballistic missile system China is expected to have in the early 1970s.

"Healey spoke to a meeting of the Fabian Society after the opening of the Labor Party convention here."

ABM SYSTEM SEEN OUTDATED

Mr. DORN. Mr. Speaker, Gen. Billy Mitchell was right. I keep his picture in my office in the Rayburn Building as a constant reminder that our leaders were wrong—military and political leaders.

If the Western World leaders and the Congress had listened to Billy Mitchell there would have been no Pearl Harbor and, I believe, no World War II with 25 million dead.

I greatly fear that a thin ABM system around the United States will lull us into a feeling of false security.

I believe we could provide more security for our people by spending these vast billions on a future offense system and thus prevent world war III altogether.

The following article appeared in the Columbia State on October 9:

"ABM SYSTEM SEEN OUTDATED

"NEW YORK.—Pressure from Congress and the joint chiefs of staff for a heavy antiballistic-missile (ABM) system oriented to defense against Soviet attack reflects an old military weakness: preparing to fight the previous war.

"Technology has overtaken the ABM. The United States already has developed an effective antidote to it—sophisticated multiple warheads for the new offensive missiles, Minuteman II and Poseidon, which are to be ready in the early 1970's. Official estimates indicate that the Soviet Union can do the same in five to seven years.

"Whatever the case for a 'light' ABM defense against primitive Chinese missiles, arguments for either superpower to build a $40 billion missile defense to protect its cities against the other are now as outdated as the Billy Mitchell bomber-vs-battleship controversy.

"A hitherto-secret four-letter acronym, MIRV—multiple independent re-entry vehicles, and the key word is 'independent'—describes an advance in nuclear weaponry that will enable the offense to penetrate any defense now foreseeable.

" 'Both our missile defense system and (Russia's) were designed before MIRV's came along as a serious possibility,' Secretary McNamara has acknowledged.

"One MIRV missile will be able to carry ten or more hydrogen warheads that can separate in flight, change trajectory several times and fly independently to ten or more pre-selected targets. Equipped with MIRV, America's 1,700 strategic missiles could carry 17,000 or more separately targetable warheads, dwarfing the widely discussed Soviet increase this past year from 300 to about 450 single-warhead intercontinental ballistic missiles (ICBM's).

"Early in the ABM debate, Secretary McNamara predicted that the Soviet Union and the U.S. each would respond to the other's ABM installations by improving the offensive capabilities. 'All we would accomplish,' the defense secretary said, 'would be to increase greatly both their defense expenditures and ours without any gain in real security to either side.' "

NEW CRIME STATISTICS

HON. PAUL G. ROGERS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 1969

Mr. ROGERS of Florida. Mr. Speaker, FBI statistics on crime during 1968 were released today, and the picture is a grim one. Nationally, crime was up 17 percent over the previous year. In the Northeastern part of the country, it was up a staggering 21 percent.

Of particular concern, armed robbery offenses increased a sharp 34 percent. And aggravated assaults involving firearms reflected a 24-percent increase.

Crime is not just a big city problem, the new statistics show. Crime increased 16 percent in cities of over 1 million resi-

dents, but was up 19 percent in cities of only 25,000 to 50,000 people. And in suburban areas, an increase of 18 percent was recorded.

The FBI also stated that the police were successful in clearing only 20 percent of the crimes reported, a decline of 9 percent from the clearing rate for the previous year.

And during 1968, police arrests for all criminal acts rose only 4 percent, compared to the 17-percent overall rise in crime.

Crime is clearly a nationwide problem rquiring action at every level of government from the Federal level down to the States, counties, cities, and towns. These new FBI statistics serve to point up the dimensions of the crime crisis. Every State should review its own laws and enforcement procedures, and especially its courts. Congressional committees should immediately do the same.

DEPARTMENT DENIES HOOVER RETIREMENT

HON. CARLETON J. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 1969

Mr. KING. Mr. Speaker, many Americans heaved a sigh of relief when it became known officially that J. Edgar Hoover does not plan to retire as Director of the Federal Bureau of Investigation. Mr. Hoover has a tremendous record, one which many of us feel will never be equaled again in our history. We all wish him continued good health, for while he is on the job we feel we can rest at night. The Copley News Service printed the dential, which I am pleased to quote:

PLANS TO CONTINUE: DEPARTMENT DENIES HOOVER RETIREMENT

WASHINGON.—The Justice Department Wednesday flatly denied reports that J. Edgar Hoover plans to retire next Jan. 1 as director of the Federal Bureau of Investigation.

The report has been published in various newspapers and syndicated columns in the past week.

"There is absolutely no truth to it," said a spokesman for Atty. Gen. John Mitchell.

"There is no understanding between Mr. Hoover and the attorney general concerning any resignation or retirement. Mr. Hoover has not indicated any such plans to the President or the attorney general.

"President Nixon asked Mr. Hoover to continue in his position as director and he agreed. That is the simple situation."

One published report, it was disclosed, was traced to "a cocktail party conversation." The man who wrote it did not check with the Justice Department, officials said.

Speculation about Hr. Hoover's future has flared from time to time for several years in Washington.

The director is 74 years old. He will be 75 next Jan. 1. He entered the Justice Department in 1917, became special assistant to the attorney general in 1919 and was appointed assistant director of the old Bureau of Investigation in 1921. He became director of the bureau in 1924 and began building the FBI.

Associates describe Hoover's health as "excellent."

"I have a hard time keeping up with him," confessed one aide many years his junior.

WHAT NEXT FOR COMMANDER BUCHER?

HON. GLENN CUNNINGHAM

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 1969

Mr. CUNNINGHAM. Mr. Speaker, today, Comdr. Lloyd M. Bucher is scheduled to testify for the last time before the Naval Court of Inquiry in Coronado, Calif.

But last week the man who commanded the *Pueblo* was in a different atmosphere. The orphan who overcame many obstacles to gain that command was enjoying two of the things he loves most—his family and the sea.

Washington Post staff writer, George C. Wilson, recorded this poignant return to the sea of the the man whom we in Nebraska are especially proud. He is one of ours—a graduate of Boys Town and the University of Nebraska.

Mr. Speaker, I commend to my colleagues Mr. Wilson's account which appeared on page 1 of that paper's Sunday, March 9, edition, as well as the Parade magazine story, "What Next for Commander Bucher?" of the same date:

[From the Washington (D.C.) Post, Mar. 9, 1969]

BUCHER RETURNS TO THE SEA

(By George C. Wilson)

"I'm about ready to go to sea again," Cmdr. Lloyd M. Bucher of the Pueblo said as he felt the sloop rising with the swells from the open sea.

Point Loma—holding the Pacific back from San Diego Bay—was dead ahead. Once past the point, Bucher would be free again—free of the oppressive atmosphere in that tiny hearing room in Coronado, Calif., where five admirals are trying to decide what to do about this skipper who gave up the ship.

But on this day, the courtroom was well astern of the graceful Kahala, a 29-foot sloop chartered for the day. And "Pete" Bucher was feeling a helm for the first time since Jan. 23, 1968, when his ship was captured by North Koreans off Wonsan.

It felt good. His wife, Rose, said she could tell. "Pete wants to go to sea again," she said even before the commander himself announced it from the bow. And Rose—though separated from her husband for 11 harrowing months while he was imprisoned in North Korea—did not try to fight it.

She was enjoying the sail, taking the tiller herself occasionally and grateful the whole family was together at last.

The Buchers' sons—Michael, 16, and Mark, 14—were aboard, accompanied by a friend. They worked the jib sheets and tried the tiller when their skipper-father relinquished it.

Bucher's eyes roved the shoreline. He spotted the unmistakable shape of the type of vessel he still loves most—a submarine. He headed the Kahala right for the base where the sub was tied up.

He got close enough to read the numbers. And there beside the sub he had first spotted lay the Ronquil, a submarine he knew inside and out. He had served as her executive officer before getting command of the Pueblo.

Easing the sloop alongside the nearest sub, Bucher asked permission to tie up. The sub's executive officer came on deck and welcomed the fellow submariner and his family aboard.

"Welcome home, captain," said a sailor standing atop the long black hull of the sub. An officer told Bucher: "I plastered my car with Remember the Pueblo stickers."

Bucher and his family retired to the Ballast Tank—a club near Point Loma which submariners built. He met a few old friends there and relived the days before the Pueblo.

Then it was back to the sloop and back to Coronado. On Monday he is scheduled to testify for the last time before the Naval Court of Inquiry there. Then maybe—a big maybe—it will be back to sea.

WHAT NEXT FOR COMMANDER BUCHER?

(By Lloyd Shearer)

CORONADO, CALIF.—Last month, the U.S. Navy's court of inquiry, investigating the North Korean capture of our spy ship Pueblo—the Navy prefers to call it an Auxiliary Oceanographic Environmental Research Craft—got into gear.

It is the most publicized hearing of its type in the 194 years of American Naval history, which began in 1775 when George Washington ordered officers and men from his Army to man five schooners and a sloop to prey on inbound English supply vessels.

The Pueblo court of inquiry was covered by every major radio and television network in this country, plus 68 journalists representing the domestic and foreign press.

One result of this intensive press coverage and almost daily TV exposure is that Comdr. Lloyd "Pete" Bucher, skipper of the Pueblo, is today, in the eyes of the public, the best-known and most identifiable man in the U.S. Navy.

If you doubt that statement, stop any ten pedestrians or as many as you like, ask them if they can identify two prominent Navy officers, one named Moorer, the other named Bucher.

Adm. Thomas Moorer, Chief of Naval Operations and a member of the Joint Chiefs of Staff, is the Navy's highest ranking officer. But publicity-wise, he is understandably enough, no match for Pete Bucher.

FLOOD OF LETTERS

Like it or not, and he doesn't particularly, Bucher at 41 but looking 55, has become a public idol. Circumstances have launched him into a celebrity orbit where he is trying to maintain a "standard" bearing—standard is one of his favorite adjectives—in what is for him a strange environment of congratulatory telegrams, supportive letters, and admiring phone calls, all numbering in the hundreds.

He is also, via his civilian attorney Miles Harvey, the recipient of many lucrative offers for books, articles, TV, radio and club appearances, none of which he can presently accept without Navy clearance.

His wife, Rose, has already received $27,500 from *McCall's* magazine for an article, largely ghost-written, describing her wifely and frustrating efforts to free the Pueblo and its crew. While Bucher, if he resigns from the Navy, can easily, in the opinion of one top Hollywood agent, "earn a million bucks or more from the film rights to his life story."

"Bucher's biography," claims agent Red Hirschorn, "has all the ingredients for a great motion picture: adventure, humor, tragedy, love, danger, and, best of all, a happy ending.

"What I would like to see him do is to play the leading film role himself. I'm sure he can do it. He's intelligent, articulate, photogenic. As an actor, he could lend authority to the part. Even more important, we could probably get him a percentage of the profits, which I feel would be more than sizable. If lucky, he might earn as much as $2 million."

Pete Bucher has 18 years of Navy service to his retirement credit. He can retire at the end of 20 or 30 years. The choice is his. If he retires at the end of 20 years, he draws 50 percent of his salary or about $503 a month. If he retires at the end of 30 years, he draws two-thirds of his commander's salary.

There is little doubt that Bucher can probably earn more money outside the Navy than inside. But if there was a man who lived

the service with unflagging dedication it's Pete Bucher. Friends say it would take more than money for Bucher to resign his commission. "A bum rap," says an old shipmate, "a serious reprimand by higher authority might do it. Otherwise, I'm sure Pete will pull his 20 or 30 years."

Bucher has described the Navy as "my whole life," and has reportedly requested a submarine command. But he probably will have a lengthy wait before he learns of his next assignment.

The court of inquiry, studying thousands of pages of transcript, will first send its findings and recommendations unannounced to Adm. John J. Hyland, Commander in Chief of the U.S. Navy in the Pacific, who originally ordered the court to convene.

Admiral Hyland's review and recommendations will then be bucked along to Admiral Moorer in Washington. Moorer in turn will pass his recommendation to Secretary of the Navy John Chaffee.

That ends the Navy's immediate chain of command. But Secretary of Defense Melvin Laird will probably take a good, hard, close look at the findings and then pass them along to President Nixon, who has declared publicly that he will review the entire Pueblo affair, not only on the basis of innocence or guilt of Bucher but on the basis of preventing any other such ship loss.

In addition, the Pueblo skipper will have to testify before the Senate Armed Forces Committee, and will probably submit to further questioning by Deputy Defense Secretary David Packard, also charged with investigating the *cause celebre*.

"I LOVE, ROSE"

In fact, Bucher is likely to spend most of this year responding on a number of occasions to the same questions put to him by Capt. William Newsome and the five scrupulously fair admirals who conducted the court of inquiry. He answered these questions in detail—honestly, forthrightly, factually, with a minimum of melodrama until that memorable, emotion-charged Thursday morning when his brown eyes welled up with tears and a lump formed in his throat. It was the morning during which he told the court in cracked voice of how, when he thought the North Koreans were about to blow out his brains, "I repeated over and over again a phrase, 'I love you, Rose.' I thought this would keep my mind off what was going to happen."

The two questions the public as well as Bucher are most interested in at this point are (1) will he be court-martialed for having violated Navy regulations, Article 0730? It states: "The commanding officer shall not permit his command to be searched by any person representing a foreign state nor permit any of the personnel under his command to be removed from the command by such person, so long as he has the power to resist." (2) Will he be given command of another U.S. Navy ship?

During the course of the Pueblo court of inquiry, I polled four separate groups on these two questions. They consisted of 38 journalists covering the hearing, 18 retired Navy officers, 30 enlisted Navy men on the amphibious command base, and 12 Navy wives.

These groups agreed almost unanimously, for a variety of reasons, that Comdr. Lloyd Bucher would never again command a Navy ship. And of the 98 persons questioned, only 11 thought that the admirals of the court of inquiry would recommend a court-martial for the Pueblo commander.

Most thought he would be exiled to a safe, non-controversial shore job in some quiet, out-of-the-way Navy installation rarely visited by journalists. There he would be permitted to languish until retirement.

"My guess," said one Navy wife, "is that Pete Bucher will be assigned to a weather station in Key West, Fla."

"My feeling," cracked a reporter, "is that they will send him back to Boys Town to head the Navy ROTC there."

A yeoman second class suggested possible transfer to the U.S. Embassy in Bolivia as our Naval attache.

NO SCAPEGOAT

Despite what some people may think, the Navy is not attempting to make Commander Bucher a scapegoat. He remains sure that the sins of his superiors, if any are revealed, will not accrue to him. The upper echelons of the Navy are staffed by professional, fair-minded, and humane men, not bloodless martinetts, and they will not permit Bucher to suffer for the bad luck or incompetency of others. Even if a few admirals were thusly inclined, President Nixon, a former Navy man like his two presidential predecessors, would not countenance it.

The Navy operates on the traditional, helpful, and valid doctrine of accountability. A captain in command of a ship and a ship's company is held accountable for his decisions. If he loses his ship, he must explain its loss before the proper authority and be prepared to accept praise or condemnation.

In the exercise of this doctrine the Navy's motivation may be partially punitive—after all, punishment serves as a deterrent to carelessness and irresponsibility—but it is also motivated by a constructive search for truth to remedy faults in equipment, control, command, and tactics.

The Pueblo was not lost in vain. The Navy has since taken steps to increase the armament of its intelligence ships and to provide them with destruct systems, secret weapons, and rapid scuttling devices.

The crew of the Pueblo had to use sledgehammers to destroy secret gear and tin cans in which to burn secret papers. It had no quick way of scuttling. But its two sister ships, the Banner and Palm Beach, have already been improved 100 percent in those departments.

Moreover, the Navy has re-examined the vital questions of how, where, and when intelligence ships should operate, what captains and crews should do in the case of harassment, and how communications between command and control forces can be bettered.

Even more important, the general public as well as Navy hands now know that according to terms of the U.S.-Japan security treaty, the U.S. is not permitted to launch an attack from any base in Japan unless Japan is being attacked or will grant permission for the strike. This treaty comes up for renewal next year, and Leftist elements in Japan do not want it renewed. They want no U.S. bases, Air, Army, or Naval, on Japanese soil for fear they will be involved in a war not of their making.

Several Japanese editors have been quick to point out that if aircraft from the Enterprise, 600 miles away from the Pueblo on Jan. 23, 1968, had been ordered to rescue Bucher and his men, North Korean MIG's would have flown out to meet them. An air battle would have ensued. Eventually Japan might have found herself under air bombardment from North Korea.

Bucher testified at the court of inquiry that he was expecting U.S. assistance of some sort from American forces in Japan, South Korea or at sea. "How about a little help out here?" the Pueblo radioed. "These guys mean business."

When no help was forthcoming, Bucher decided that hemmed in as he was by North Korean torpedo and gunboats, he had no alternative but to stall the enemy while his crew destroyed as much secret gear as possible.

To fight back with two .50-caliber machine guns and hand arms, he decided, would have meant the loss of his entire crew.

What would Bucher have gained if he had fought back to the last man, losing his company of 83 men, and in the process creating 38 Pueblo widows and causing 68 children to become fatherless?

A large segment of the public believes that in losing both his ship and men in addition to possibly involving the U.S. in a resumption of war with North Korea, Commander Bucher would have gained nothing but tragedy.

Several veteran Navy officers, however, believe that by resisting, Bucher would have gained honor. He would have been true to the Navy tradition of "don't give up the ship." He would have done his professional duty. He would have shown the North Koreans that they could not violate international law and pirate an American ship without paying some price. He would have added to the prestige of the nation and inspired our soldiers and sailors all down the line.

GO DOWN FIGHTING

A representative of such thinking, Adm. Arleigh Burke, former Chief of Naval Operations, says, "A man has to die sometime, and he should die proud. A ship is, after all, a part of your country. A captain doesn't give it up easily. He should go down fighting."

Adm. William Raborn, Jr., formerly in charge of the Polaris missile project and later chief of the Central Intelligence Agency, is not so sure.

"When I was first asked," he says, "what I would do if I had been in Bucher's shoes, I said, 'I would've shot the hell out of them. I would've made those North Koreans pay a high price.'

"But now in restrospect," Raborn asserts, "I think I shot my mouth off. The more I read about the capture of the Pueblo, how Bucher was ordered to lay low, to play it cool, not to be aggressive, the more I realize that no man can truly realize how he would act under those same conditions. I would rescind my previous statement and say that Bucher may have done the right thing. I am not in any position to know, and I do not want to generalize in a spirit of bravado how I would have fought gallantly to the last man."

FOUR MARYLAND MARINES DIE IN VIET WAR

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 1969

Mr. LONG of Maryland. Mr. Speaker, Pfc. Arnold Hilb, Pfc. Robert H. Trail III, 1st Sgt. Warren R. Furse, and Pfc. John T. Hare, four fine young men from Maryland, were killed recently in Vietnam. I would like to commend their courage and honor their memory by including the following article in the RECORD:

FOUR MARYLAND MARINES DIE IN VIET WAR

Four more Maryland marines, including two from Baltimore, have been killed in Vietnam, the Defense Department announced yesterday.

Listed as dead were:

Pfc. Arnold Hilb, son of Mrs. Klara Hilb, of 5613 Cross Country boulevard, who died February 27 from wounds received in a mortar explosion near Quang Tri.

Pfc. Robert H. Trail 3rd, ward of Mr. and Mrs. Eli F. killed in a skirmish with enemy troops February 26 in Bien Hoa province.

First Sgt. Warren R. Furse, husband of Mrs. Arrie A. Furse, of 811 Surly road, Aberdeen, Md., who died February 28 in a field camp 6 miles northeast of An Hoa.

Pfc. John T. Hare, son of James E. Hare, of 206 Elder street, Cumberland, Md., killed in action February 25.

Private Hilb had served in Vietnam for just under three weeks when he was wounded.

The 20-year-old marine, who visited his mother's home in Baltimore only last December, was sent to Vietnam January 6 after duty at Camp LeJeune, N.C.

Described as a quiet, somewhat studious youngster, Private Hilb apparently developed "a deep pride" in the Marine Corps after he was inducted early last April, according to his family.

"The Marine Corps made a man out of him," his mother said. "He was proud of being a marine.

Until he joined the service, Private Hilb had lived in Puerto Rico with his father, Franz Hilb. The youth had planned to marry and settle in Baltimore when he returned, his mother said.

Besides his parents, his survivors include a brother, Army Pvt. Max E. Hilb, stationed at Fort Bragg, N.C.; and two sisters, Misses Karen Regina Hilb, of Baltimore, and Monica Kate Hilb, of Puerto Rico.

Private Trail, 19, was reared in Baltimore. He served for several years as a fireman and oiler on merchant vessels.

He became interested in the Vietnam war as a result of the trips he made there aboard United States supply ships, his family said, and "got so enthused that he couldn't wait to get over there as a marine."

He enlisted in the Marine Corps in April and was assigned to Vietnam after completing basic training at Parris Island, S.C. He was to return home in September.

Private Trail is survived by his parents, Mr. and Mrs. Robert H. Trail, Jr., and a sister, Sarah, all of Seattle.

Sergeant Furse, 37, was scheduled to leave Vietnam Monday, when his tour of duty would have been up, his family said.

A native of Summerton, S.C., he was a veteran of 17 years in the Marine Corps.

In addition to his wife and children, Sergeant Furse is survived by his mother, Mrs. Ruth Furse, of Summerton, S.C., and a brother, Harold Furse, of Manning, S.C.

ELECTORAL REFORM

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 1969

Mr. BINGHAM. Mr. Speaker, a sane view of the electoral reform problem was stated in a letter to the New York Times on Sunday, March 9, 1969, by a distinguished citizen of New York, Mr. James I. Loeb, of Saranac Lake, publisher of the Adirondack Daily Enterprise. Mr. Loeb served on President Truman's White House staff, and later as Ambassador to Peru and to Guinea under Presidents Kennedy and Johnson. He has been actively involved in a number of presidential campaigns and served for many years as executive director of Americans for Democratic Action.

I commend Mr. Loeb's letter to my colleagues and other readers of the RECORD:

FOR ELECTORAL REFORM

To the EDITOR:

As your excellent editorial of Feb. 22 suggests, President Nixon's recommendations for electoral reform confirm the worst fears of those of us who have long advocated reform, namely, that the rising demand for change will be used to effect an electoral system far worse than the dangerously inadequate system we now have.

The President's recommendations are retrogressive in the following respects:

The allocation of the electoral votes of each state on a proportional basis to "more closely approximate the popular vote" constitutes a clear effort to minimize the voting strength of the urban centers and the state in which they are located.

The allocation of electoral votes as suggested by the President would undermine our two-party system, since a plethora of minor parties would reduce the possibility of any candidate receiving a majority, or even 40 per cent, of the electoral votes. At present, minor parties receive electoral votes only when they gain a plurality in one or more states, as in the case of George Wallace in 1968.

The suggestion that the direct election of the President and Vice President be used only in run-off elections would employ that system only in close elections where the direct election would be confronted with its most serious problem, namely, a possible recount of some eighty million votes in a very close election.

If the President cannot find the courage to support Senator Birch Bayh's proposal for a direct election of our two highest national officers, then the simplest reform would be to eliminate the Electoral College and the electors; to maintain the present system of allocating the electoral votes of the several states, and to provide for a run-off election, using the same system in the event that no candidate receives 40 per cent of the electoral votes.

In general, this relatively simple alternative has been proposed by Representative Jonathan Bingham of New York.

JAMES I. LOEB.

SARANAC LAKE, N.Y., *February 24, 1969.*

A MAN'S WORD IS HIS BOND

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 1969

Mr. RARICK. Mr. Speaker, I include a most timely editorial from the Manchester Union Leader, Manchester, N.H., of February 7, 1969, regarding the Nuclear Nonproliferation Treaty for the attention of our colleagues:

[From the Manchester (N.H.) Union Leader, Feb. 7, 1969]

A MAN'S WORD IS HIS BOND

The ratification of the Nuclear Nonproliferation Treaty at this time would "in effect say that the United States doesn't care what the Soviet Union did to Czechoslovakia. That is one way we can use our moral influence with the Soviets to indicate to them that while we do want to have negotiations with them, while we do want to have friendly relations, that we must make it very clear that we also have a concern for the 150,000,000 people that live in those Eastern European countries. My purpose in delaying the signing of the Nuclear Nonproliferation Treaty, of course, is that the Soviet Union at the present time, having just violated not only the treaty it had with Czechoslovakia, but the whole sense of treaties generally and the U.N. Charter, which has some language with regard to violating the borders of other countries, having done all that, for the United States then to precipitously put its arms around the Soviet Union in signing a nuclear nonproliferation pact, I think would be widely misunderstood. . . . What we have got to make clear to the Soviets is that we will engage in negotiations, we are glad to agree whenever their interests and ours are reciprocal, but, on the other hand, we are not going to ignore on their part a complete breach of a treaty and then sign one with them."

So spoke candidate Richard Milhous Nixon during the recent presidential campaign.

Most of the 31,134,760 Americans who voted for him accepted his word in good faith.

To state the matter bluntly, they have been betrayed.

On Wednesday, Feb. 5—two weeks and two days after he was sworn in as President of the United States—Nixon reversed himself completely and asked the Senate to approve the nonproliferation treaty with the Soviet Union in the interest of "negotiation rather than confrontation."

Forgotten was his campaign promise to oppose ratification "as long as Soviet troops are on Czech soil."

Forgotten was his promise to bring "moral influence" on the Soviet Union and "make it very clear that we also have a concern for the 150,000,000 people that live in those Eastern European countries."

Forgotten was his excoriation of the Soviet Union's violation "not only of the treaty it had with Czechoslovakia, but the whole sense of treaties generally and the U.N. Charter."

Forgotten was his campaign pledge that the United States, under his administration, would not "precipitously put its arms around the Soviet Union in signing a nuclear nonproliferation pact."

Forgotten was his solemn commitment that "we are not going to ignore on their part a complete breach of a treaty and then sign one with them."

More than any act he has performed as President, more than any controversial appointment he has sponsored, this single act of President Nixon on Wednesday will disillusion and anger those who gave him their support and defended him against critics who insisted that he would not make good on his campaign promises.

NOT YOURS TO GIVE

HON. CLARENCE J. BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 1969

Mr. BROWN of Ohio. Mr. Speaker, one of my constituents recently sent me a special issue published by the Foundation for Economic Education, Inc. It was my thought that this article, "Not Yours To Give," taken from "The Life of Col. David Crockett" compiled by Edward S. Ellis, Philadelphia: Porter & Coates, 1884, would be of interest to my colleagues.

The article follows:

[From "The Life of Colonel David Crockett," compiled by Edward S. Ellis (Philadelphia: Porter & Coates, 1884)]

NOT YOURS TO GIVE

One day in the House of Representatives, a bill was taken up appropriating money for the benefit of a widow of a distinguished naval officer. Several beautiful speeches had been made in its support. The Speaker was just about to put the question when Crockett arose:

"Mr. Speaker—I have as much respect for the memory of the deceased, and as much sympathy for the sufferings of the living, if suffering there be, as any man in this House, but we must not permit our respect for the dead or our sympathy for a part of the living to lead us into an act of injustice to the balance of the living. I will

not go into an argument to prove that Congress has no power to appropriate this money as an act of charity. Every member upon this floor knows it. We have the right, as individuals, to give away as much of our own money as we please in charity; but as members of Congress we have no right so to appropriate a dollar of the public money. Some eloquent appeals have been made to us upon the ground that it is a debt due the deceased. Mr. Speaker, the deceased lived long after the close of the war; he was in office to the day of his death, and I have never heard that the government was in arrears to him.

Every man in this House knows it is not a debt. We cannot, without the grossest corruption, appropriate this money as the payment of a debt. We have not the semblance of authority to appropriate it as a charity. Mr. Speaker, I have said we have the right to give as much money of our own as we please. I am the poorest man on this floor. I cannot vote for this bill, but I will give one week's pay to the object, and if every member of Congress will do the same, it will amount to more than the bill asks."

He took his seat. Nobody replied. The bill was put upon its passage, and, instead of passing unanimously, as was generally supposed, and as, no doubt, it would, but for that speech, it received but few votes, and, of course, was lost.

Later, when asked by a friend why he had opposed the appropriation, Crockett gave this explanation:

"Several years ago I was one evening standing on the steps of the Capitol with some other members of Congress, when our attention was attracted by a great light over in Georgetown. It was evidently a large fire. We jumped into a hack and drove over as fast as we could. In spite of all that could be done, many houses were burned and many families made houseless, and, besides, some of them had lost all but the clothes they had on. The weather was very cold, and when I saw so many women and children suffering, I felt that something ought to be done for them. The next morning a bill was introduced appropriating $20,000 for their relief. We put aside all other business and rushed it through as soon as it could be done.

"The next summer, when it began to be time to think about the election, I concluded I would take a scout around among the boys of my district. I had no opposition there, but, as the election was some time off, I did not know what might turn up. When riding one day in a part of my district in which I was more of a stranger than any other, I saw a man in a field plowing and coming toward the road. I gauged my gait so that we should meet as he came to the fence. As he came up, I spoke to the man. He replied politely, but, as I thought, rather coldly.

"I began: 'Well, friend, I am one of those unfortunate beings called candidates, and—'

" 'Yes, I know you; you are Colonel Crockett. I have seen you once before, and voted for you the last time you were elected. I suppose you are out electioneering now, but you had better not waste your time or mine. I shall not vote for you again.'

"This was a sockdolager . . . I begged him to tell me what was the matter.

" 'Well, Colonel, it is hardly worth-while to waste time or words upon it. I do not see how it can be mended, but you gave a vote last winter which shows that either you have not capacity to understand the Constitution, or that you are wanting in the honesty and firmness to be guided by it. In either case you are not the man to represent me. But I beg your pardon for expressing it in that way. I did not intend to avail myself of the privilege of the constituent to speak plainly to a candidate for the purpose of insulting or wounding you. I intend by it only to say that your understanding of the Constitution is very different from mine; and I will say to you what, but for my rudeness, I should not have said, that I believe you to be honest. . . . But an understanding of the Constitution different from mine I cannot overlook, because the Constitution, to be worth anything, must be held sacred, and rigidly observed in all its provisions. The man who wields power and misinterprets it is the more dangerous the more honest he is.'

" 'I admit the truth of all you say, but there must be some mistake about it, for I do not remember that I gave any vote last winter upon any constitutional question.'

" 'No, Colonel, there's no mistake. Though I live here in the backwoods and seldom go from home, I take the papers from Washington and read very carefully all the proceedings of Congress. My papers say that last winter you voted for a bill to appropriate $20,000 to some sufferers by a fire in Georgetown. Is that true?'

" 'Well, my friend; I may as well own up. You have got me there. But certainly nobody will complain that a great and rich country like ours should give the insignificant sum of $20,000 to relieve its suffering women and children, particularly with a full and overflowing Treasury, and I am sure, if you had been there, you would have done just as I did.'

" 'It is not the amount, Colonel, that I complain of: it is the principle. In the first place, the government ought to have in the Treasury no more than enough for its legitimate purposes. But that has nothing to do with the question. The power of collecting and disbursing money at pleasure is the most dangerous power that can be intrusted to man, particularly under our system of collecting revenue by a tariff, which reaches every man in the country, no matter how poor he may be, and the poorer he is the more he pays in proportion to his means. What is worse, it presses upon him without his knowledge where the weight centers, for there is not a man in the United States can ever guess how much he pays to the government. So you see, that while you are contributing to relieve one, you are drawing it from thousands who are even worse off than he. If you had the right to give anything, the amount was simply a matter of discretion with you, and you had as much right to give $20,000,000 as $20,000. If you have the right to give to one, you have the right to give to all; and, as the Constitution neither defines charity nor stipulates the amount, you are at liberty to give to any and everything which you may believe, or profess to believe, is a charity, and to any amount you may think proper. You will very easily perceive what a wide door this would open for fraud and corruption and favoritism, on the one hand, and for robbing the people on the other. No, Colonel, Congress has no right to give charity. Individual members may give as much of their own money as they please, but they have no right to touch a dollar of the public money for that purpose. If twice as many houses had been burned in this county as in Georgetown, neither you nor any other member of Congress would have thought of appropriating a dollar for our relief. There are about two hundred and forty members of Congress. If they had shown their sympathy for the sufferers by contributing each one week's pay, it would have made over $13,000. There are plenty of wealthy men in and around Washington who could have given $20,000 without depriving themselves of even a luxury of life. The congressmen chose to keep their own money, which, if reports be true, some of them spend not very creditably; and the people about Washington, no doubt, applauded you for relieving them from the necessity of giving by giving what was not yours to give. The people have delegated to Congress, by the Constitution, the power to do certain things. To do these, it is authorized to collect and pay moneys, and for nothing else. Everything beyond this is usurpation, and a violation of the Constitution.

" 'So you see, Colonel, you have violated the Constitution in what I consider a vital point. It is a precedent fraught with danger to the country, for when Congress once begins to stretch its power beyond the limits of the Constitution, there is no limit to it, and no security for the people. I have no doubt you acted honestly, but that does not make it any better, except as far as you are personally concerned, and you see that I cannot vote for you.'

"I tell you I felt streaked. I saw if I should have opposition, and this man should go to talking, he would set others to talking, and in that district I was a gone fawn-skin. I could not answer him, and the fact is, I was so fully convinced that he was right, I did not want to. But I must satisfy him, and I said to him:

" 'Well, my friend, you hit the nail upon the head when you said I had not sense enough to understand the Constitution. I intended to be guided by it, and thought I had studied it fully. I have heard many speeches in Congress about the powers of Congress, but what you said here at your plow has got more hard, sound sense in it than all the fine speeches I ever heard. If I had ever taken the view of it that you have, I would have put my head into the fire before I would have given that vote; and if you will forgive me and vote for me again, if I ever vote for another unconstitutional law I wish I may be shot.'

"He laughingly replied: 'Yes, Colonel, you have sworn to that once before, but I will trust you again upon one condition. You say that you are convinced that your vote was wrong. Your acknowledgment of it will do more good than beating you for it. If, as you go around the district, you will tell people about this vote, and that you are satisfied it was wrong, I will not only vote for you, but will do what I can to keep down opposition, and, perhaps, I may exert some little influence in that way.'

" 'If I don't," said I, 'I wish I may be shot: and to convince you that I am in earnest in what I say I will come back this way in a week or ten days, and if you will get up a gathering of the people, I will make a speech to them. Get up a barbecue, and I will pay for it.'

" 'No, Colonel, we are not rich people in this section, but we have plenty of provisions to contribute for a barbecue, and some to spare for those who have none. The push of crops will be over in a few days, and we can then afford a day for a barbecue. This is Thursday; I will see to getting it up on Saturday week. Come to my house on Friday, and we will go together, and I promise you a very respectable crowd to see and hear you.'

" 'Well, I will be here. But one thing more before I say good-by. I must know your name.'

" 'My name is Bunce.'

" 'Not Horatio Bunce?'

" 'Yes.'

" 'Well, Mr. Bunce, I never saw you before, though you say you have seen me, but I know you very well. I am glad I have met you, and very proud that I may hope to have you for my friend.'

"It was one of the luckiest hits of my life that I met him. He mingled but little with the public, but was widely known for his remarkable intelligence and incorruptible integrity, and for a heart brimful and running over with kindness and benevolence, which showed themselves not only in words but in acts. He was the oracle of the whole country around him, and his fame had extended far beyond the circle of his immediate acquaintance. Though I had never met him before, I had heard much of him, and but for this meeting it is very likely I should have had opposition, and had been beaten. One thing is very certain, no man could now stand up in that district under such a vote.

"At the appointed time I was at his house, having told our conversation to every crowd

I had met, and to every man I stayed all night with, and I found that it gave the people an interest and a confidence in me stronger than I had ever seen manifested before.

"Though I was considerably fatigued when I reached his house, and, under ordinary circumstances, should have gone early to bed, I kept him up until midnight, talking about the principles and affairs of government, and got more real, true knowledge of them than I had got all my life before.

"I have known and seen much of him since, for I respect him—no, that is not the word—I reverence and love him more than any living man, and I go to see him two or three times every year; and I will tell you, sir, if every one who professes to be a Christian lived and acted and enjoyed it as he does, the religion of Christ would take the world by storm.

"But to return to my story. The next morning we went to the barbecue, and, to my surprise, found about a thousand men there. I met a good many whom I had not known before, and they and my friend introduced me around until I had got pretty well acquainted—at least, they all knew me.

"In due time notice was given that I would speak to them. They gathered up around a stand that had been erected. I opened my speech by saying:

" 'Fellow-citizens—I present myself before you today feeling like a new man. My eyes have lately been opened to truths which ignorance or prejudice, or both, had heretofore hidden from my view. I feel that I can today offer you the ability to render you more valuable service than I have ever been able to render before. I am here today more for the purpose of acknowledging my error than to seek your votes. That I should make this acknowledgment is due to myself as well as to you. Whether you will vote for me is a matter for your consideration only.'

"I went on to tell them about the fire and my vote for the appropriation and then told them why I was satisfied it was wrong. I closed by saying:

" 'And now, fellow-citizens, it remains only for me to tell you that the most of the speech you have listened to with so much interest was simply a repetition of the arguments by which your neighbor, Mr. Bunce, convinced me of my error.

" 'It is the best speech I ever made in my life, but he is entitled to the credit for it. And now I hope he is satisfied with his convert and that he will get up here and tell you so.'

"He came upon the stand and said:

" 'Fellow-citizens—It affords me great pleasure to comply with the request of Colonel Crockett. I have always considered him a thoroughly honest man, and I am satisfied that he will faithfully perform all that he has promised you today.'

"He went down, and there went up from that crowd such a shout for Davy Crockett as his name never called forth before.

"I am not much given to tears, but I was taken with a choking then and felt some big drops rolling down my cheeks. And I tell you now that the remembrance of those few words spoken by such a man, and the honest, hearty shout they produced, is worth more to me than all the honors I have received and all the reputation I have ever made, or ever shall make, as a member of Congress.

"Now, sir," concluded Crockett, "you know why I made that speech yesterday.

"There is one thing now to which I will call your attention. You remember that I proposed to give a week's pay. There are in that House many very wealthy men—men who think nothing of spending a week's pay, or a dozen of them, for a dinner or a wine party when they have something to accomplish by it. Some of those same men made beautiful speeches upon the great debt of gratitude which the country owed the deceased—a debt which could not be paid by money—and the insignificance and worthlessness of money, particularly so insignificant a sum as $10,000, when weighed against the honor of the nation. Yet not one of them responded to my proposition. Money with them is nothing but trash when it is to come out of the people. But it is the one great thing for which most of them are striving, and many of them sacrifice honor, integrity, and justice to obtain it."

A TRIBUTE TO OSCAR V. ROSE, SUPERINTENDENT OF SCHOOLS IN MIDWEST CITY, OKLA.

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 1969

Mr. WILLIAM D. FORD. Mr. Speaker, along with many of my colleagues, I was shocked and grieved on January 29 to learn of the death of Oscar V. Rose, superintendent of schools in Midwest City, Okla.

As a new member of the Education and Labor Committee in 1965, I learned to know and respect Mr. Rose as an effective and articulate spokesman for the Nation's school administrators. I found him a never-failing source of information on Federal programs for aid to education.

I recently received a letter from Dr. William Simmons, deputy superintendent of schools in Detroit, who was a mutual friend of both mine and Mr. Rose. Dr. Simmons and Mr. Rose had worked together for many years to keep Congress informed on educational needs.

Dr. Simmons' letter is an excellent tribute to Oscar Rose from a friend who knew him well. Under unanimous consent I submit the letter for inclusion in the CONGRESSIONAL RECORD, as follows:

DETROIT PUBLIC SCHOOLS,
Detroit, Mich., February 4, 1969.

Hon. WILLIAM D. FORD,
House Office Building,
Washington, D.C.

DEAR BILL: I carried your message of sympathy to the family of Oscar V. Rose, Superintendent of Schools in Midwest City, Oklahoma. It was greatly appreciated, for the family knew the value he placed on his personal relationships with the members of Congress.

His untimely passing in the Congressional during the early morning hours of January 29 was a great personal loss to me. Our association covered a period of eighteen years, and our last efforts together in behalf of "his" legislation, P.L. 815 and P.L. 874, continued until just a few hours before his death. I can't help but feel that Oscar, the ageless warrior, had he been consulted, would have wanted to conclude his relentless battle right on Capitol Hill as he did. His smiling, familiar face will be sorely missed by all who watched him charge from place to place in support of the Impacted Area Program.

The educational career of Oscar Rose was one of the real success stories in American education. He began his fifty-year teaching career at tiny Quasada School in Okfuskee County, Oklahoma, in 1922 and served as teacher, coach, principal, superintendent, and even had to "sweep the floors and light the stoves" in the early days. In 1943 he assumed the superintendency of the fledgling Midwest City-Del City school system and inherited two country school buildings, five teachers, and 125 students, along with all the problems that came with the rapidly expanding Tinker Air Force Base. Today, the number of students has skyrocketed to almost 20,000, with 800 teachers in three high schools, five junior high schools, fourteen elementary schools, and one vocational technical school. A junior college for the district was one of his last efforts. He was proud of the fact that approximately 53% of his graduates started college.

The progress and excellence of the system have been reported in Life, Newsweek, and other national publications. At the same time, he spread his ability to become a major figure in the development of all areas of civic life in Midwest City.

Midwest City paid tribute to him by designating "Rose Day" on May 3, 1953, and naming the high school football field after him. On the occasion of Midwest City's Silver Anniversary in 1967, thousands honored Oscar Rose on another "Rose Day" by wearing roses and attending a dinner in his honor. I had the pleasure of speaking at the last Rose Day, along with Senator Mike Monroney, Congressmen Carl Albert and Tom Steed, and a number of other officials, and at that time I remarked that it was most unusual for a school superintendent to command such a tribute after thirty-five years in a community by the sheer force of continuous dynamic leadership.

Washington has known Oscar as the originator and protector of the Impacted Area Program. He worked tirelessly on both the authorizing and appropriation legislation. He was the moving force in the passage of P.L. 815 and P.L. 874 in 1950, following a successful operation with the prior war defense programs. The millions of dollars expended for the education of boys and girls across the country under these programs made him known as "Education Oscar." The good these programs have done and will continue to do are a tribute to his genius and energy. Really, as you know, he supported all federally supported education programs and was proud to have the Elementary and Secondary Education Act amended into "his laws." It is difficult to find a hearing record on educational legislation since 1943 where his name does not appear.

Speaking personally, Oscar was a friend second to none. His support had no bounds. He was a real gentleman and was liked by all. His mission in life was the spreading of knowledge and happiness for all, with little regard for personal cost. He was truly my choice for the "Most Outstanding Character I Have Known." I'll miss him.

This is a long message, but I know that you as a personal friend of Oscar's would want some kind of a review from one of his closest friends. I have included a number of news clippings reporting his passing and the funeral that give all the details of his family and his outstanding career.

Sincerely,

WILLIAM SIMMONS.

RESERVE OFFICERS ASSOCIATION ANNUAL AWARD

HON. ROBERT L. F. SIKES

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 1969

Mr. SIKES. Mr. Speaker, the Members of this body on both sides of the aisle share pride in the honor which recently came to our distinguished and beloved Speaker when he was selected by the Reserve Officers Association of the United States for its annual award as

"The citizen who has contributed most to national security in these times." It is significant that the presentation was made on the eve of the birthday of our first President, George Washington, on February 21, 1969.

It is also meaningful that this presentation on behalf of ROA was made by a former Member, an outstanding leader among our Republican colleagues during his service here, and a great American who is now the Secretary of Defense, the Honorable Melvin Laird. His designation for the important post which he now holds reflects much credit on this entire body and, in particular, upon his creditable contributions as a Member of Congress.

Mr. Laird's remarks in making this presentation are quoted herewith as a matter of significance and interest in the House:

Secretary LAIRD. Mr. Speaker, General Lewis, distinguished guests from the Congress, the military services, and our Nation's citizen defenders. I deem it a high privilege to act in behalf of the Reserve Officers Association as we honor the Speaker of the House of Representatives this evening.

The Reserve Officers Association, in extending public recognition for great service to this country to the man and to the lady that we are honoring tonight, I believe shows its true worth.

Few citizens in the history of our country have contributed so much while serving in the Congress of the United States, as a representative of a free and enlightened people, as the guests we honor tonight, a member of the House of Representatives for four decades, a leader and a molder of public opinion, a manager of legislation, which has preserved and which has protected our freedoms and advanced our principles upon which these freedoms are based.

It has been my privilege to serve in the House of Representatives during this past sixteen years with this great man, this great gentleman who sits here tonight to receive the annual highly prized award of the ROA.

When I was appointed to the Defense Appropriations Committee sixteen years ago, the Speaker of the House of Representatives, then the Majority Leader, gave me some good advice. He said, "Mel, you are serving on an important committee, the Defense Appropriations Committee. If you ever err in the appropriation of funds on that committee, in any decision that you make on that committee, I want you to err on the side of the safety of the people and the security of the people of the United States of America."

(Applause.)

That advice served me well as a member of the Appropriations Committee, and that advice of Speaker McCormack serves me well tonight, as Secretary of Defense.

(Applause.)

John McCormack is the Speaker of the whole House. He is held in deep and sincere affection by all members of the House of Representatives, on both sides of the aisle, because he is a great leader, he is a great American, a warmhearted friend, and a genuine humanitarian.

Yes, my friends, I know this man. I love this man. I admire this man. I respect this man. He is the Speaker of the House of Representatives, but he is a Representative of all the people of this Nation.

(Applause.)

I know that the people in the district in Boston that he represents, the people of the Commonwealth of Massachusetts are proud of him and his service, and justly so. I know that you that are gathered here this evening pay tribute to him and to Mrs. McCormack do so in the highest sense of tribute. He does us all honor in coming here to accept this award.

I consider that he has done us great honor and served us all well for over four decades as a great Representative in the United States Congress. And I am proud at this time to present to him this citation, this award from the Reserve Officers Association.

I would like to read this citation to all of you.

To the Honorable John W. McCormack, whereas throughout more than forty years of service in the House of Representatives of the United States, his devotion to the highest concepts of duty to country, the courage and independence of his leadership for adequate preparedness which is necessary to national security, the steadfastness of his dedication to the citizen-reservists tradition, the clarity of his judgment to insure strength, effectiveness and high morale to our Nation's military forces have given confidence to his generation, inspiration to posterity and safety to this Nation's institutions and ideals.

Therefore, be it resolved in recognition of this great service to the United States, this association proudly recognizes him as the Citizen of 1969 who has contributed most to the national security shared by every American citizen in these times.

The Reserve Officers Association of the United States, 21 February 1969.

Mr. Speaker, we honor you here tonight and it gives me great pleasure to present this citation to you.

(Applause.)

Mr. Speaker, on this same outstanding occasion when Mr. MCCORMACK received ROA's annual Minute Man Award, the Vice President of the United States, the Honorable SPIRO AGNEW, made an appearance, both on his own behalf and in behalf of the President of the United States, to deliver messages to the Speaker. His remarks were extemporaneous but very significant, and he warmed the hearts of his great audience with his sincerity.

I consider this a deserved tribute to a great American and I am happy to include for the RECORD here the text of the message which he presented at that time from the President of the United States, Mr. Nixon:

Vice President AGNEW. Thank you very much, ladies and gentlemen. Thank you very much.

General Lewis, Mr. Speaker, many distinguished guests here from the military, the Diplomatic Corps, the Congress and the Cabinet, members of the Reserve Officers Association. I can't tell you how much the President wanted to be here. As a matter of fact, he had intended to come up until the very last minute when it became necessary for him to attend some very important briefings that were connected with his trip overseas, a trip that is taken in the interest of every one of us, and I am sure you will understand his absence.

He did ask me to relay to you a personal message, which I would like to read with your permission:

"It is personally satisfying to join the Reserve Officers Association in honoring Speaker McCormack as the American citizen in these times who has contributed the most to national security.

"All Americans know the Speaker as one of the Republic's most beloved leaders. All are grateful for his strong humanitarianism manifested over many years, through legislation concerning the well-being of our citizens. But here there is also recognition of another great attribute of the Speaker, his long dedication to keeping our defenses strong. Repeatedly, the Speaker has cleared the way for legislation vital to our security, and he has championed many measures beneficial to the men and women of the services and their families.

"I claim a small part in this award tonight as a member of the ROA since the end of World War II. Already, when I joined the ROA, John McCormack was a senior member of Congress, and even then he was respected by Congressmen of both parties. It is, therefore, an honor for me tonight to have a part in saluting this distinguished American, who has so well and so long served the United States.

"Signed, RICHARD NIXON."

(Applause.)

And through the President's tribute, Mr. Speaker, I would like to add my own. I have watched you and admired you for a long time. And I think it is a measure of the man when you look at the people who turn out to honor him here tonight. I think also it is a measure of the honor that is being given to the man when you take a good look at the organization that is making the award. The Reserve Officers Association is such an organization to make every American very proud.

At a time when some people are seeing fit to deny to those young men who would seek to carry on the traditions of the military service on the campuses of our colleges of accreditation, I find it particularly significant that we are honoring a man who is interested in vitally protecting America as we know it today.

(Applause.)

Mr. Speaker, there are some who claim that the teachings of the military on a college campus are not relevant. Frankly, I can't think of anything more relevant to Americans than to preserve, protect and defend the Republic.

(Applause.)

And I would just like to close with quoting the cautionary words of John Philpot Curran in 1790, when he said, it is the common fate of the indolent to see their right become a praise to the action. The condition upon which God has given liberty to man is eternal vigilance, which condition if he breaks, servitude is at once the consequence of his crime and the punishment of his guilt.

As long as we have people on the American scene like Speaker McCormack, I am not too worried about the implementation of that quotation.

(Applause.)

Mr. Speaker, the Members of this body are aware of the many honors achieved by our Speaker, the beloved statesman the Honorable JOHN W. MCCORMACK. They are deserved. There are few citizens in the United States whose selfless dedication to public service and whose wisdom based upon his considerable experience has meant so much to the security of this Nation.

One of the inspirational privileges of the service of most of us in the House is that we have been able to benefit from the wisdom and counsel of our beloved Speaker. It was my privilege to sit with the Speaker, along with a very large number of other of my colleagues, leaders of the military services, and other distinguished citizen-leaders of the United States, when on February 21, the Reserve Officers Association of the United States gave recognition to Mr. MCCORMACK as "the citizen who has contributed most to national security in these times."

The Speaker's response upon that occasion was a moving address which stirred a throng of more than 1,700, representing every section of our country. It was noted that on 18 occasions during this address, he was interrupted by tre-

mendous applause and that upon conclusion he was given a standing ovation by all those in attendance.

Speaker McCORMACK's speech, as he delivered it, is presented herewith for the inspiration and edification of all concerned:

Speaker McCORMACK. Thank you.

My dear valued friend and former colleague, but always a colleague, Secretary of Defense Mel Laird, reverend clergy, General Lewis, my distinguished colleagues of both branches of the Congress, distinguished members of the military, of the Diplomatic Corps who are here, and distinguished ladies and gentlemen, not only at the head table but who are attending this splendid dinner, and my own splendid dear Mrs. McCormack.

(Applause.)

I have had many honors conferred upon me in the journey through life, and there is none that I am more grateful for than the honor that has been conferred upon me by the outstanding organization.

I am deeply touched by the personal message of the President of the United States, delivered by the Vice President of the United States, and I value very much the personal remarks made about me and the character of service I have attempted to render, particularly when the national interests of our country are concerned, made by Vice President AGNEW.

To receive such words of praise places me in the position where it is most difficult to answer. But all I can say, ladies and gentlemen, is that from the day I first entered Congress, those were days of crisis. I have lived through practically forty years, one way or another, confronting our country.

One uppermost thought in my mind was to always do what I thought would be for the national interest of the United States.

(Applause.)

It is very kind of the Secretary of Defense—and I congratulate President Nixon in selecting him. I mean that.

(Applause.)

It is very nice of the Secretary of Defense to refer to an observation that I made to him some years ago. I know he did not think that I was presumptous on that occasion when we were chatting. The observation that I made to him was one that has been one of my main guides as a member of the Congress, and one that I do not apologize for, but makes my conscience happy. If I am going to err where the national defense and the national interests of my country are concerned, I prefer to err on the side of strength than on the side of weakness.

(Applause.)

As I stand here—and I am departing from my prepared remarks—I feel better when I'm talking extemporaneously—my mind goes back to 1940, when I was first elected to leadership in the House of Representatives. I attended all of the top level meetings called by the President of the United States, not a Democratic President or a Republican President, but the President of the United States.

(Applause.)

Over and above everything, one might be elected to the Presidency, but I am elected to the House of Representatives as a Democrat or Republican, but once elected the President is, in my opinion, in the minds of all Americans, as it should be, the President of the United States. And if I have occasion to refer to his party affiliation, I always say "the President who was elected as a Democrat or elected as a Republican."

(Applause.)

And I never felt, as a member of Congress, that while I am a party man—and I am proud of my party—

(Applause.)

I was elected to be the Congressman of my district, to vote as my judgment and my conscience dictated, not only on domestic matters but on matters concerning the national interests of our country, that I was a Representative of the people, not the Democrats of my district or the Republicans, but of all the people of my district. As I say I am proud of my party but every man elected—and I felt that I was—occupies a representative position. If I voted wrong the people could take care of me two years later or the next election but it was my duty and my obligation, living with my own conscience, to vote in accordance with my own conscience, no matter how politically difficult it might have been or will be at a particular time.

(Applause.)

As a native of the State of Massachusetts, the Commonwealth of Massachusetts, I feel——

(Applause.)

I see there are some here. I feel extra personal pride in receiving this award, the Minuteman statue which stands at the entrance of your beautiful new memorial building is a replica of the original in Minuteman National Park in Concord, Massachusetts, the unveiling of which took place on April 19, 1875, one-hundred years after the historic battle of Concord, and built in commemoration of the citizen soldiers, those citizen soldiers who in 1776 stopped the British regulars and drove them in full retreat to Boston.

(Applause.)

That battle might well be termed, as it has been said, to have altered the course of world history. In any event, it altered the course of American history.

It represents the first significant resistance by force to British rule in the then Thirteen Colonies and opened the military phase of the Revolutionary War.

In the words of another native of Massachusetts, Ralph Waldo Emerson, it was at Concord where they fired the shot that was heard round the world.

Although the battle of April 1775 was the most famous in which the most men engaged, the ready military concept had been developing in some of the Thirteen Colonies. The origin of the ready reserves idea goes back to the early colonial days. The Founders of the Massachusetts Bay Colony, for example, believed that all able-bodied men should bear arms in the common defense.

(Applause.)

It has been recorded that in 1645 the Massachusetts Council had ordered that each militia company have 30 per cent of its men—and I quote—"ready at a half-hour's notice warning upon any service they shall be put to by their chief military officers."

Massachusetts became, as you know, the first colony to draw up a concerted plan of military action in case the British precipitated a crisis. A provincial congress was held in Concord in 1774. That congress provided for the creation of a Committee of Safety which was given the power—mind you, in 1774—was given the power to raise an alarm and muster the militia at any time they deemed necessary. It also provided a sound plan for organization and training of the militia under the conditions that existed in those days.

My reference to Massachusetts is not to expound its history, rather I think it contains valuable lessons in which all Americans should be reminded today. These include the importance of our national defense being ever ready, ever vigilant and ever prepared.

(Applause.)

It also points up the defense for a fully trained army and equipping the nation's citizen soldiers. And fortunately, for the greater part of its history, the United States did not heed these lessons. Now the advice of George Washington, that the best way to preserve peace is to be prepared for war. Too many times this Nation paid a terrible price in lives and property for this failure.

As a result of my service in World War I, I had impressed upon me the importance and the necessity of adequate military preparation. The experience of that war had a similar effect upon the men who founded the Reserve Officers Association in 1922. The American Army that entered the First World War was largely untrained, and had it not been for the thousands of reserve officers which the Nation called upon to serve at the beginning of the Second World War, the end of that war might have been prolonged with greater loss of life and property and greater calculated risk involved to our country.

(Applause.)

General George C. Marshall, a great man, later praised the reserves in these words, and I quote:

"Just what we could have done in the first phase of our mobilization and training without these men I do not know. I do know that our plans would have been greatly curtailed and the cessation of hostilities on the European front would have been delayed accordingly."

While I am mentioning the name of General Marshall, I think I can refer to probably one of the most important meetings that took place at the Capitol. Sometime in 1944, my mind is going back, because I sat in at that meeting. Sam Rayburn, my beloved predecessor (applause) asked me to be in his office at 11:00 o'clock the next morning, with Joe Martin, who was then the leader of the minority party. And at that meeting there was the three of us, General George Marshall, Henry Simpson, the Secretary of War, and Vannevar Bush.

I had heard some rumors about some activity in the field of research, military research, but I didn't know what it was until I attended that meeting. When I refer to calculated risk, we could have lost the war, and that meeting showed, conveyed to me forcibly that fact, that we hadn't looked ahead.

At that meeting General Marshall and George Simpson told us that Hitler, the Hitler government had started an experiment on a missile, on a bomb, that they know that they had started it before we did. They did not know how many laboratories, research laboratories they had. If the Nazi government, the Hitler government completed the bomb before we did, we could lose the war overnight.

Those were the words given to Sam Rayburn, Joe Martin and John McCormack by George Marshall and Henry Simpson. And their mission up to see us was to raise $1.6 billion to $2 billion during the next two fiscal years to continue what was, I then found out for the first time, known as the Manhattan Project. And at that time Vannevar Bush told me they had perfected the bomb of about 10,000 tons destructability. But the secret was not in the claim of the bomb but how to carry it to the target, to protect it so it could be carried to the target.

And that time he said the potential development of a bomb was 100,000 tons. Just imagine, the scientist could not see any bomb that would go beyond 100,000 tons, even with what we have today.

And, as they told us that we could lose the war overnight if the Hitler government perfected the bomb before we did, their heads were down on their shoulders. I thought I had to go along. There was nothing else to do. There was no doubt in my mind.

And one of them said, it might be throwing $1.6 billion or $2 billion down the drain. I knew what they meant by that, it might be a failure. I said to myself—I can tell you now—I said to myself, "Well, McCormack, if that is a failure you are going to be involved in the damndest scandal the United States has ever saw because it is going to be a $2 billion scandal. And I know that I am going to be tried after the fact and not before the fact."

So I refer to that to show that we had better be eternally on our guard, we have got to be eternally vigilant. And in deciding the questions, most of these questions, you had better look into the future. And those meetings I attended, decisions were made applicable to the future. I did not know if my contribution was correct. I hoped it was. I prayed it was.

But I know that if we made a decision there was calculated risk in action, but also know that if we failed to make a decision we could make a decision with the calculated risk of inaction. And I found from experience during the thirties, particularly coming across the horizon, I found as a result of my experiences during the thirties that the calculated risks of inaction were more dangerous than the calculated risks of action.

(Applause.)

For I saw Hitler permitted to take the Sudetenland and I hoped he would be satisfied. I might have known he wouldn't have been. And I saw him take Austria. They should have known he wouldn't have been satisfied, but they didn't. We had Chamberlain as Prime Minister and his was a voice in the wilderness to the people, warning them, the British people. And as this Austria came—you know it, ladies and gentlemen, just as well as I do—then the rest of Czechoslovakia was just a slow walk, then came the peace for all time at Munich and then came Poland.

And in our own country there was intense feeling of isolationism. We tried to get an appropriation through for arms. This means war. And I introduced the lend lease—this means war. Those who fought for defense were war-mongers, but in the end it proved that those who really were the warmongers were the appeasers.

(Applause.)

I do not say they intended it, but it was the results of their thinking, the failure to do something when the national interests of our country calls for doing something, brought about a chain of events. Time passes. The law of maximum consequences applied, calculated risk that I have referred to. Because as you and I are sitting here tonight, history is being made that will be applicable tomorrow.

We see, for example, the invasion of Czechoslovakia. What does that mean? What does than mean in terms of evaluating those who control the Soviet Union in the Kremlin?

We also see the warnings, the ultimatums of West Germany, in their duly elected officials traveling to West Berlin to elect their new President.What does that mean in terms of evaluation of the state of mind in the Kremlin?

We also read in the paper—I don't know what it means to you, I know what it means to me—that in the Soviet Union they are bringing back the image of Stalin whom Khrushchev threw into the ash can, so to speak. And when you bring back the image of Stalin you bring back the spirit of Stalin. And what was the spirit of Stalin when he was alive? So many things I could refer to, but one—little Hungary, the ruthless suppression of the aspirations and the hopes of the people, the cruel suppression of the hopes and aspirations of the people of Hungary, to gain not full liberty but a small degree of liberty.

And today there are 80,000 Hungarians who have vanished. No one knows where they are. They are prisoners somewhere, if they are alive.

Now, when you bring back the image of Stalin, you are bringing back his spirit. And whatever value my judgment might be worth, I am entitled to my judgment, international communism is still bent on world domination. I know about Red China and the Soviet Union, ten or fifteen years from now there might be—the Soviet Union might have serious problems. But I am thinking of today, the national interests of my country.

And I know that no matter how—there is no such thing as a soft force in the Kremlin, as they appear to their intent to dominate the world, either directly or indirectly. Their purpose is the same. Their tactics might change, due to expediency or necessity.

I believe in negotiating. I believe in not negotiating. But I believe in being eternally on our guard. And when I see this return of the spirit, the image of Stalin, I say there must have been quite a fight recently in the Kremlin, and the hard forces must have prevailed. It is well for us to be well prepared, because history shows that our objectives in the field of diplomacy are more effectively carried out if those we are negotiating with know we have the military power and strength to back our commitments.

(Applause.)

I am just an individual taking the journey of life, like you are, elected some years ago to Congress and in the journey of life elected as leader of my party and now the Speaker. I have definite views. I know that the contest is between the forces of love and the forces of hate. I am not talking about all the people of the Soviet Union. I mean the ideological Communists, the dedicated Communists, and it is becoming—it is only with a lot of courage that one refers to that in America today. It is pretty hard to say a good word for America today.

(Applause.)

I can remember in '34 we had pretty much the same state of mind, apathy. We have got to be eternally on our guard. We have got to be powerful militarily, not for war, but to be prepared, if necessary, powerful militarily for peace. And in the event of war we are able to preserve our country, because we receive that mandate from past generations of Americans. And it is our duty to preserve what the past generations gave to us. It is our duty to strengthen it in our lifetime and to pass it on to succeeeding generations, America, a free America, an America where government is the servant and not the master of the people.

Thank you very much.

(Applause.)

HOW TO THROW AWAY $500 MILLION IN ONE EASY LESSON—BY SECRETARY OF DEFENSE MELVIN LAIRD

HON. BERTRAM L. PODELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 1969

Mr. PODELL. Mr. Speaker, according to numerous verified reports in the press, there have been 13 crashes of the F–111A in the past 26 months. Yet the air is filled with soothing phrases and rhetorical vaseline from the Pentagon and the plane's contractor to the effect that it is the safest craft ever built. Their statistics fill the air like confetti at a carnival. Somehow their unique logic escapes my poor powers of comprehension. If the F–111 possesses the finest safety record, I would be intrigued to discover what the crash record is of our worst plane.

All authorities are agreed that this wondercraft has been beset with severe problems, to say the least. Even its professional apologists are forced to admit its situation is disturbing in the extreme.

I have called for grounding of all these planes pending a major, thorough congressional investigation. These are not unreasonable requests. In fact, they would be in our best national interest.

Yet, on Friday, March 7, it was announced that the Pentagon was preparing to ask Congress for money to purchase about 70 more F–111 models. Barring last minute budgetary revisions, about $500 million for the F–111 program will go into the proposed fiscal 1970 defense budget revision. It is estimated that these new funds would bring F–111 production to around 500 planes. Mr. Speaker, I do not want to see another penny of public money thrown to the winds on this aircraft.

Britain has canceled its TFX order. The Australians signed an open-ended contract for the planes, which have now more than doubled in price. Even now, their experts are examining it in order to make it conform to Australian requirements. Australia's defense is in danger of being compromised because of the nonperformance of the plane. Limited training flights have resulted in disaster. This craft was begun in the very early sixties. After expending billions, we have not even obtained a testable craft. It was committed to Thailand and Vietnam, failed miserably, and was pulled back in desperate, confused panic. Its intrinsic worth is questioned, and now Mr. Laird orders more of them.

Are we in attendance at the Mad Hatter's tea party? Are we observers as the walrus romances the oysters before devouring them? Certainly we are groping through some never-never land where the bizarre and grotesque mingle in an obscene embrace impossible to untangle.

Perpetration of such a national outrage should elicit passionate, defiant outcry. Is this why lower and middle income taxpayers everywhere are being squeezed dry of income like so many lemons? Is this why skyrocketing taxes are driving millions to the financial wall? So the military-industrial defense complex can perpetrate such an atrocity for its financial gain and America's eventual detriment?

Mr. Speaker, further purchase of F–111's not only outrages ordinary decency and national interest, it assassinates common horsesense.

SOME FRESH FACTS ON FLUORIDATION

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 1969

Mr. RARICK. Mr. Speaker the heavily financed bandwagon that pushed fluoridation over the disapproval of those who would have preferred to have more complete information on the subject, and to have freedom from forced fluoridation, now has cause for sober reflection.

Current evidence shows that there is sufficient cause to warrant a moratorium in the addition of fluoride to water to allow a deeper scientific study to be made to prevent further unnecessary danger to an unwary public.

Mr. Speaker, I include an editorial by Columnist James J. Kilpatrick, and an article entitled "New Facts on Fluoridation," which appeared in the March 1 issue of Saturday Review, following my remarks:

[From the Washington (D.C.) Evening Star, Mar. 2, 1969]

SOME FRESH FACTS ON FLUORIDATION

If it were possible to put a copy of the current *Saturday Review* in the hands of every newspaper editor and member of a city council in the country, a blow for freedom might be struck in the matter of the fluoridation of public water supplies. Some fresh facts have come in.

John Lear, the magazine's science editor, has stuck his neck out in returning to the issue. Proponents of fluoridation, notably the U.S. Public Health Service, have done an excellent job of brainwashing the public and smearing the critics. As a consequence, any person who raises an objection runs the risk of being tagged as a quack, food faddist, or plain nut.

Yet the philosophical and medical objections that have been raised against fluoridation, from the inception of the program nearly 20 years ago, have an enduring validity.

Philosophically speaking the program simply is incompatible with the principles of a free society. These principles hold that in the field of public health, compulsory measures should not extend beyond protection against contagious disease and the prevention of tragic social burdens. The reduction of tooth decay in children falls in neither of these classifications.

When sodium fluoride is added to a public water supply, everyone in the community, as a practical matter, is compelled to take the stuff into his system. The highly toxic chemical is not like chlorine, which treats the water itself; sodium fluoride is added to the water to treat human beings. There is no longer much question that it does improve children's teeth.

But what else does sodium fluoride do? Skeptics have been urging that medical question for years, and have been brushed aside for their pains. The promoters of fluoridation, determined to impose their own notions of good dentistry upon everyone, have insisted that sodium fluoride is utterly harmless—that its side effects are nil. Is this true?

In a long article, Lear summarizes some recent research in the field. Persuasive evidence is beginning to pile up, both in the United States and in Canada, that sodium fluoride may have far more serious effects upon kidneys and bones than the promoters have believed.

One especially significant finding is credited to Dr. Donald R. Taves and his colleagues at the University of Rochester. They discovered that once it enters the body, fluoride takes not one form, but two. Most of the fluoride stays "bound." About 15 percent appears as "a free ion, able to enter into any number of potential reactions." When fluoride is added artificially to a public water supply, "the rise in total blood fluoride concentration is approximately 36 percent; but the rise in free fluoride is 250 percent."

The findings of Dr. Taves in Rochester, and of Dr. Gerald Posen in Montreal and Ottawa, have been fully reported to learned societies. Dr. Posen's sobering paper on the dangers of using fluorinated water in the dialysis baths of artificial kidneys was presented late in January to the Royal Canadian College of Physicians and Surgeons in Vancouver.

These reports are important to every editor and city councilman concerned with the fluoridation issue. They revive all the old philosophical questions. Granted, for the sake of argument, that sodium fluoride is good for children's teeth: Is it therefore wise and necessary that every citizen be compelled to ingest it?

Almost 4,000 American communities, comprising 72 million persons, now are adding sodium fluoride to their public water supplies. In the view of old-fashioned conservatives, the practice is plainly an intrusion upon personal freedoms. Put that aside. Is artificially fluoridated water also an intrusion upon the bones and kidneys of susceptible persons compelled to drink it?

[From Saturday Review, Mar. 1, 1969]

NEW FACTS ON FLUORIDATION

(By John Lear)

(NOTE.—The Royal Canadian College of Physicians and Surgeons has received a medical science research report from Ottawa General Hospital, where a group of patients whose lives depend on artificial kidneys has developed bone disease recalcitrant to treatment. The kidneys use artificially fluoridated water. Similar cases were reported earlier in the United States. Are there implications for people with kidney ailments who drink fluoridated water every day?)

When the first edition of *SR's* Science and Humanity Supplement appeared in March 1956, fluoridation of public drinking water already had been a subject of raging controversy for more than a decade. People and agencies involved in the fight soon were piling the science editor's mail basket high with arguments for and against fluoridation. The letters had one point in common: He had an obligation to analyze the issue and report his findings. The argument was so much more emotional than logical that a very long time was required to sort the information from the noise. But five years ago [*SR*, Dec. 7, 1963; Jan. 4, 1964], he totted the opposing data and published the following conclusions:

Although the evidence was not considered valid by all scientists, there was preponderant experimental support for the view that addition of sodium fluoride to drinking water conferred a certain resistance to tooth decay in a large percentage of children in the age bracket characterized by maximum physical growth.

Very little was known about the side effects of fluoridated water in the human body apart from the teeth.

Especially neglected by medical investigators were the side effects of fluoridated water in victims of metabolic disorders, such as those of the kidneys, the liver, the cardiovascular system, and the skeleton.

The United States Public Health Service and individuals dependent on grants of public money from USPHS had failed to weigh reports of unfavorable side effects of fluoridated water impartially against claims that no such effects occurred if the water supply was maintained at a ratio of 1 part of sodium fluoride to 1,000,000 parts of water.

A potential threat to the health of an undetermined number of individuals was thus being masked by insistent profluoridation pressure applied with the declared purpose of guarding the public health.

Reader reaction to these conclusions was tumultuous. It dominated the LETTERS TO THE SCIENCE EDITOR pages for months afterwards [Feb. 1, Feb. 15, Mar. 7, Apr. 4, May 2, July 4, 1964; Jan. 2, Apr. 3, May 1, June 5, Oct. 2, Nov. 6, Dec. 4, 1965]. Angry spokesmen for USPHS and a number of its grant recipients denied any attempt at censorship of information unfavorable to the fluoridation cause. Assurances were given that the public would be promptly informed of discoveries suggestive of dangers hidden in fluoridated drinking water.

In the subsequent five years, no public warnings of fluoridated water's side effects in general or in special cases or under particular circumstance have issued from USPHS.

Yet, one year after the USPHS attitude was challenged in these columns, there began to unfold a series of events that USPHS was committed to notice. The first event was publication, in the *Archives of Internal Medicine* issue dated February 1965, of a clinical science report entitled, "Use of Fluoridated Water in Long-Term Hemodialysis."

Hemodialysis is the substitution of an artificial kidney for the natural kidneys to remove from the blood wastes normally disposed of through the urine. The artificial kidney is essentially a coil of plastic tubing immersed in a water bath and connected to the main blood vessels that lead into and out of the natural kidney. The tubing does not accomplish all the subtle transfers performed by the tubules of a natural kidney, but it does alleviate uremia by shunting the body's blood supply outside the body, bypassing impaired kidneys, and carrying impurities from the blood across the plastic membrane into the water bath, then returning the purified blood to the body. At the same time that the impurities are passing through the membrane from the blood into the water, osmotic pressure is moving minerals in the water across the membrane in the opposite direction, from the water into the blood.

Part of this return transfer—passage of fluoride from the water into the blood and thence into the metabolic systems of the body—was what the above-cited *Archives* report concerned itself with. Artificial kidneys were still new and experimental in June 1961, when the subject of the report—a fortyish Rochester, New York, female nurse who had been afflicted with a mild kidney impairment (proteinuria) for twenty years, higher than normal blood pressure for a decade after birth of a child, and periodic urinary tract infection for six years—suffered kidney function failure and consequent accumulation of wastes in the blood. Repeated hemodialysis for periods of four to six hours every two to three weeks kept her alive until May 1962, but did not decisively change her chronic uremic condition. Autopsy was performed, but the findings were not disclosed in the *Archives*. Cause of death, if precisely determined, was not stated. The *Archives* report discussed only the amount of fluoride that could be estimated to have entered the woman's body through the public drinking supply.

"Except for a period from 1952 to 1957, her household water had less than 0.2 ppm of fluoride," the report said. "During the period from 1952 to 1957, it was approximately 1 ppm. Subsequent to 1957, she worked in a hospital that had fluoridated water, where it is known that she drank two cups of coffee a day. Other dietary history is unavailable."

In other words, before she was hemodialysed with an artificial kidney bathed in the artificially fluoridated water of the city of Rochester, the nurse's exposure to fluoridated water had been relatively slight.

Since the dialysate bath in the artificial kidney contained 100 liters of water, and since the bath water was changed once during each dialysis, the total volume of the water used in one dialysis was 200 liters. A liter weights 1,000 grams; 200 liters therefore weigh 200 million milligrams. Given a ratio of 1 part of fluoride to 1,000,000 parts of water, the bath water used in one dialysis would contain 200 mg of fluoride.

Exactly how much of this fluoride actually moved out of the bath water into the nurse's blood could not be determined because hemodialysis had been performed on two occasions before the water was sampled for fluoride content. Estimates based on sampling of subsequent dialyses would not be dependable because the earliest sampled dialyses transferred much more fluoride from the water into the blood than the later dialyses did. But for what the figures were worth, the *Archives* reporters measured the actual loss of fluoride from the bath water in all of the seven sampled dialyses and came up with an average loss of 5 mg per bath, or 10 mg per dialysis. By assuming a regular pattern for the two unsampled dialyses, and arbitrarily assigning a fluoride

content to the water the nurse drank during her stays in the hospital, "a total dose of about 150 mg" was arrived at.

According to all the rules of fluoride behavior then known to medical investigators, this total amount fell far short of explaining the concentration of 5,500 ppm of fluoride discovered in the skeletal bones of the nurse at autopsy. "At least 4 grams of fluoride [more than twenty-six times 150 mg] would have to be present in the bones to produce a concentration" of that intensity, the *Archives* report observed, adding: "This suggests that she was ingesting and retaining more fluoride than usual for some time." How ingestion could have been greater than indicated in the case history was not explained. A greater retention might have been due to the kidney impairment. On that point, the report declared: "The question of increased retention of fluoride in patients with kidney disease has not been resolved." However the condition had come about, the mineral content of the bones was dissolving at a high rate at the time of her death. As the *Archives* report put it: "There was excess bone breakdown."

The concentration of fluoride in the nurse's blood was also elevated. Whether or not the elevation was detrimental "cannot be answered with finality," the *Archives* report said, concluding with the following paragraph: "It is possible that extra fluoride was beneficial for this patient's bone . . . so further experimental work would seem justified. However, where no effort can be made to learn more about its possible effects, it would seem prudent to use non-fluoridated dialysate baths for long-term hemodialysis."

The initial signer of the *Archives* report was University of Rochester Assistant Radiation Biology Professor Donald R. Taves, M.D. His co-authors were three fellow members of the Rochester faculty: Pathology Professor R. Terry, M.D.; Associate Radiation Biology (Toxicology) Professor F. A. Smith, and Technical Associate D. E. Gardner. The research reported on was financially supported in part by a USPHS grant. But USPHS did not disseminate the report to the lay public.

The University of Rochester is one of the strongest pro-fluoridation centers in American academia. As a community, it did not enthuse over this *Archives* departure from orthodoxy. But Professor Taves, possessed of an independent mind and courageous spirit, would not abandon his thesis that the side effects of fluoridated water works through artificial kidneys needed further investigation. In 1968, he reported on the subject again, this time in a paper he read at a spring meeting of the American Society for Artificial Internal Organs in Philadelphia.

After a prefatory note that "many cities add fluoride to their water supplies to reduce dental decay, but there is little known about the implications of fluoride for those who are dependent on hemodialysis for life," the Philadelphia paper proceeded to describe what had happened to seven patients under treatment with artificial kidneys bathed in fluoridated water. Some of the patients were from Rochester, others from Seattle in Washington state. Some had been treated with one type of artificial kidney, some with another type. To varying degrees, the seven shared a common experience: The level of fluoride concentration in their bloodstreams rose after each dialysis and fell in the interval between dialyses. Taves commented:

These results demonstrate that when the dialysate is prepared with fluoridated water, fluoride moves from dialysate to blood at a rate comparable to the movement of solutes in the opposite direction. . . .

The only two significant means of clearing fluoride from the body fluids are renal excretion and incorporation in bone. Since residual renal function was minimal to nonexistent in these patients, the decrease in serum concentration [of fluoride] between dialyses was primarily due to clearance [absorption of fluoride] by bone. . . .

Little data are available that correlate serum fluoride levels [of fluoride] with therapeutic or toxic effects in man. . . . These data suggest that the serum fluoride values seen in these patients [the seven Taves was reporting on] are likely to result in altered bone formation. Further studies will be needed to rule out the possibility that more generalized effects are occurring. . . .

Like Taves's earlier work, the research that stood behind his second report had also been financed in part by a USPHS grant. But if USPHS did anything to disseminate the new facts dug up by the research, the lay public that foots the bill for fluoridation of public drinking water never heard of it.

Among the scientists who attended the Philadelphia meeting at which Taves spoke was a young Canadian, Dr. Gerald Posen. Dr. Posen had studied at Johns Hopkins in Baltimore and had gone from there to Montreal to join the staff of the Montreal General Hospital. There he did clinical research with artificial kidneys. It was commonplace for patients aided by artificial kidneys to be attacked by blood and bone discomforts, but these problems were just as commonly dissipated by supplementing the patient's supply of calcium, phosphorus, and Vitamin D. The experience at Montreal encouraged Posen to take on a bigger assignment and he went to the Ottawa General Hospital in Canada's capital city to take charge of that institution's artificial kidney unit. There he encountered much more severe manifestations of the same types of bone problems he had found and successfully combated in Montreal. But he discovered to his dismay that the treatments he had used in Montreal would not work in Ottawa. No matter what massive therapeutic dosages he prescribed, the bone deformation in his artificial kidney patients grew worse instead of better.

Posen went to the meeting of the American Society for Artificial Internal Organs in Philadelphia to learn something helpful in alleviating the suffering of the people in his charge. By chance he sat beside Taves at a dinner party. He told Taves his troubles. Taves asked him whether the possibility of fluoride involvement had been considered. Posen said it had not. Taves asked whether the public drinking water in Montreal was fluoridated. Posen said it was not. Was the public drinking water of Ottawa fluoridated? Posen did not know. The question agitated him so much that he walked to the nearest telephone and called Ottawa. Was Ottawa's public drinking water fluoridated? Yes, it had been since November 1965.

Posen made an immediate decision. He would set up a definitive experiment to determine what, if any role, fluoride might be playing in the suffering of his artificial kidney patients in Ottawa. He asked Taves whether Taves would make analyses of the blood of the patients. Taves was happy to do so, for he had recently made a discovery that may revolutionize the entire study of side effects of fluoridated drinking water.

The discovery was that, insofar as effects within the body are concerned, there is not one form of fluoride in the blood but two. One of the two is tightly bound to protein soon after it enters the body. By definition, this form is not free to combine and cause trouble. The second form is a free ion, able to enter into any number of potential reactions.

The free form makes up somewhat less than 15 per cent of the total amount of fluoride entering the body. The implications of this small percentage to study of fluoride's side effects become evident when the percentage is applied to the fluoride level of normal blood in a community without an artificially fluoridated water supply. The fluoride content of such blood is 0.14 ppm, of which only 0.02 ppm is in free ionic form. If the drinking water of that community is thereafter fluoridated at the standard 1 ppm level, the fluoride concentration in the blood of the community's citizens can jump to 0.19 ppm, of which 0.07 ppm is free to react inside the body. The rise in total blood fluoride concentration is approximately 36 per cent; but the rise in free fluoride is 250 per cent. In this context, the possible relationships between addition of small amounts of fluoride to water and the side effects of fluoride take on quite different proportions than seemed reasonable before Taves separated the bound from the free fluoride.

The availability of this precise new tool of fluoride measurement, in the skillful hands of its discoverer, speeded the initiation of Posen's crucial experiment. His next step was to assure a continuing story of what happened to fluoride from the artificial kidney bath water after the fluoride entered the blood. To do that, he had to match the fluoride concentration in the blood of his patients against the concentration of fluoride in their bones.

He asked Taves to recommend an expert bone analyst. Taves recalled that Dr. L. F. Belanger, of the Department of Histology, University of Ottawa, had reviewed a widely discussed *Archives of Environmental Health* state-of-the-art report on fluoride pathways to bone [see SR, Jan. 4, 1964]. Posen called for help from Belanger, who referred the challenge to one of the three authors of the state-of-the-art report: John Marier, a chemical analyst associated with Dr. Dyson Rose, an internationally reputed chemist on the staff of the National Research ouncil of Canada. Marier agreed to analyze bone for Posen if Rose would approve. Rose approved, on the grounds that Posen's project was an important public service worthy of NRC's respect. All that remained to make the experiment foolproof was for Posen himself to record his patients' clinical symptoms in fine detail.

At intervals thereafter, samples of blood went to Taves and samples of bone (mostly biopsied from the iliac crest, the bony vestige at the base of the spine where evolutionists say pre-man once had a tail) to Marier. The samples were identified only by number. Neither Taves nor Marier knew the names or physical conditions of the patients they were observing. Only Posen had the identities and clinical records that fit the numbers.

In the half year that followed the Philadelphia meeting, Posen accumulated enough data to reach several solid conclusions. He incorporated these facts into a paper and took it to Washington, D.C., in November 1968 to read at a meeting of the American Society of Nephrology. Expecting a small audience, he was appalled to find that he had been assigned the biggest conference room available. "I will be deafened by the echoes," he said. When the time came for him to speak, however, the big room was not only filled but overflowing. Hundreds of kidney specialists were attracted by his subject. Posen did not disappoint them. The facts he recited thoroughly confirmed what Taves had hinted at three years before—fluoridated water should not be used in the dialysis baths of artificial kidneys because of the side effects it wreaks in the bones and perhaps in other parts of the patients' bodies.

If any account of Posen's report ever has been published in a newspaper or magazine or on a radio or TV broadcast, *SR's* science editor is not aware of it.

The reaction of the medical scientists who applauded Posen's pronouncements is an instructive commentary on the power of the USPHS fluoridation dogma. Scores of kidney specialists buttonholed him afterward, but not one of them raised the question whether fluoridation of public drinking water ought to be discontinued, or whether proposals for further extension of the practice should be subjected to vigorous scrutiny. The only question they asked was: Where can our hos-

pitals buy dependable filters to remove fluoride from the dialysis baths of our artificial kidney units?

Posen was in fact relieved that no one put the larger question because he didn't feel he could given an answer, one way or the other, that would stand up under scientific analysis. He went home to Canada, located a fluoride filter manufacturer in the town of Hamilton, Ontario, and ordered a set of demineralizers to attach to the dialysis baths of artificial kidneys in the Ottawa General Hospital.

Now one of the archaic principles that governs the practice of modern medicine says no physician is really expected to be better than average. As long as a doctor does what most of his colleagues in his neighborhood do, he is safe from criticism. Improvements in treatment of any kind are therefore slow to achieve acceptance. But once a method or a technique is commonly adopted, inertia acts to hold it in operation far beyond its period of true worth. Nevertheless, so many physicians share an inner compulsion to surpass average performance that medicine is carried forward almost in spite of itself, in individual spurts related to each other through an incredibly intricate network of informal feedbacks. Somehow this patchwork system of communication penetrated the silence surrounding the Posen project and placed Posen's name on the list of speakers for a meeting of the Royal Canadian College of Physicans and Surgeons at Vancouver, British Columbia, late in January 1969. Marier was asked to speak to the Canadian Society for Clinical Investigation, which met at the same time and place. And for the first time since original mention of the problem in a medical journal four years before, the side effects of fluoridated water in the bodies of people whose survival depends on artificial kidneys became news to the daily newspapers.

The Canadian Press correspondent who covered the Vancouver meetings sent CP member editors a dispatch that began:

The artifically-fluoridated water supplies of certain cities may cause unexpected complications in the use of kidney machines to keep alive patients with kidney failure, two Ottawa doctors reported. . . .

Their work in spotting the problem and examining its effects has resulted in a decision in the Ottawa General Hospital not to use the city's fluoridated water in the kidney-machine treatment.

North American cities are being checked to determine whether other centres with fluoridated water experienced the same complications.

Southam News Services clients got a much longer report from correspondent Bob Cohen which opened with these paragraphs:

The fluoride in city water supplies may be aggravating bone problems in people with diseased kidneys who need to have wastes mechanically filtered from their blood every week.

An Ottawa study which describes the possibility was outlined here . . . at the annual meeting of the Royal Canadian College of Physicians and Surgeons.

Dr. Gerald Posen, head of the Ottawa General Hospital's hemodialysis unit, reported that fluorides in the Ottawa water supply apparently have had this aggravating effect.

He and colleague John Marier, an analytical chemist at the National Research Council, are now trying to determine whether other cities with fluoridated water supplies have had the same experience.

As so often happens in the United States when the impact of science on society is involved, the reporters at Vancouver apparently did not attempt to probe beneath the surface of events. Full texts of the Posen and Marier talks may not have been available, but abstracts were, and their authorship citations were explicit. Posen cosigned Marier's paper, Marier cosigned Posen's, and both appended the names of Posen's boss at Ottawa General Hospital, Dr. Z. F. Jaworski (who was then on leave from Ottawa to serve as a consultant at Henry Ford Hospital in Detroit where the public drinking water supply is fluoridated and where allergies and neurological disturbances have been attributed to fluoride for years by Dr. George L. Waldbott) and of Taves, who remained in Rochester during the Vancouver meetings. Had the newsmen at Vancouver asked about Tave's role in Posen's experiment, they would have discovered what has just been recited here—that Posen's work was a confirmation of Tave's findings of 1965, and therefore already on a footing of international significance rather than being a prelude to coming significance.

In opening his remarks to the Royal Canadian College of Physicians and Surgeons, Posen mentioned sixteen cases in which artificial kidneys were used at Ottawa General Hospital since 1964. Later, in a long-distance telephone conversation with *SR's* science editor, he discussed fourteen of these patients, who had "minimal or no detectable bone disease" at the time treatment with artificial kidneys began. Four of the fourteen died before Posen could learn very much about them. The concentration of fluoride in the blood of all of the remaining ten patients rose to levels comparable to the levels that cause fluoride-induced bone disease in experimental animals. Alkaline phosphatase, an enzyme that circulates in the blood in amounts proportional to dissolution of bone in the body, also rose steadily in volume in all ten patients. By the end of a year of dialysis with fluoridated water, the ten patients had all developed bone disease. Nine of the ten complained of pain in their bones. Six were attacked by arthralgias—arthritic-like pains in the joints. Three developed calcific bursitis, a condition in which mineral crystals imbed in the shoulder muscles and saw at them from within. Muscles of five of the ten patients became weakened, and in three patients symptoms of irritation of the surface of nerves appeared.

X-rays meanwhile showed knobby growths on some bones, oversize crystals of mineral inside other bones, and disappearance of minerals from areas beneath the surfaces of still other bones. Progressive X-ray pictures revealed that as the period of dialysis with fluoridated water lengthened, dissolution of bone in all ten patients accelerated. In nine of the ten, the mineral substance of some bones became so depleted that the bones broke spontaneously. For example, ribs cracked under the pressure of breathing.

One of the ten patients died last summer, of causes that Posen says have not been determined although the body was autopsied. X-rays of that patient revealed first an area of bone from which the minerals were disappearing, then an associated fracture of the bone. The post-mortem confirmed occurrence of a metabolic disorder little understood by laymen. This phenomenon arises from the fact that the bones of the body are storehouses of minerals that the body draws upon in time of need. When the bones do not respond readily to the demand, the parathyroid gland sends a hormone through the blood to order the bones to act. If the bones still do not respond, the parathyroid assumes the hormone did not deliver the message. The gland thereupon exerts itself to send more hormones. Overexertion causes the gland to grow beyond its normal size. In the Ottawa patient whose death is under discussion here, the parathyroid gland was oversize. One explanation for this condition could be that the excessive fluoride in the bone had combined with and thus locked up an unusually large amount of calcium. As the parathyroid hormone carried its orders deeper into the bone, underlying calcium moved out in response to the instructions. By that time, the enlarged gland had grown accustomed to crying "give," and it continued to call after the need for calcium had passed.

Posen characterized the influence of fluoride in his fourteen cases as "a complicating factor; we don't know enough yet to call it a cause." Marier, who found among his chemical analyses the highest concentrations of fluoride ever observed in human bone, concurred in the view that results of the experiments to date "make it difficult to pinpoint fluoride involvement. Nevertheless," he said in his report to the Canadian Society of Clinical Investigation, "we have observed a pattern of bone disease that does not respond to normal therapy, associated with high fluoride levels in [blood] serum and bone which strongly suggest fluoride involvement in this particular form of bone disease."

Of the nine surviving subjects of the study, four have received natural kidneys transplanted from other persons. Two are using artificial kidneys at home, and three remain in the hospital. "Currently," Marier told his professional audience in Vancouver, "the Ottawa patients are being dialysed with fluoride-free water, and we hope to report on the follow-up phase in the near future." Immediately after the switch from fluoridated to unfluoridated water, the condition of the patients improved. To what extent the improvement will continue remains to be seen. Marier wholeheartedly endorsed Posen's closing statement to the Royal Canadian College of Physicians and Surgeons: We recommend that fluoridated water not be used for hemodialysis until the role of fluoride in renal osteodystrophy is clarified."

In its news dispatch concerning the Vancouver meeting, the Canadian Press quoted Posen and Marier as having told a press conference that "their findings have no implications whatever in the use of fluoridated water for drinking in those centers which add the chemical to the water supply as a tooth decay preventive." Questioned on this point by telephone afterward, Posen accepted responsibility for the statement but conceded he could not document its scientifically; nor, he said, could he document the opposite conclusion that fluoridation of public drinking water evokes side effects on a sufficiently broad spectrum to justify discontinuance of the fluoridation practice. "I don't wish to be a party to the fluoridation controversy," Posen said. "I wish only to continue my research and see where it takes me."

Marier agreed that Posen alone had made the statement quoted by CP. Marier's personal position was that Ottawa General Hospital's experience with fluoridated water in artificial kidneys, plus the Rochester-Seattle experience reported earlier by Taves, plus repeated reports in the medical literature of side effects caused by fluoride in water abroad, have clear implications for exposure to fluoride everywhere in the environment, and that these call for deeper research into the metabolic behavior not only of fluoride but of other trace elements in biology such as phosphate, magnesium, calcium, citrate, and cobalt. As man enters an era of profound concern over the totality of his environment, ignorance of small convergences may frustrate his understanding of larger consequences.

In presenting his observations to the Canadian Society of Clinical Investigation, Marier emphasized that side effects of fluoridated water moving into the body through an artificial kidney are not now being translated into predictions of side effects that will be brought about by fluoridated water taken by mouth. He reminded that the concentration of free ionic fluoride in the blood can be as low as 0.02 ppm, whereas the concentration of fluoride in artificially fluoridated water is 1 ppm. In other words, the amount of fluoride in the bath water of an artificial kidney can be proportionately as much as fifty times the amount in the blood that the plastic coil of

the kidney carries through the bath. The 50-to-1 gradient between the outer and inner sides of the coil membrane drives fluoride across the membrane from the water into the blood until an osmotic equilibrium is reached.

At the 50-to-1 ratio, fluoridated water produced bone disease in ten patients studied at Ottawa General Hospital within a year; in two and a half years, all ten patients were actively sick. As is recalled in Michael Wollan's brief history of fluoridation beginning on page 56 of this issue of *SR*, specialists in fluoride chemistry who opposed initiation of fluoridation of public drinking water years ago warned that fluoride was such a subtle enzyme inhibitor that its damaging effects would be a long while in exposing themselves; nevertheless, those specialists—several of them Nobel Prize winners—insisted that the effects would be inexorable. *SR*'s science editor believes there is now excellent cause to determine whether the protesting Nobelists were right or wrong. If water fluoridated at a concentration of 1 ppm can, by moving through an artificial kidney, cripple the body it enters within a year, it is time to discover whether water fluoridated at a concentration of 1 ppm can reasonably be expected to cripple the bodies of severe kidney disease victims who drink the water daily for ten to twenty or more years.

The question posed in these columns five years ago grows more pertinent with time's passage: Is fluoride's effect sufficiently selective? Does it protect the teeth without exacting penalties elsewhere in the body? To repeat a comment made here at that time:

Surely we have learned to respect this question. We have frightening examples from the past to justify it. Radium water was drunk by the glassful, with the approval of some of the most advanced physicians, until someone suddenly discovered that those who were drinking it were slowly disintegrating internally. Sulfa elixir was accepted as a cure-all for a while; when its full effects were realized, the drug laws of the United States were reformed as a consequence. X-rays were performed for every imaginable purpose in the belief that there could be no such thing as too much diagnosis; then the National Academy of Sciences in 1956 reported that X-rays were a greater immediate peril to health and life than any other form of radiation, and the use of X-rays dropped sharply almost overnight. Antibiotics worked wonders against some of man's toughest competitors among the bacteria; but overuse of antibiotics in a shotgun type of therapy alien to modern medicine brought the removal of the antibiotics division director of the U.S. Food and Drug Administration only a few years back, and today the medical profession exhorts its members continually to guard against the undesirable side effects of antibiotics.

Adequate protection of children's teeth against decay is not at issue. Such protection can be provided without indiscriminately dosing people of robust and frail health alike with fluoride. To pay out public moneys to fluoridate public drinking water and then pay out more public moneys to de-fluoridate water used in hospitals is hardly an exercise in economy when it is possible to confer fluoride's tooth decay inhibiting benefits on children who need it by simply adding fluoride pills to drinking water in the children's homes. USPHS could subsidize purchase and distribution of the pills. According to one of four letters on the subject published last January in *Science*, journal of the American Association for the Advancement of Science, the pills would cost only a fraction of the sums spent in fluoridating the water of a city. To repeat another observation made here five years ago:

A possible danger in the continuing effort of the U.S. Public Health Service to fluoridate public drinking water is that it runs counter to the personal responsibility of the citizen.

VIETNAM

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 1969

Mr. RYAN. Mr. Speaker, despite the negotiations in Paris, the war in Vietnam rages on with increasing fury. In the week ending March 1, 453 American servicemen were killed in Vietnam and 2,593 were wounded. As of March 1, the total number of U.S. servicemen killed since 1961 totaled 32,376. At present casualty rates, the total number killed in Vietnam will soon surpass the total of 33,629 servicemen lost in the entire Korean war.

Almost one-third of the entire number of Americans killed in Vietnam—9,425—has been lost since the preliminary Paris peace negotiations began on May 10 of last year, and 2,319 lost their lives in the 3 months since South Vietnam joined the Paris talks on December 7.

These casualty figures make it clear that hostilities have increased, rather than decreased, since the Paris negotiations began. With speculation increasing that President Nixon may take some retaliatory action against the latest offensive by the North Vietnamese and Vietcong and thus initiate a new round of escalation and buildup, the hopes for an early negotiated end to the war are severely threatened.

The heavy casualties during the past 3 months are not unrelated to a step-up in offensive action on the part of the United States. Last December 14, a New York Times editorial warned that increasing U.S. military activity—coinciding with a decline in battalion-scale assaults by the North Vietnamese—was endangering the peace talks in Paris. The editorial cautioned that an upset in the balance in Vietnam in advance of a settlement "is bound to produce a reaction sooner or later" that could "wreck the chance for a negotiated peace."

A New York Times editorial on March 9 stated:

> The United States simply cannot have it both ways. It can not demand the right to press the fighting with increased vigor itself while charging double cross whenever the Communists do the same.

Recently, I. F. Stone, in his February 10, I. F. Stone's Weekly reported an increase in the number of United States and South Vietnamese offensive military initiatives since the start of the Paris negotiations in December. Assessment of the intentions of the North Vietnamese is hindered, he says, by the Pentagon's "censorship" of figures on enemy-initiated actions.

In his column of March 7 in the New York Times James Reston argued that a settlement cannot be achieved until President Nixon makes clear his willingness to withdraw American troops from Vietnam.

> So long as the enemy is in doubt about this critical point—
>
> Reston says—
>
> the chances are that the war will go on indefinitely.

Moreover, according to New York Post columnist James Wechsler, Ambassador Averell Harriman, the chief Paris negotiator for the Johnson administration, has said that the present Vietnamese offensive is "essentially a response to our actions rather than a deliberate reckless attempt to dictate the peace terms or torpedo the talks."

I include in the RECORD the February 10 article from I. F. Stone's Weekly, the March 7 New York Times column by James Reston, and the New York Times editorial of March 9.

I urge President Nixon to heed these cautions and to realize that increased military pressure can only lead to increased casualties and a prolongation of the war which has already cost an unnecessary sacrifice of American and Vietnamese life.

The articles follow:

[From I. F. Stone's Weekly, Feb. 10, 1969]

WHY THE CASUALTIES RISE AS THE PEACE TALKS GO ON

President Nixon's dismissal of a cease-fire in Vietnam calls for close examination. It was sophistry to say that a cease-fire "may be meaningless" in a guerrilla war because of the difficulty in controlling it. Whatever element of truth this may contain as a general proposition, the history of past truces in the 9-year old Vietnam war shows that the other side has had little difficulty in enforcing a cease-fire on its own troops. Cease-fires have been broken by the other side on any meaningful scale only when they wanted to break it, as in the Tet offensive last year, or in defensive response to the aggressive patrolling which has been our military's own way of getting around cease-fire orders in holiday truces. Until the bombing pause the U.S. official line was to call for a cease-fire as the price of a bombing halt. The line has changed because we hope to exploit the present situation by "clean up" operations against the guerrillas in the South. That is why casualties still rise as the peace talks go on.

POLITICAL CENSORSHIP AT THE PENTAGON

A neat bit of censorship is helping to hide the truth. The Pentagon gives out figures on attacks initiated from our side but the figures on enemy-initiated attacks are "classified", an antiseptic word for censored. One of these censored figures came to light last December 14 when the *New York Times* in an editorial, "Endangering the Peace Talks", said "Since the bombing halt, the enemy has initiated only one battalion-sized assault. By comparison last month American troops mounted 63 battalion operations and South Vietnam staged 664 such campaigns." It said the purpose was "to extend South Vietnamese Government control over disputed areas and territory long controlled by the Vietcong" and warned that such an effort "to upset the balance in Vietnam in advance of a settlement in Paris is bound to produce a reaction sooner or later" and risk a flareup "that could wreck the chance for a negotiated peace."

In the wake of the Nixon press conference, we went over to the Pentagon to check the Times figures and bring them up to date. We found the tempo of offensive operations from our side had gone up about 25% in December over November. The figures on battalion-sized operations from our side in December were 824 South Vietnamese, 84 U.S. and 48 combined, or a total of 956 as against the 727 figure the Times gave for November. But when we asked for the figures on enemy-initiated actions of battalion size, we were told that all the figures on enemy-initiated actions were in classified tables. We went to two different sources and finally put in a formal question on why such figures were classified, but we're still waiting for an answer. The New York Times assertion was not

challenged. One officer explained that any paper with a man in Saigon who kept a sharp eye on the daily communiques could get figures on enemy-initiated attacks. Obviously the totals on enemy attacks do not keep any information from the enemy he does not already know. This is political not military censorship, designed not to confuse the enemy but to hide what is going on from the American public. We hope some members of Congress will insist that these figures be released.

The course in Vietnam becomes clearer if one compares it with U Thant's original 3-point plan for peace. At his press conference January 28 the Secretary General noted that two of the points had been put into effect—the bombing of the North had ended and talks among all the parties involved had begun. U Thant's third point was a gradual de-escalation of the fighting. Instead of de-escalating in response to the considerable de-escalation on the other side, we have been stepping up both ground and aerial action in the South, as we have the bombings over Laos.

Tacitly or explicitly, it is now becoming clearer. Johnson exacted a sharp price when he ended the bombing of the North. He imposed severe restrictions on enemy activity while making it possible for us to increase ours. The Nixon administration is carrying on the strategy of Johnson's. This strategy has two elements. The first is to threaten resumption of the bombing in the North if the other side should resume substantial forays or shellings from the DMZ or should attack the larger cities. The second is to take advantage of these military limitations on the other side to move considerable forces from the northern part of South Vietnam where they have been on guard against a possible invasion from the DMZ. These forces have been moved south, for "pacification" operations in the Mekong Delta. This has been a guerrilla stronghold since the earliest days of the uprising against the French. The aim is to reconquer the Delta for the Saigon regime.

THE SEMANTICS OF ACCELERATED WAR

The bombing of the North ended Nov. 1. The escalation from our side began at the same time. In the three months since more than 2,000 Americans have lost their lives. White House orders explain the rising casualty lists. Clark Clifford lifted the curtain on them last November 24 when he said "General Abrams has specific instructions to maintain constant and intensive pressure on the enemy." The fight-and-talk strategy was ours. Our Madison Avenue-minded military invented a new soap ad phrase to sell this accelerated warfare. They renamed it "accelerated pacification." Clifford added loyally that this was "the right psychology and the right strategy to follow now," but he expressed the hope that when "we begin to make progress in Paris" and agreement "in certain areas" was reached "then instruction could be given by Hanoi to their battlefield commanders, and instruction could be given here by President Johnson to General Abrams to withdraw from contacts with enemy forces." The enemy began withdrawing from contact and trying to evade battle months ago. But there has been no de-escalation on our side. Three weeks later on Face the Nation, Clifford (see p. 1 box) declared himself "inordinately impatient with the continued deaths of American boys in Vietnam" and urged a cease-fire. Neither Johnson nor Nixon seem to share this impatience. Nixon can cut the casualties any time he orders de-escalation and a defensive strategy, as proposed by Senator McGovern in a speech Feb. 3 to Clergy and Laymen Concerned About Vietnam.

The premise of negotiations is that neither side can win a military victory. If we are negotiating, why go on killing? If we hope to achieve our aims in South Vietnam by a stepup in the killing, why negotiate? The cynical answer is that the negotiations serve as a smokescreen. Neither the U.S. military nor the Saigon regime ever wanted to negotiate. The Paris talks for them only make it easier to continue the war. There is a steady flow of optimistic stories from Saigon on how well the war is now going. One by Charles Mohr in the New York Times Jan. 3 put its finger on a crucial, though nonmilitary factor. "One important factor on which present optimism is based," Mohr wrote, "is the hope that a decision to continue to prosecute the war can be reconciled with the domestic American desire 'to ease the pain' ".

REALITIES FEW NOTICE

Few notice the realities reflected in the last AP weekly casualty report from Saigon (*Washington Post*, Jan. 31). *The report covered the week ended Jan 18 (196 U.S. dead and 1277 wounded) and the week ended Jan. 25 (190 U.S. dead and 1224 wounded)* Why are casualties still so heavy? The AP explained that while "there has been no sustained large-scale fighting since last Fall . . . thousands of U.S. and government troops carry out daily operations in search of the elusive enemy." It added that "pushes are also being made into areas long held by the Vietcong, and in these, even when no opposition is encountered, there are casualties from mines and booby traps." *How long can these offensive operations go on without a counter-offensive from the other side? As we write, for the first time in three months, there have been three battalion size enemy attacks in the past few days. It is time to make the U.S. public aware of all this before fighting flares up again in full fury.*

It is nonsense to say that you cannot have a cease-fire in Vietnam. Fighting ended in the first Vietnamese war when a cease-fire was negotiated at Geneva in 1954. Then it was part of the general settlement. The question is one of policy, not feasibility. The Viet Cong and Hanoi oppose a cease-fire until there has been a political settlement. The U.S. and Saigon don't want a cease-fire until there has been a military "settlement". They cling to the old hope that the war will end with the enemy "fading away", a favorite phrase of Henry Cabot Lodge whom Nixon resuscitated to be his chief negotiator at Paris. The U.S. military seem to be making their plans on the assumption that there will be no settlement in Paris. They plan a prolonged American occupation, though on a reduced scale. "From those most deeply involved in overall strategy" in Saigon and Washington, *U.S. News & World Report* Jan. 27 reported that our military foresee a slow reduction of U.S. forces in Vietnam to 200,000 men by the end of 1971. They set that level as "the basis for a long-haul, low-cost effort in Vietnam that could continue indefinitely." On such a scale "low cost" could still mean $5 or $6 billion. The military men *U.S. News* interviewed regard Korea as a precedent. There we still have 50,000 men 15 years after the shooting stopped. We also have no peace treaty, a continued trickle of casualties and the ever present danger that the war may break out again at any time. That is not a comforting precedent.

CEASE-FIRE AGITATION IN SAIGON

For the Vietnamese people the end of bombing in the North has meant an intensified terror from the skies in the South. B-52s are employed like buckshot, spreading destruction over wide areas, often on the edge of the cities, wherever we think a few guerrillas may be hiding. Nobody but the victims have any conception of what this horror means. It is not strange that in Saigon, despite press control and the thousands imprisoned for peace agitation, the cry for a cease-fire has been rising, though little reported in the U.S. press. Both *Le Monde* (Jan. 28–29) and *Le Figuro* (Jan. 29) report that elements which have hitherto strongly supported Thieu have joined the militant Buddhists in demanding a cease-fire. They quote Father Ca Van Lau, head of the Dan-Tien bloc in the Saigon Chamber of Deputies, as calling for a cease-fire now, as have two leaders of the Don Xa and the Grand Union Forces, organs respectively of the Hoa Hao sect and one faction of the Catholics. Both parties demonstrated last November in favor of Thieu. Now both parties have swung over to the Buddhist demand for an immediate cease-fire. *In this, as in so much else, we are very poorly informed as to what ordinary Vietnamese think. To call for peace is still to risk jail in Saigon.* The ungaged voice of popular sentiment may be better expressed in a manifesto issued in Paris (*Le Monde*, Jan. 30) of a Movement of the Free Forces of Vietnam, representing both civilian exiles and former Vietnamese officers who fought in the army organized by the French. It terms the present regime "nothing but a prolongation of the Fascist regime of Ngo Dinh Diem", which "governs by terror". It calls for its replacement by a provisional government which can negotiate in Paris with the Viet Cong and Hanoi.

This parallels the position taken by Hanoi and the NLF in the Paris peace talks. The NLF spokesman called for the formation of a broadly representative provisional government in Saigon which would organize "free general elections in South Vietnam" and be prepared to deal with the NLF in the Paris talks as an independent and equal party. (See texts in *Le Monde*, Jan. 28). "Although they speak of negotiations for peace," the NLF delegate to the Paris talks said, "the United States continues to intensify the war," and still does not wish to renounce their aggressive aims in South Vietnam." We are paying heavily in American lives in an effort to impose the Saigon regime by force on the South Vietnamese. That is why the casualties rise as the peace talks go on.

[From the New York Times, Mar. 7, 1969]

MR. NIXON AND THE VIETNAM CASUALTIES

(By James Reston)

In a few weeks, at the present casualty rate, more Americans will have been killed in Vietnam than in any other conflict in U.S. history except the Civil War and the two World Wars.

Last week, 453 Americans were killed in Vietnam and 2,593 wounded. This brought the total U.S. combat dead to 32,376—very close to the 33,629 total for the entire Korean War.

In the face of this terrible waste and killing, the urgent need for a new and creative effort to end the fighting is manifest. The negotiators are stuck in Paris. The new government in Washington is following the same old policies. The language of the war is lower but the cost is higher.

THE DEATH TALKS

In fact, 9,425 Americans have been killed in Vietnam since the preliminary peace talks began in Paris last May 13, and 2,319 of these have died since South Vietnam joined the enlarged talks last Dec. 7.

The carnage among the Vietnamese meanwhile is almost beyond comprehension. On the enemy side alone, according to the official U.S. command in Saigon, at least 457,131 Vietcong and North Vietnamese soldiers have been killed since the beginning of 1961 when the United States entered the war, and nobody has the heart to estimate the dead among the civilian population, North and South.

The reaction to all this is remarkably casual. Even expressions of pity are now seldom heard. The enemy continues his rocket attacks on Saigon. Ambassador Henry Cabot Lodge says in Paris that "the consequences of these attacks" are the enemy's responsibility. President Nixon says that if the attacks go on, he will make "some response

that is appropriate." And Secretary of Defense Laird says in Saigon: "We will not tolerate continued enemy escalation of the war."

There is not even any agreement on the terms of the Paris peace talks or on whether the enemy was first to step up the military pressure, or vice versa. Washington says it had an "understanding" that there would be no enemy attacks on the cities if it stopped the bombing of North Vietnam. Hanoi holds there was no such understanding. Hanoi says the U.S. kept up the bombing pressure and the search-and-destroy raids early this year; Washington says it did so in response to the enemy's increasing pressure.

Meanwhile, despite all the recent expressions of mutual understanding between President Nixon and officials of the Soviet Union and the Western European countries, the efforts of London, Paris, Moscow and even the United Nations to bring about a cease-fire have virtually ceased.

THE CRITICAL POINT

In this situation, it is fairly clear that President Nixon is not going to get a settlement without a shift in policy. He has apparently been hoping that by sounding reasonable toward both Saigon and Hanoi, the enemy will come forward with the compromise President Johnson could not get, but this is not forthcoming.

The sticking point for the enemy is his doubt that the United States intends to withdraw from that peninsula. Hanoi simply cannot believe that the United States would sacrifice over 32,000 lives and spend over $30 billion a year in defense of a principle, then make peace and take its men back home.

In actual fact, there is reason for believing that if Mr. Nixon could get a negotiated peace, he would be willing to do precisely that, but he has not made the point clear, and so long as the enemy is in doubt about this critical point, the chances are that the war will go on indefinitely.

If this intention were emphatically stated instead of merely being discussed around the White House as a likely objective of U.S. policy, then it might be possible to bring the influence of the world community, including the Soviet Union, to bear on the Paris talks.

THE WISHFUL WAITING

But the President hesitates. He is still hoping the old policy will work simply because it is in new hands and is being expressed in different language. He is back on the brink again of one more military response to the enemy's attacks, though there is no evidence that the enemy, having lost over 450,000 men, will hesitate to keep on sacrificing until it is sure American power will definitely be removed as part of any settlement.

Sooner or later, Mr. Nixon will probably have to come to this decision, and the longer he waits, the harder it will be to make the switch, the greater the danger of one more round of escalation, and the higher the death tolls.

[From the New York Times, Mar. 9, 1969]

THE PRESIDENT'S VIETNAM TEST

The challenge confronting President Nixon in the current Vietcong offensive is to resist the Lyndon Johnson tendency to react, in the words of one high official of the old Administration, "as if his manhood were at stake."

The sudden doubling of American casualties in South Vietnam is a bitter new indication of the high price of this dismal war, one that makes clearer than ever the necessity for ending it with maximum speed. That endeavor will not be aided by another rash of self-defeating responses dictated by frustration and anger.

In his foreign policy news conference last week, President Nixon confirmed that the Communist attacks in South Vietnam have been "primarily directed toward military targets." Only "technically," in his phrase, do they contravene the American warning that attacks against major cities would make it impossible to maintain the bombing halt.

Several factors need consideration before an Administration decision on what to do about the present attacks. The first is that experience at all stages of the war indicate that Communist offensives soon run out of supplies and that their duration is not significantly affected by bombing North Vietnam.

Before President Johnson ordered the halt last Nov. 1, it had become abundantly clear that attempts at aerial interdiction of supply routes through North Vietnam were incapable of stopping the tortuous flow of arms and equipment into the South. Nor has the punishment and economic damage inflicted on the North ever visibly shaken Hanoi's will to fight.

The most predictable effect of precipitate resumption of the bombing would be to alienate world opinion again and hamper negotiations on Vietnam and other critical issues with the Russians. It certainly would halt the Paris talks, prolong the war and escalate the fighting, thus increasing instead of reducing the ultimate cost in American casualties.

Moreover, as former Ambassador Harriman last week told James A. Wechsler of The New York Post, the present Vietcong offensive is "essentially a response to our actions rather than a deliberate, reckless attempt to dictate the peace term or torpedo the talks." General Abrams after the Nov. 1 bombing halt was instructed by Washington to maintain "allout pressure on the enemy" in South Vietnam.

Pentagon figures show that from November to January the number of allied battalion-sized operations increased more than one-third, from 800 to 1,077. Of these 919 were South Vietnamese, 84 American and 74 combined. Meanwhile, the North Vietnamese pulled all but three of their 25 regiments in the northern sections of South Vietnam back across the borders. This freed more than a full division of American troops to join in maximum military pressure further south as a means of maintaining morale there and encouraging Saigon to get into the Paris talks.

American spokesmen have heralded successes on the battlefield and in renewed pacification efforts as improving both the allied bargaining position in Paris and the Saigon Government's chances for surviving a peace settlement. There have even been repeated claims that an allied military victory was ripe for the taking.

The United States simply cannot have it both ways. It cannot demand the right to press the fighting with increased vigor itself while charging doublecross whenever the Communists do the same. The sad fact is that the Paris talks have been left on dead center while Ambassador Lodge awaits a White House go-ahead for making new peace proposals or for engaging in private talks out of which the only real progress is likely to come. Everything has been stalled while the Nixon Administration completes its military and diplomatic review.

Now that the Communists have responded with a new military offensive in South Vietnam, the United States will simply have to grit its teeth and see the battle through. Hanoi as well as Washington and Saigon must once again learn the hard way that military victory is an impossibility for both sides, that the sole real hope lies in ending the drift in the peace talks. Anything either side does to retard progress there simply condemns more life and treasure to destruction in the bottomless pit that is the Vietnam war.

OTEPKA TO RECEIVE PRESIDENTIAL APPOINTMENT

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 1969

Mr. ASHBROOK. Mr. Speaker, there is much justifiable elation over the recent news stories that Otto F. Otepka, the State Department security officer who had been demoted by former Secretary of State Dean Rusk, was to be offered the position of Commissioner on the Subversive Activities Control Board, a Presidential appointment.

Concerned about his good name and the stigma on his record of the State Department action, Mr. Otepka was fearful that his vindication of the charges would still be left in doubt. When assured that the Presidential appointment would wipe out any hint of wrongdoing on his part, the security evaluations officer accepted.

As a lawyer and by virtue of his long involvement in security and subversive matters, Mr. Otepka is well qualified to sit on the Board, a quasi-judicial agency which rules on subversive cases referred to it by the Justice Department. In the past there has been some misunderstanding concerning the function of the SACB. It has been overlooked by some people in high places that the Board cannot initiate action, but must wait for referral by the Justice Department before swinging into operation. The responsibility for any inaction on the part of the SACB in the past must be traced directly to the Justice Department under Attorney General Ramsey Clark. As the newsweekly, Human Events, points out, it is a new ball game as far as the SACB is concerned for "Attorney General John Mitchell has every intention of breathing new life into the Board."

Two publications which have worked long and hard in behalf of justice for Otto Otepka are the Chicago Tribune and the above-mentioned Human Events. Mr. Willard Edwards, Tribune's veteran newsman, has expended untold effort and time in bringing to public attention the many ramifications of the case. Human Events, and in particular its Capitol Hill Reporter Allan Ryskind, has likewise performed a journalistic service by helping the public keep abreast of this long and arduous case over the years. They are certainly to be commended for their efforts which at times must certainly appeared to be all but futile.

I insert at this point the column "Otepka Vindicated," from the March 15, 1969, issue of Human Events and the story of Mr. Edwards in the Chicago Tribune of March 7, 1969, in the RECORD:

[From Human Events, Mar. 15, 1969]

OTEPKA VINDICATED

Intent on keeping his campaign promise to accord justice to Otto F. Otepka, President Nixon last week offered the former high-ranking State Department security officer an important position with the Subversive Activities Control Board (SACB). The board's main job is to search out Communist-front organizations.

The tender was an apparent rebuff to Secretary of State William P. Rogers, who, as early as January 21, it is now learned, had made up his mind that he did not want Otepka to work in the department. Two weeks ago Rogers formally notified Otepka he would not be reinstated in the security duties which have been his life's work.

Rogers, it seems, had fallen for the anti-Otepka line dished out to him by former Secretary of State Dean Rusk and did not want to antagonize current holdovers in the department—particularly Idar Rimestad deputy under secretary for administration, the man who would have been Otepka's superior had he been reinstated.

The proposed Presidential nomination to the SACB is regarded as a victory for Otepka in his five-year fight for vindication after he was constantly harassed, fired-pending-hearings, demoted and then stripped of security duties for telling the truth and demanding that the Kennedy and Johnson Administrations adhere to proper security procedures.

Otepka agreed to accept the nomination—which must be approved by the Senate—only after consulting Sens. Strom Thurmond (R.-S.C.), Barry Goldwater (R.-Ariz.) and Everett Dirksn (R.-Ill.). They assured him that a White House nomination would erase all the charges previously leveled against him by the State Department under Rusk.

Roger Robb, the skilled attorney who vigorously defended Otepka through his harassment, called it a "glorious vindication" and there is some indication that Nixon may make the announcement from the White House with Otepka by his side.

In accepting the offer, Otepka was assured by Dirksen that the SACB would become a vigorous arm of the government. Under the Johnson Administration, Atty. Gen. Ramsey Clark deliberately weakened the board by refusing to forward cases to it, but Atty. Gen. John Mitchell has every intention of breathing new life into the board.

Otepka's involvement in security matters may increase even further if the Senate, as Dirksen also promised Otepka, gets to work on S. 12, a special piece of legislation that would enormously enhance the powers of the SACB.

Sponsored by Sen. James Eastland (D.-Miss.), chairman of the Senate Judiciary Committee, this bill would create a special Security Administration for Executive Departments which would take over the task of conducting security checks on government employes working in such major departments as Defense and State. Currently, each of the departments conducts its own security checks.

Under the clear intent of the bill, the administrator of this new security panel would also be the Chairman of the Subversive Activities Control Board (now the very respected John W. Mahan). The other four members of the SACB would also be involved in helping out with the work of the new security panel.

Thus, if S. 12 becomes law, it is very likely that Otto Otepka will be involved in more security work than he had ever been in the State Department. To help Otto become fully vindicated, *Human Events* readers should now start asking what their lawmakers are going to do about S. 12.

[From the Chicago Tribune, Mar. 7, 1969]

SECURITY JOB FOR OTEPKA—NIXON OFFERS SUBVERSIVE BOARD POST—DIRKSEN ADVISES HIM TO ACCEPT

(By Willard Edwards)

WASHINGTON, March 6.—President Nixon tonight fulfilled his pledge to accord justice to Otto F. Otepka by offering him appointment to the subversive activities control board, one of top security posts in the government.

The proposed nomination was regarded as a victorious climax to Otepka's five-year fight for vindication against what a Senate subcommittee termed "calculated and extraordinary harassment" for conscientious performances of his duties.

Otepka, after consulting with Senators Dirksen (R., Ill.) and Barry Goldwater (R., Ariz.), said he was agreeable to the nomination which is subject to scrutiny by the Senate.

FIRED IN 1963 BY RUSK

He was assured by both that, in their opinion, the appointment canceled out all the charges previously leveled against him by the state department under secretary Dean Rusk.

Rusk fired Otepka in November, 1963, on charges of conduct unbecoming a state department officer. Four years later, Rusk was compelled to cancel the discharge but he substituted a severe reprimand and a demotion which cut Otepka's salary as chief of evaluations, office of security, from $20,000 to $14,000 a year.

ADVISED TO ACCEPT

If confirmed as a member of the SACB, Otepka will receive a $36,000 salary. The board has jurisdiction over all cases involving communist organizations and individuals forwarded by the attorney general for rulings.

Otepka carefully considered the appointment before agreeing to accept it. He was prepared, if necessary, to reject it and appeal to the courts but members of the Senate and his attorney, Roger Robb, persuaded him that a Presidential nomination was the equivalent of a court opinion clearing him of all charges alleging misconduct.

At a Senate hearing on his nomination, it was noted, a record can be made which will emphasize his clearance.

Dirksen also assured him that he was not being appointed to a board which will be ineffective. Under the Johnson administration, Atty. Gen. Ramsey Clark made an attempt to weaken the board by not forwarding cases to it. Dirksen said he had been informed by Nixon's attorney general, John Mitchell, that the board will be a vigorous branch of the government.

In naming Otepka, Nixon was keeping a promise he made during his Presidential campaign to see that "justice is accorded to this man who has served his country so long and so well."

ROGERS WAS RELUCTANT

Secretary of State William P. Rogers, however, was reluctant to reinstate Otepka, in the state department as chief security officer.

Rogers informed Otepka's attorney that he could not see Otepka performing a useful service in his old post because holdover officials, hostile to him, would be his superiors. Rogers had been warned that a House appropriations subcommittee would slash his spending funds if he fired one of these officers, Idar Rimestad, deputy undersecretary for administration.

Otepka agreed that his position under these circumstances would be untenable. He continued, however, to demand reinstatement and a letter stating, in effect, that he had been wronged by false charges. If this was done, he said, he would seek suitable means to retire.

DIRKSEN NOTES VACANCY

As the deadlock continued, letters began to pour in on the White House, state department, and Congress, protesting that the President had not kept his campaign pledge. The heat, as one aid put it, was on.

Dirksen noted a Republican vacancy on the SACB [Otepka is a Republican] and suggested Otepka's appointment might serve the dual purpose of placing him in a high post and wiping the slate clean of all the allegations previously made against him.

The President and his secretary of state welcomed this solution. Goldwater talked to the President and called Otepka, urging him to accept the nomination. Senators Strom Thurmond [R., S.C.] and James O. Eastland [D., Miss.], chairman of the Senate judiciary committee, also agreed that the appointment could be regarded as a complete vindication for Otepka.

They were joined in this urging by James Stewart, head of the American Defense fund, Palatine, Ill., which had raised $27,000 for Otepka's legal expenses during the long battle and was prepared to raise more money if needed to finance a court appeal.

Otepka after talking it over with his wife, said his doubts were resolved. The arrangement was made final after a talk with Dirksen late today.

HOPES TO CLEAR RECORD

Otepka said he hoped the appointment, the subsequent Senate hearing, and floor debate, would make clear that the charges against him were false.

The Senate judiciary committee will consider the nomination. It is the parent of the Senate internal security subcommittee which called Otepka six years ago and called upon him to testify frankly about lax security in the state department. He responded and his troubles began.

Otepka's ordeal had started even earlier when he was called by Rusk and the late Robert F. Kennedy, then attorney general, in December, 1960, and asked to waive security investigations for a number of state department appointees then under consideration by President-elect Kennedy.

WOULDN'T BREAK RULES

He refused to break the rules. In the next two years, he was demoted, isolated, and put under surveillance and his telephone was tapped. Two state department officers, caught lying under oath in the Senate inquiry, were forced to resign.

When Rusk fired him, Otepka appealed under civil service regulations. The case dragged on for four years before most of the charges against him were dismissed and the discharge retracted. He continued to fight, however, taking leave without pay. He had to borrow from relatives and subsist on his wife's salary as a school teacher.

"I hope all my friends are right and that my record will be wiped clean of all stigma in the proceedings attending this nomination," he said. "The major issue here was a government employe's right to testify truthfully before a congressional committee. If this point has been made, I feel it was all worthwhile."

BRIDGES TO THE SUN—THOUSANDS ENJOY INNUMERABLE ATTRACTIONS OF BEAUTIFUL FLORIDA KEYS

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 1969

Mr. FASCELL. Mr. Speaker, recent publication of the ninth annual Sunshine Strip edition of the "Florida Keys Keynoter" again calls attention to one of the most beautiful places on earth—the Florida Keys. I congratulate the Keynoter on its big new edition, which is packed with interesting and informative news, photography, and advertising concerning the Florida Keys.

I wish I could insert the entire edition in the CONGRESSIONAL RECORD, for I am sure that my colleagues would greatly enjoy seeing this colorful and fascinating

publication. It is so large, however—88 pages, the biggest Keynoter ever—that this is impractical. Especially at this time when the wintry winds are blowing their hardest in Washington, D.C., readers of the RECORD would be cheered by the Florida Keys atmosphere of sunshine, warmth, and relaxation conveyed in the pages of this edition.

The "Conchs," as native residents of the Keys are called, say that it never even frosts in the Florida Keys. Each time I have the pleasure of visiting this part of my congressional district, I marvel at the natural beauty of the water and island environment that stretches from the mainland to Key West, the southernmost tip of the east coast. There are 42 bridges on the famous overseas highway that carries thousands of delighted visitors each year through this fabulous spectacle of ocean and sky. They are truly "Bridges to the Sun," which is the theme of this special Keynoter edition.

At one time the Keys were among the most inaccessible parts of the United States, but that was before the bridges and highway were built. Now the Keys boast a variety of parks, wildlife refuges, and recreation areas that provide many delightful moments for the thousands of visitors who come each year to marvel and enjoy.

One of the most unusual and fascinating parks in the world is found in the Keys—the John Pennekamp Coral Reef State Park, the only underseas park in the continental United States. Here, glass-bottomed boats carry visitors over a spectacular panorama of multicolor coral reefs and the hulls of sunken ships which went down in rough seas centuries ago. Covering 75 miles lying in the Atlantic Ocean off Key Largo, this incredibly beautiful reef is a combination of State lands and Federal holdings that were preserved because they contain the only living reef formation along the North American coast. Forty of the 52 species of coral found in the Atlantic reef system are located in park waters, and these colorful submarine growths provide spawning grounds for millions of rainbow-colored tropical fish, sharks, barracudas, eels, turtles, and a fantastic variety of sea life. Not surprisingly, some 1,168,670 people have passed through the gates of John Pennekamp Park since it was opened in August 1963, and the annual number of visitors is expected to reach 500,000 in the next 5 years. It is named for a Miami editor active in conservation.

About 500,000 persons already come each year to a less spectacular but just as worthy Keys attraction—the National Key Deer Wildlife Refuge on Big Pine Key. I am proud to have had a part in the establishment of this refuge, whose purpose is to protect the miniature Florida Key deer. This charming species had almost died out by 1947 through overhunting, poaching, and loss of environment to housing developments. Fortunately, visitors can now see Key deer in this protected sanctuary. Two other refuges are the Great White Heron Refuge, which was set up in 1938 on Big Pine Key and overlaps the Key Deer Refuge, and the Key West National Wildlife Refuge which includes an area 15 miles wide extending 25 miles west of Key West.

Even further west of Key West, and not connected with the other Keys by highway, are the seven Dry Tortugas Islands in the Fort Jefferson National Monument. The islands have long been famous for bird and marine life, as well as for legends of pirates and sunken gold. The century-old Fort Jefferson, largest of the 19th Century American coastal forts and one-time "key to the Gulf of Mexico," is the central feature. It was here in 1865 that Dr. Samuel A. Mudd was interred following his having treated John Wilkes Booth, Abraham Lincoln's assassin.

Another park greatly favored by visitors is the Bahia State Park, Florida's southernmost park. It is located on Bahia Honda Key where coconut palms frame white, sandy beaches lapped by both the Gulf of Mexico and the Atlantic Ocean. Skin and scuba diving, deep sea and shore fishing, boating, camping, and just lazing in the sun are among the prime pastimes. This is one of the most beautiful and popular parks in all of the Keys.

While fishing, swimming, sightseeing, boating, and just plain relaxing are the principal lures which attract so many Americans to the Florida Keys, it should be pointed out that such tourism is by no means the only source of growth and financial input for the Keys. The impressive range of advertisements in the "Keynoter" reflects a solid base of permanent population and business enterprise. At Marathon, for example, the population has grown 140 percent in the last decade.

The upper Keys, too, are coming in for their share of the population and building boom. They are expected to get about half of an estimated $10,000,000 in new building construction during 1969 in the middle and upper Keys. Work has already started on one multimillion-dollar motel-inn complex in Islamorada where at least two other resort installations have or will undergo $500,000 or more in expansion. New home construction is also at an all time high.

Currently, the Keys are enjoying one of their finest periods of growth and economic activity. This winter, more visitors than ever before are pouring in; the bustle of commerce and tourism attests to the growing popularity of the Keys as a prime vacation attraction.

The Keynoter editorializes:

> Records for most businesses are showing an increase again this year. There are more businesses in the Keys today than ever before, with more being added and the old ones pushed to expand to take care of the influx of visitors.
>
> More and more people are finding that the Keys are nice for more than just a brief respite from the snow and cold back home. Often beginning with a few days or perhaps a couple of weeks, many visitors are working toward a full-time residence.
>
> It's not a "retirement village." New people of all ages are moving in. Young couples with their families. If you don't believe it, just check the bulging sides of schools in the Keys. It's a job to keep expanding the schools to keep ahead of the increase in students.
>
> Keys growth isn't of the boomtown style with accompanying honky-tonk. Growth is steady and solid. Chain stores and motels are moving in and many others are looking for locations.

So from famous Key West, the largest and most well-known Keys city, to the mainland, the Keys are embarked on a development boom that I believe will surpass even the most optimistic expectations of their current residents. I will be delighted to watch this growth as it occurs, and do all that I can to bring even greater prosperity to the Keys.

On the cover of the special "Keynoter" edition is a color photograph of a glowing Florida Keys sunset and the shadowing piers of Indian Key Bridge, where a lone fisherman enjoys the beauty of the water and sky. Everywhere in the Florida Keys are such fabulous spots of natural beauty, which delight and enchant the beholder. As a Member of Congress, I am fortunate indeed to represent this unique and fascinating area. I congratulate the Florida Keys as they continue their remarkable trend of growth and progress.

FARMERS—UNITE OR PERISH

HON. ALVIN E. O'KONSKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 1969

Mr. O'KONSKI. Mr. Speaker, 4 years ago I inserted a speech in the CONGRESSIONAL RECORD emphasizing the importance of and need for the collective-bargaining program of the National Farmers Organization. Today the problems confronting the farmer are even more acute, and I believe that the NFO program is still the only answer.

I am therefore updating that speech because I believe it has even more merit today.

NECESSARY STEPS TO BE TAKEN FOR SUCCESSFUL BARGAINING IN AGRICULTURE—NFO IS MAKING PROGRESS

Mr. Speaker, this is a detailed and comprehensive study covering the marketing of agricultural products. Information and data included in this study is based on U.S. Department of Agriculture statistics and reports, studies, and information gathered from colleges and universities, information compiled by an NFO Research Committee, and on an analysis prepared by this committee. The NFO Research Committee was made up of NFO leaders with varied backgrounds and experiences, including men with degrees from some of the Nation's leading colleges and universities.

FARM PROBLEM GETTING WORSE

It has become quite apparent in the last 12 years that general economic conditions in agriculture are worsening.

The Nation's economy has made tremendous growth in the last 20 years. The national gross product has made spectacular gains almost without interruption. Agricultural producers are the only major segment of the economy that have not shared in this continually increasing prosperity of the Nation.

Every farmer, through his own personal experience, is familiar with the fact that the price of the products he has to sell has been steadily decreasing with

the exception of an occasional upturn, while the prices of the products he has to buy in order to continue farming in a modern agriculture have been continually rising. This condition cannot continue to exist without serious repercussions for all farmers.

The percentage of parity received by farmers is at the lowest level since 1939. If farmers lived in an industrial area they would be considered in the poverty class if they did not receive $3,000 per year moneyed income, or in other words, spendable income. By these standards, 47.1 percent of all the farmers are in the poverty class. The following table points at the percentage of farm families in major agricultural States that were in the poverty class in 1963—this means families with below $3,000 moneyed income:

	Percent
Colorado	34.4
Illinois	38.9
Iowa	44.8
Indiana	34.1
Kansas	40.1
Kentucky	58.5
Minnesota	48.5
Missouri	53.7
Nebraska	46.1
North Dakota	43.1
Ohio	35.3
Oklahoma	45.1
Michigan	31.5
Pennsylvania	32.6
Tennessee (1.2 percent are colored farmers)	62.0
South Dakota	52.5
Wisconsin	38.4
Wyoming	30.6

National average: 47.1 percent of all the farmers in the poverty class. Forty-six percent of all families in rural America are in the poverty class, this includes the farmers and all small towns of 5,000 and under.

Comparison of per capita farm income with nonfarm income

Per capita nonfarm income	$2,181
Per capita farm income from farming	903
Off farm income	473
Total farm income from both sources	1,376

The $903 per capita farm income from farming is only 41.4 percent of the $2,181 per capita nonfarm income.

The above documented figures should make any farmer who feels he is a good businessman stop and think. These conditions did not just happen. There had to be a reason or reasons.

How did these conditions come about? Certainly not because farmers do not produce a needed product. Food and fiber produced on the farms of America are the most essential commodities in the Nation. On the producing end, the agricultural industry is the most efficient industry in America. This means something must be wrong in the pricing of agricultural products.

The agricultural industry has changed from the horse and buggy days of 25 to 30 years ago to the modern automated industry it is today. But while this has happened the farm producers have done practically nothing about changing their marketing structure. Other segments of the economy have not only automated, they have also organized.

The industrial segment of the economy puts a price tag on its products. Labor bargains for fair wages. But the farmers go to the marketplace as individuals and ask the buyer, "What will you give me?"

As the economy becomes better and better organized, the groups that have organized get in a stronger and stronger position and the groups that have not organized get in a weaker and weaker position. The farmers have remained in the position of the unorganized.

GOVERNMENT PROGRAMS WILL DWINDLE

Many proposals have been advanced in the past to meet the problems of agriculture. These proposals can really be considered in five categories: Government programs, use of cooperatives, increasing efficiency, reducing the number of farmers, and depending on the law of supply and demand.

The depression of the early thirties brought about a general realization that low prices had been a part of the beginning of the depression. Government farm programs were then initiated and farmers turned to these programs to meet their critical problems. At the same time, labor stepped up its organizational efforts and soon started bargaining successfully. Industrial corporations got larger and stronger and soon were successful in establishing profitable price levels for their commodities before the commodities were even manufactured. While the other segments of the economy started trying to meet as many of their problems as they could through their own efforts, farmers started relying almost entirely on Government farm programs.

This worked rather successfully until the early 1950's. Then the Government programs came under attack both from within and from outside of agriculture. The political power of farmers started diminishing as prices went down and more and more farmers were forced to leave the farm. It was probably a foregone conclusion that as farmers turned to more modern equipment, fewer farmers would be needed—but lower prices accelerated the movement of farmers from the farms.

Today, only a skeleton remains of Government programs. They are in disrepute because of two basic reasons—constant and, many times, unfair attacks and governmental costs which, in most cases, are given unfair publicity. Farmers cannot expect the Government to meet all their problems for them. This is not the function of the Government. Farmers, themselves, must first do all they can to meet their own problems. It is then the responsibility of the Government to assist the farmers in meeting any problems they have been unable to meet themselves. This, the Government has done for all other segments of the economy. The Government gave farmers the tools they need to meet many of their problems when the Capper-Volstead Act was passed in 1922. But farmers have never used their legal rights to any great degree.

Farmers can expect Government farm programs to continue to dwindle away in the near future. This fact is pointed out by reliable and informed publications such as the Kiplinger Letter. Behind-the-scene observers also know this to be a fact. But despite this fact, farmers should support any legislative proposals or administrative policies that will assist farm income because all studies made by leading universities point out that there would be a drastic drop in farm prices without Government programs. But in the meantime, farmers should do everything possible to meet their own problems, because the political strength of farmers has reached an alltime low and they will soon be largely on their own. A congressional district is not considered a farm district unless 20 percent or more of the voters are farmers. By this standard, there were 251 farm districts 40 years ago; 165 farm districts 10 years ago; and today, an alltime low has been reached with only 53 congressional farm districts.

COOPERATIVES NOT ENOUGH

Farmers produce 100 percent of the food produced in America and their real economic power lies in this production. This economic power is worthless unless farmers use it together.

There are basically two kinds of cooperatives. There is the service cooperative and the marketing cooperative. The chief function of the service cooperative has been largely one of keeping prices in line on the products farmers have to buy. This is a worthwhile service but not one that can accomplish much more than it already has, and certainly it can do very little more about closing the income gap for farmers.

The marketing cooperative will vary somewhat by the commodity it represents. Marketing cooperatives have been formed more in the milk industry than in any other part of the agricultural industry. They were originally set up for several purposes, but mainly to develop an additional outlet for the sale of milk. And, of course, some were set up with the hope of bargaining for a fair price. These cooperatives have, however, developed largely into sales groups with practically no bargaining power, and since there are so many of them, they have become competitive with each other—thus dividing farmers' bargaining power. The milk cooperatives remain as a sales outlet for farmers but they have not changed their structure to meet very many pricing problems for farmers. This is proved by the prices dairy farmers receive for their products. No one should ever indicate, however, that the milk cooperatives do not perform important services in handling milk production, because they do. The time and efforts farmers have put into their cooperatives have not all been wasted. The experience farmers have gained can be very useful and the services the cooperatives perform must be used to a great extent.

Today, we do have several grain cooperatives, but they, too, have become largely competitive with each other; thus dividing farmers' bargaining power. Still, they do perform some necessary services.

Cooperatives in the livestock field have generally been small. Some packing plants have been started but with very little success.

In summing up, cooperatives do perform many necessary services, but their individual structures make it impossible for them to effectively compete with organized, volume buyers. No one can argue against the theory of cooperatives, but their fixed structures and lack of volume keep them from meeting modern day agricultural pricing problems.

FARM EFFICIENCY NOT ENOUGH

Farmers are applying new and more efficient methods to their operations and this they should. They must continually be on the alert for new and better, more efficient methods of production. The research done in various institutions and farm suppliers has added to the efficiency of the agricultural industry. To make the best use of new methods, it ofttimes becomes necessary to enlarge the farm operation. This is considered by many to be the solution to the farm problem.

Efficiency alone, however, will not give the farmers equal status with the rest of the economy, unless they also have a favorable margin of profit. Efficiency is necessary and it is an integral part of a successful agriculture picture—but alone, it has not brought a profit level to agriculture enjoyed by the other major business segments in our Nation's prosperous economy. Efficiency can be successful only to a point. For example—if a product is bringing a given price which is below the cost of production plus a reasonable profit, greater efficiency can help; but, after efficiency has been improved to the maximum and still a cost of production plus a reasonable profit price is not received, then something must be done about increasing the price of the product. Agriculture has already proven it is the most efficient industry in America. Still profit returns for the agricultural industry are far below the profit returns of other, less efficient industries.

A solution for the farm problem has been offered in the form of bigger and fewer farms. The object being, to raise the per capita income of farmers by having fewer farmers divide the net income of agriculture. The success of this approach, however, depends upon the disappearance from the scene of large numbers of farmers in order to insure the survival of the remainder.

This approach is based on the assumption that the profit level in agriculture will get so low that smaller farmers cannot live on their profit and will be forced to leave the farm. The fallacy in this reasoning is that a high percentage of the farmers already have outside income. Their farm income is secondary or, in plain words a sideline.

NO CHANCE FOR OUTSIDE INCOME

The larger the farm operation gets, the less chance a farmer has of subsidizing his income with outside work, because if he leaves his operation under the management of hired labor, he will soon be broke. His operation requires his management. When there is no profit left in his operation because of lower and lower prices and he starts losing money, the bigger the farm the more he loses and the quicker he is out of business. His neighbor, who has stayed a smaller operator subsidizing his farming operation with outside income, will be farming long after the bigger operator is broke. Any business, in order to remain sound financially, must sell its products for a profit. A good businessman will not stay with a business that does not return a profit on the investment, comparable to that of other businesses.

The law of supply and demand is advanced as a solution to farm problems. There was a time in agriculture back when buyers and sellers had almost equal strength, that supply and demand could determine a fair price for farmers, but by its very nature, this is no longer true. For the available supply and available demand to determine a fair and equitable price, no producer can be large enough to significantly affect the total supply and no one firm or source of demand can be large enough to affect the total demand for any given commodity. Of course, we still have this situation on the supply side, but no longer do we have it on the demand side.

EXAMPLE

Largest farmers: First, 5,000 acres—more or less; second, 50,000 cattle; third, and so forth, only fraction of percent of total supply.

Largest processors: First, handle 18 percent of total production; second, handle 12 percent of total production; third, and so forth.

The two are not similar. Must be for supply and demand to determine a fair price.

FREE MARKETS MEAN SURVIVAL OF THE FITTEST

Some say what agriculture needs is a free market; letting supply and demand correct any and all problems. This really means survival of the fittest. The theory behind this is when there is an oversupply the price will go down until it becomes unprofitable to produce the given commodity, and then production will be decreased and the price will come back to a fair level. The business segments of the economy threw the complete use of this theory out the window a long time ago. They manufacture, maybe, a 60-day supply ahead but this supply is kept in inventory either at the manufacturer level or retailer level, and, a fair price level is maintained. In other words, this means that the business interests control the supply and create the demand by letting on to the market only that amount of their production for which they can get their price. This gives business interests stability.

If agriculture is to operate with stability it must follow the same practice. Supply and demand, of course, must be a factor but not a sole price determining one. If agriculture is to use the theory of supply and demand to its advantage then a surplus disposal system must be set up to take care of any surplus that exists or develops. This would be using supply and demand factors to the advantage of the agricultural industry.

The present marketing system has kept the consumer supplied with food after the farmers have produced it. In the early history of our Nation, the buyer and seller met and bartered. Then as the population increased and the country grew in size, the producers had to start delivering to centralized points. The buyers came to these points. Buyers increased in numbers and competition grew. The prices paid to agricultural producers generally lagged behind the prices paid to the rest of the economy, but still followed general prosperity to a great degree driving prosperous periods.

The present marketing system was developed largely for, and in many cases by, the buyers. Times and economic factors have changed, but the marketing system has not. New forces have appeared. The present marketing system is really only a distribution system. The services rendered are inefficient and costly to the producer.

CHAINSTORES RULE THE ROOST

Today, the chainstores rule the roost. They tell the processors the price they are paying. This means that when a farmer delivers his products, the price he is going to be paid has already been determined, and the buyers only reflect in their bids the price the chainstore is going to pay. This means the present marketing system does practically nothing about price. The producer has wasted his money when there are more delivery points than the farmers really need or any charges are paid for anything other than handling. The farmers, therefore, are the victims of many living off them by charging for services which are only a waste of time, money, and effort. The present marketing system only serves to allow the buyer to pit one farmer against another individual farmer. Small outlets are pitted against each other and the larger volume markets pit one area against another area.

The present marketing system is a buyers' market, with the buyers naming the price to be paid as the farmer delivers his products and says, "What will you give me?" Under the present marketing system, instead of marketing his product the farmer takes his product to the marketplace and pays the penalty.

The only answer to present-day agricultural problems must be a modern marketing system that will bring equity of income to agricultural producers and meet the marketing problems of the agricultural industry.

MARKETING SYSTEM IS THE KEY TO SUCCESS

Let us study the basic requirements for a successful modern-day marketing system. This system must make it possible for producers to establish bargaining power equal to or greater than the strength of the buyers. Until this is done the producers will continue to take the prices offered by the buyer. The producers must get in the position and be ready and willing to cut off their available supply to the buyers in order to back up farmers' bargaining power.

Bargaining between two strong economic forces is a battle between two giants. In a battle of this nature, you can expect strong disagreements to arise and these disagreements will not always be settled without a struggle. The producers cannot make their bargaining power felt and will always be forced to yield, unless they can and do cut off the available supply to the processor. This means the producers must be willing to keep their prod-

ucts on the farm until buyers are willing to bargain in good faith. This fact has been substantiated by some university studies on farmers' bargaining power. For example, the pamphlet from Purdue University, "Group Bargaining Power for Farmers," had this to say:

In order to secure beneficial results at the bargaining table, the group must have some degree of power with which it can force concessions from the opposing side in order to secure a favorable solution to the negotiation.

Buyers are strong and well organized. Some of the larger processors in each commodity have plants or facilities in all major agricultural producing areas. This means producers must have one centralized bargaining organization which bargains industrywide, or the buyers cannot be dealt with successfully. Any division of bargaining power only lets the buyers pit group against group. It is also necessary for one centralized bargaining organization to cover all major commodities. Otherwise, any gains made will soon be lost, because farmers will shift to producing the commodities for which the gains were made. However, if gains are made on all major commodities and these are gains kept in relative balance, then there will be no added incentive for producers to shift from producing one commodity to another commodity.

FARMERS MUST ORGANIZE TO SURVIVE

In order for producers to achieve the desired success in the bargaining field, they must first have an organization. The following statement taken from Special Report No. 10, entitled "Agricultural Bargaining Power: Some Factors To Consider," published by the University of Minnesota, points out this fact:

Apparently if farmers are to achieve greater bargaining power it must come about through group action, since the individual farmer has little or no bargaining power.

Bargaining cannot be carried out successfully unless the organization that represents the producers, has the proper structure. The organization must have stability of membership. This can be accomplished only through the use of membership agreements which are binding on both the organization and the producer. This membership agreement should cover the rights and obligations of the producer as a member, as well as the responsibility of the organization. There must be enough teeth in the membership agreement to make it possible for the organization to be able to make and carry out marketing obligations for its members. The membership agreement should clearly define the bargaining procedures so the rights of the members will always be protected. A program to take care of excess production must be authorized under the membership agreement. This is necessary because farmers must not only be concerned about getting fair prices for their products, they must also be willing and ready to meet all the marketing problems of the agricultural industry in order to be successful.

A careful balance of control must be maintained in the organization because an organization such as this would be very powerful. All major decisions on marketing conditions and prices bargained for should always be made by the members—not by one individual or a board of directors, and these decisions should require a high percentage approval of the members affected.

There must be enough centralized control in the organization to build effective bargaining power industrywide, with the ability to combat organized and well financed opposition. Democracy must always be maintained within the organization so it will always work for the benefit of farmers.

The organization must be adequately financed. In the initial phases, dues will be necessary, but after the organization is in full operation there should be a percentage checkoff on all sales made in benefit of the members. This is the only fair way to finance the organization because this way, each member will pay his proportionate share based on benefits received.

ORGANIZE OR PERISH

The organization should have one goal and one purpose—meeting the farmers' marketing problems. If the organization is in business, then there is a conflict of interest. The leaders are likely to be more interested in making a profit on the business than in getting fair prices for farmers. This has caused the downfall of past efforts.

The organization must operate in such a manner that there will be close cooperation and understanding between the members and the leaders. The goals, objectives, and methods should be clearly understood by both so there will be the least possible wasted effort. A clear understanding of these points will also make it more difficult for organized opposition to divide the efforts of the organization.

Contracts with processors must be secured if prices are to be stabilized and marketing problems met. Contracts protect gains made and assure continuity of programs. A contract is necessary because this is the only method that can be used to spell out the obligations of both the processors and the bargaining organization.

EFFECTIVE PROGRAMS TO HANDLE EXCESS PRODUCTION MUST BE DEVELOPED

There must be an efficient system for supplying the processor and, in turn, the consumer needs.

The organization must be a dependable source of supply for the processors. This is the reason the membership agreement must have enough teeth so when contracts are signed with processors, the products will be delivered.

A continued educational program should be carried on to keep the consumers informed about the farmers' problems and to keep the farmers informed of the desires and needs of the consumers.

Price incentives should be paid for quality production. The producer who produces a quality product, should be paid accordingly.

The organization should be fair and always ready to listen to the problems of the processors and others. However, its prime responsibility is to meet the needs of its members and this should never be forgotten.

Success of the organization will largely depend upon the cooperation and support of its members and the members must continually keep increasing the strength of their organization through the signing of new members.

This concludes the part of the study relating to the economic conditions of agriculture, the past proposed solutions, the advantages and disadvantages of the present marketing system, and the basic requirements of a successful modern day marketing system. We have sincerely tried to be unbiased in this frank analysis of what has been happening in agriculture as far as marketing is concerned. The points that we have made on the weaknesses of past efforts were not intended to be derogatory in nature. They were intended to be constructive in nature, so pitfalls of the past can now be avoided. It is our belief that the experiences of the past can be used to meet the challenge that American agriculture faces today. It seems to us that thinking farmers will agree with the basic requirements outlined for a successful modern day marketing system. We must forget the animosities of the past and build together, as producers, for the future.

NFO PROGRAM MEETS FARMERS' NEED

The structure of the NFO collective bargaining program meets all the basic requirements necessary to put a successful modern day marketing system into operation.

The NFO collective bargaining program was developed by farmers and offers all farmers the only opportunity they ever had to solve their pricing and marketing problems in a businesslike manner that will bring stability to their industry. There is a great deal of misunderstanding about the NFO collective bargaining program and the methods the NFO is using in its efforts to secure fair and stable prices for the American farmers. We want to take time to generally discuss the structure of the NFO, the progress it has made, the purpose and use of holding actions, the signing of contracts with processors and the job yet to be done.

The most misunderstood part of the NFO program is the purpose and use of holding actions. Therefore, we will have a thorough discussion on holding actions and on the organization's stand and policy concerning violence. The biggest unanswered question in the minds of many farmers concerning the NFO program is what will be done with surpluses when NFO is successful. Very few nonmembers realize that the NFO has a detailed plan that will prevent surpluses from developing in several commodities and has a structure ready to put into operation that will take care of any surpluses that may exist or develop in the other commodities. All of these points will be thoroughly discussed and a clear explanation will be given.

NFO—FOR FARMERS BY FARMERS

The NFO is made up entirely of farmers and run by farmers. Only producers of farm commodities can be members of the NFO. This means the NFO is truly

a farm organization. The bylaws of the organization prohibit it from going into business. Therefore, it is a service organization. It has only one service to offer farmers and that is the opportunity for farmers to join together to meet the one problem that has never before been met for farmers; a way in which they can start pricing their products at the marketplace using the same principles and methods that everyone else in the economy uses to price their products or services.

Farmers do not have a choice. They are either going to price their products together and meet the marketing problems of their industry, or they are going to continue to go to the marketplace and say, "What will you give me?" and let the buyers determine the prices that are going to be paid.

If farmers choose to sit back and do nothing about their marketing problems. then they can expect to receive lower and lower prices for their products. No one else will solve their problems for them. There may be an occasional upturn in price, but it will be short lived, and the next drop in prices will reach even lower levels. This has been the general price pattern for the last 12 years. Every farmer who has been farming since 1952 knows this to be true.

On the other hand, farmers do have the opportunity to meet their pricing problems through the NFO. NFO members and leaders honestly believe that almost every farmer who will take time to study the NFO collective bargaining program with an open mind, will join and will be an active member because he will realize he has nothing to lose and everything to gain.

The NFO has always stressed that the first and always the most important step farmers must carry out in order to price their products at the marketplace is to organize. Nothing can be substituted for strength at the bargaining table. Many farmers have been fearful of the NFO membership agreement. It is hard to understand why this has happened, because the membership agreement is written in plain, everyday language and is easy to understand. It very clearly points out the obligations of both the NFO and the member. The membership agreement must be used to unite farmers' bargaining strength under the NFO collective bargaining program and give stability to the organization.

The best way to get a clear picture of the meaning of the membership agreement is to pick out the most important points and study them. They are as follows:

When a farmer joins the NFO, he authorizes the NFO to be his bargaining agent for all the commodities marketed from his farm with the exception of those already covered by marketing contracts.

FARMERS MUST BE FREE TO MARKET

He is free to market as he chooses until such time as a contract is consummated with a processor, and the only way a contract can be consummated with a processor is by a two-thirds vote of approval by members attending a meeting for which they have been given a 10-day written notice sent by first-class mail, giving the date, time, place, and purpose of the meeting. This is the greatest protection a member could have because two-thirds of the members will never vote to bind themselves to market under the NFO until they know the terms of the contract with a processor including price, delivery points, and all the marketing requirements expected of them.

The membership agreement is a legal and binding document. The member signs the membership agreement for a period of 3 years and agrees to pay $25 per year for dues and fees. If, during this period of time, a contract is consummated with a processor and a member sells under this contract, then 1 percent of his gross sales will replace his membership dues and fees. This will be the cheapest marketing cost a farmer has ever paid and he will be getting a fair price for his products. The NFO is not saying "Pay 1 percent and we will get you a price." It is saying "We will get you a fair price and then you will have to pay 1 percent to keep the program operating in the future."

A member may terminate his membership in the NFO at the end of his 3-year period. In order to do so, he must give written notice of his desire to do so not more than 20 days nor less than 10 days prior to his expiration date. If no notice is given, then his membership will automatically be renewed for another 3-year period. This is the same type of termination clause that is carried in many marketing arrangements.

No contract or agreement can be effective unless it contains a penalty clause. Therefore, the membership agreement specifies that when a contract has been consummated with a processor covering a member's commodity and the member sells his commodity to a processor other than the one specified by the contract, the member shall be assessed 10 percent of the gross sale of the commodity for liquidated damages. This clause was put in the membership agreement largely to give assurance to processors that they will receive the supply they have contracted for when their contracts with the NFO are in effect. It is not expected that the penalty clause will ever have to be used against NFO members because, certainly, they will never give their two-thirds vote approval to put contracts with processors into effect until they know they are going to receive many advantages. Therefore, they should have no desire to market elsewhere.

Provisions are contained in the membership agreement for a surplus disposal program that can meet the problems of any surpluses that may exist or develop.

NFO BARGAINING ESSENTIAL

The other provisions of the membership agreement clearly establish the obligation of the NFO in bargaining—how it is to be done while keeping all the major pricing and marketing decisions in the hands of the members. The responsibilities of both the NFO and the member are clearly defined. The farmer joining the NFO does not sign a membership agreement that can be easily changed, because no changes can be made without the two-thirds vote approval method by the members, as has been outlined for ratification of contracts with processors. Certainly, the NFO membership agreement is democracy at its best. It makes it possible for NFO members to keep control of the organization and still bring their production together in an effective manner for the purpose of bargaining. The most any member could lose would be $25 a year because he is completely protected through the two-thirds vote approval requirement. Twenty-five dollars a year is a small investment, indeed, to protect the large investment a farmer has in his business. A farmer joining the NFO has nothing to lose and everything to gain.

A member is bound to the organization by the membership agreement. The bylaws in the NFO cover the administrative end of the NFO. The rights and obligations of the members are spelled out in the membership agreement and cannot be changed through the bylaws. The only mention of the bylaws in the membership agreement has to do with the processing of complaints and payment of dues and fees. The bylaws of the organization set a system of checks and counterchecks to keep proper administrative balance in the organization.

The officers are responsible for picking the best qualified personnel they can find to carry out the functions of the organization. It is their obligation to see that the efforts are coordinated and that the organization keeps moving forward as fast as possible toward complete victory which is so vital to the future of agriculture. They must keep informed and carefully analyze every situation so mistakes and pitfalls can be avoided. It is their duty to keep the membership informed, as much as possible, on the activities and progress of the organization. They must give the best advice they can to the members on steps to be taken and strategy to be used in bargaining. Cooperation between members and officers at all levels of the organization is of vital importance to the success of the NFO.

A farmer should not join the NFO with the same attitude that he has had many times when he joined other organizations. In other organizations, perhaps he just joined and paid his dues to have somebody else do something for him. NFO cannot be successful that way. Every NFO member should look upon the NFO as the only tool he has to meet the most pressing problem he has in his business—taking unfair prices for his products.

POWER LIES IN NUMBERS

This means members must work to get new members. This is what will bring success. Members should attend their county meetings and accept responsibility. When they are called upon to do a specific job, they should do it to the best of their ability. The NFO is only as strong as the members make it. Members must realize that in an economic battle like the NFO is waging, gains are not given away freely or easily—they must be earned. We will not win every time something is tried, but we must profit by every mistake and take advantage of every opportunity. A quitter never wins and a winner never quits, so the phi-

losophy of all NFO members must be "We will not quit until complete victory is secured."

The next part of the NFO collective bargaining program to consider is the four basic steps that must be taken in order for farmers to price their products at the marketplace.

First. Organizing is the key to success. This is always the most important thing to do. When a farmer joins the NFO he adds his production to the strength already built. Production is what really counts at the bargaining table.

Second. A sufficient amount of the total production of any given commodity must be brought together so buyers can not fulfill their needs from other sources.

Third. Farmers must make their bargaining power felt, and the only really effective way to do this is through the use of a holding action.

Fourth. The ultimate goal must be contracts signed and activated with processors, which will mean fair prices for farmers and make it possible for them to set up a structure whereby they can put a successful modern day marketing system into operation that will meet the marketing problems of the agricultural industry and take care of any surpluses that exist or develop.

The necessity of organizing speaks for itself. Certainly, any thinking farmer knows he cannot do anything by himself. A large number of marketing groups or marketing agencies only divide the bargaining power of farmers. Even two groups would do that. Processors must have agricultural production to stay in business. Their processing plants are only worth junk price unless they have agricultural production to process. Therefore, all farmers have to do is to bring enough of the total production together for the purpose of bargaining together and selling together, and they can price their products together.

The size of processors varies greatly, but in each commodity there are always a few, very large processors. These processors have plants or facilities in many areas. Therefore, in order to have the maximum effect on these processors, your organization must cover all the productive agricultural areas.

PROBLEMS MANY—POWERS OBSTACLES

One marketing practice not generally known is that processors and handlers in all commodities assist each other when any of them are short of supply. Two methods are used to do this.

First. Some of the production to be delivered is directed to a processor who is short of supply. In meat, this may be done from buying stations or from a plant's supply. In milk, this is done with one plant buying from another plant. In grain, it is done from elevator to elevator and by interception of grain in transit.

Second. Direct sales made from one processor or handler to another.

These facts prove first, the necessity of affecting the toal supply and second, the necessity of bargaining industrywide in order to really have an effect on the processors.

Every farmer in the United States could belong to one organization but if that organization did not make it possible for the farmers to make their bargaining power felt, then the buyers would still name the price and instead of that organization being a bargaining group, it would only be another marketing agency. The real test of an organization is whether it goes to the buyers and asks them what they will give or whether a price tag is put on the products. If any group or organization uses the first approach, then that is a group or organization that is doing collective begging not collective bargaining.

FARMERS MUST SAY I WANT SO MUCH

The NFO is proud to be in the latter group: Everyone else in the economy except agriculture puts a price tag on their products or services. Farmers, too, must put a price tag on their products. If the processors will not pay the fair price the farmers have determined they must have in order to sell their production, then if an organization is really a bargaining group it must make its members' bargaining power felt. The only really effective way to make farmers' bargaining power felt is to use a holding action. This is the same principle that everyone else in the economy uses today—except the farmers. Industry puts their price tag on the products they manufacture and you either pay their price or you do without the product. That, in reality, is a holding action and it takes place every day. Labor strikes when they cannot get a fair wage.

The purpose of a holding action is to temporarily reduce the available supply so processors cannot fulfill their needs from other sources and must sign contracts that will make it possible for farmers to price their products at the marketplace and set up a marketing structure that will take care of any surpluses that exist or develop. Those who oppose the NFO efforts, of course, try to convince farmers they should not hold. One of the points they talk about is tonnage buildup during a holding action. Let us look at some interesting figures on this matter.

RESULTS OF HOLDING ACTION

Amount of tonnage gained in a 30-day holding action if 100 percent of cattle and calves were held off the market: Average number of cattle marketed per day, 365 days per year in the United States, in 1963, 74,608; 74,608 head of cattle gaining 2.5 pounds per day would gain in 1 day, 186,520 pounds; 74,608 head of cattle gaining 2.5 pounds for 30 days would gain 5,595,600 pounds; 74,608 head of cattle gaining 2.5 pounds for 29 days would gain 5,409,080 pounds; 74,608 head of cattle gaining 2.5 pounds for 28 days would gain 5,222,560 pounds; and so on: All cattle held off the market are not gaining for a full 30-day period. One day's kill will only be gaining extra weight for 1 day. Total amount of live weight gained in a 30-day holding action if all cattle and calves were held, 86,723,-301 pounds. Total amount of live weight marketed per day on the average during a normal period of marketing on a 365-day average, 76,413,700 pounds.

The total amount of extra tonnage gained in a 30-day holding action if all cattle and calves were held off the market and would make a daily gain of 2.5 pounds each, just a little more than 1 day's kill would be built up. On the total year's supply, this would be an increase in tonnage of less than one-third of 1 percent. The total tonnage build of pork if 100 percent of the pork was held off the market in a 30-day holding action, would be less than 1 percent increase on the total year's supply.

The average weight cattle slaughtered in 1962, was 1,005 pounds. This was 12 pounds lighter than in 1961, and 19 pounds lighter than in 1963. NFO had a holding action in 1962, proving that the processors were forced to slaughter lighter weight cattle during the holding action to get their supply, thereby bringing the yearly average weight down. The average dressed weight in 1962 was 574 pounds per carcass. Ten pounds lighter than in 1961 and 16 pounds lighter than in 1963. The yearly average price paid for cattle in 1962 was $22.95 per hundred compared to $21.41 in 1961 and $21.10 in 1963. The high for the year in 1962 was in the month of September when the market reached $24. This was the month NFO had the holding action. The high for the year 1961 was January when it reached $22.49, and the high in 1963 was also in the month of January for a price of $23.11 which was still showing the effects of the holding action, because in February it dropped to $21.73 and in March to $20.75.

Let us say that in a 30-day holding action we were holding 50 percent of the normal supply off the market. This means that 37,304 head would be going to market every day on the average. Let us say that the last 15 days of the holding action the processors were forced to get half of this 50 percent supply in a weight bracket of 70 pounds. This would cut the tonnage being processed by 90,-648,720 pounds which means that in a holding action you cut the total tonnage, not add to it.

REASON MUST PREVAIL

The above figures need to be understood by farmers because it does take at least 2 weeks to really get into the core of a meat-holding action. The reason for this is that the buyers always have some captive cattle they can get their hands on and there are marketing interests that can influence and/or force the sale of a certain number of cattle, hogs, and sheep. There is other organized opposition that can influence some farmers to ship their livestock. All of this livestock will be sold anyway, so the quicker it goes to market the better off the NFO is in a holding action because then the production that has not been sold is in stronger hands. Those who are opposing the NFO effort with the supply they control or are able to influence, must continually keep trying to convince more and more farmers to sell if they are to break the holding action. The only way they can do this is by making them think that the holding action is having no effect and that it is useless to hold.

Farmers should always remember that in a holding action, there is no middle ground. They are either going to support the buyers and marketing interests, or they are going to join the NFO and support the effort. If they sell, they are supporting the very people who have helped keep farm prices down.

A short holding action can accomplish very little, if anything. At the best, it can only be of a little nuisance variety. It takes several days before a holding action can really affect the buyers because of their captive sources of supply.

If you will notice, the opposition always attacks holding actions. They never mention any other part of the NFO program. The reason for this is that they know they must convince farmers a holding action will not work, because they realize that if farmers keep their production on the farm in sufficient quantities, the battle is over and the NFO has won. After all, what else is there to eat besides food? The processors must have agricultural production for their plants. If they cannot get enough production from other sources and NFO is the only source they can get it from, then they will be forced to sign contracts with the NFO for the production they must have. And these contracts will return farmers fair prices and make it possible for them to meet their marketing problems.

Demonstrations are often held in a holding action. Many are started by individuals. There are a few points to remember about demonstrations. First, they must always be peaceful. Demonstrations are important, but must be used for two purposes—first, to show the strength of the organization; and, second, to prove to the buyers that farmers are united and have organized to sell together and that they are going to price their products at the marketplace.

A holding action is a voluntary action. All the NFO does is advise its members to hold for the prices they have determined they must have. NFO members are asked to contact nonmembers for the purpose of explaining the NFO collective bargaining program and asking nonmembers to join the NFO and support the efforts.

This economic battle will never be won on the highways of the Nation or on someone else's business property. It must be won through reasoning and persuasion in the barnyard. Anytime the production leaves the farm, it is too late as far as that production is concerned.

NFO DOES NOT ADVOCATE VIOLENCE

The NFO policy concerning violence is very clear and emphatic. The NFO does not advocate or condone violence. In a holding action, you have a situation where opponents of NFO will do everything possible to blacken the name of the organization. There are many times when an inflammatory situation develops because a farmer has decided to hold and has promised his neighbor that he will hold, and then he lets a buyer or a market representative convince him that he should sell and he sells. The one that really causes trouble like this to develop is the buyer or the market representative who convinced the farmer to sell, but, of course, he has already headed back to town or perhaps he just called the farmer from a telephone many miles away. These situations call for cool heads and good reasoning.

Many times false promises are made or false information is given to get the farmer to sell. When this is done, it is very obvious that the buyer or market representative is only trying to keep farmers at his mercy so he can continue to make his profits off of the farmers or keep collecting his commissions. It is time farmers wake up. Just where have these buyers and market representatives been and what have they been doing while farmers' prices have continued to go down? Have they not been making their profits and collecting their regular commissions? Farmers had better realize that their only real friends are other farmers with the same problems and that it is time they supported each other. Farmers must start running their own business instead of letting someone else run it for them.

As the NFO has continued to make great progress, it has become obvious to the processors, even the largest, that the NFO is representing many times the volume of production that any other source of supply represents. This turns their attention to the NFO. They are also realizing more and more, that unless they get in on the ground floor their competitors can get a source of supply they can never get.

SOME SUCCESS NOTED

Because of these reasons, the NFO has been successful in setting up some marketing arrangements with some of the Nation's largest meat processors. These marketing arrangements are of great importance to the NFO, to the processors, and to the farmers in general. As far as the NFO is concerned, they are important because:

First. It is recognition by the processors.

Second. This is setting up the initial phase of the NFO structure for a successful, modern-day marketing system which will go into operation when the master contracts are activated.

Third. It gives the NFO an opportunity to prove that it can do what it says it can do. This means getting a flow of livestock to the participating processors in an orderly manner and in the quantity they need.

Fourth. It starts members actively cooperating in marketing and gains experience in the marketing field for the NFO.

Fifth. It helps build NFO's bargaining power and puts pressure on nonparticipating processors. If a nonparticipating processor has been getting a high percentage of his supply in one area and much of that supply starts going to a participating processor, then the nonparticipating processor must go farther to get his supply. As his procurement costs rise, he will soon see the advantages of becoming a participating processor.

In the meantime, the job of the NFO is to get more and more nonmembers to join the NFO so we have enough production to fill the processors' needs, as more and more of them look to the NFO for their supply. This is a race of time for the NFO. We are getting close to setting off a chain reaction where processors will be changing their procurement methods if NFO members really cooperate in marketing together because we now have enough of the total production signed to do this. The race of time means we must sign every nonmember we can now, so we can keep ahead of this chain reaction. This can only be done if NFO leaders and members keep working and signing new members.

These marketing arrangements are of great importance to processors because: First, today we have a very inefficient marketing system. Many times, processors get their supply a long ways away from their plants. They do this because of past business practices. This costs the farmers because, in the end, it is taken off of the general price level. Under the NFO marketing arrangements, the supply will come from close by into the plants. This will cut transportation costs, cut down on bruises, and reduce procurement costs.

Second. This will develop into a dependable and even flow source of supply.

OTHERS NOW DETERMINE PRICES FOR FARMERS

Today, farmers are paying many marketing costs that do not help them at all pricewise. Livestock prices, today, are almost entirely determined by the chain stores. They let the prices be known, in many instances 2 to 4 days ahead of purchases. Therefore, the price the farmers receive for their products only reflects the price the chain stores are paying, which is usually a rather uniform price. The processors receive information each day on the general price being paid for fresh meat cuts. They get this information by teletype and it is put out by the packers' organization. This is called the yellow sheet. Let us use an example—suppose $30 a hundred is being paid for a given carcass. This is a price based on a central point. The buyers then figure the transportation difference and their prices are established. Any costs paid by farmers other than absolute necessary handling costs are wasted. Marketing arrangements will save market costs. There, of course, will be specified delivery points. Existing facilities will be used when possible, but the number of facilities used will be greatly reduced from the present number used today.

On cattle, the NFO members will usually be able to sell on a grade and yield basis, if they desire. Present marketing interests have fought this. However, when farmers can be certain an accurate grade and yield is being given them, they will benefit by selling on this basis. Here is why: A buyer must buy under what an animal will grade out much of the time, because he will soon lose his job if he buys very much livestock that does not dress out. Packers keep a record on each lot purchased. The NFO has made arrangements at several plants where a member can see his own cattle on the hook. This can make the member a little additional money. Farmers, in general, are already benefiting from marketing arrangements in some areas without realizing it. As the marketing arrangements start working, existing groups start cutting marketing charges and raise prices. Watch for this and let people know why it is happening. Do not sell marketing arrangements on the basis of getting a price advantage because it is not legal for buyers to pay a price advantage. Savings in marketing costs can, however, result in a better price for members at times. Present marketing groups will

fight hard and raise prices abnormally in trying to break the NFO effort. Do not let this confuse you. Marketing arrangements must never be considered our goal. They must be used to pave the way for contracts that will get fair prices for farmers, and they are very important for this purpose.

NFO is working along the same line in grain. Plans are underway to move some dairy products under more favorable conditions. All these efforts are making other groups more active. Cooperatives which, in the past, have fought each other, have now merged. The more pressure NFO builds, the faster we will have complete victory.

MUST BUILD TO SUCCEED

All efforts take the full cooperation of members. They must realize that they will make a little sometimes and then, they may lose a little. But we must always keep our ultimate goal in sight. All of the steps NFO is taking are necessary to lead to our ultimate goal—contracts with processors that make it possible for farmers to price their products and set up a marketing structure that meets the problems of the agricultural industry, including taking care of any surpluses that exist or develop.

Contracts with processors is the only way to maintain the gains made. A master contract is necessary because bargaining must be done industrywide. One processor can no more pay a fair price for agricultural products than one farmer can establish bargaining power for agriculture by himself. Farmers must establish enough bargaining power to be the controlling factor in the industry and on all major commodities. This also means that minor commodities can either help lead the battle or follow the major commodities.

The NFO has already signed many processors of dairy, grain, and meat to master contracts. These contracts stipulate the price based on quality products, that NFO members have decided they must have; incentives to be used where possible to reduce the supply; take seasonal variations in cost of production into consideration; meet processors' supply needs have a services-rendered clause making it possible for NFO members to receive an advantage over nonmembers because of services rendered, and sets up a surplus disposal fund and a promotional fund.

MASTER CONTRACTS ESSENTIAL

In order for NFO members to start pricing their products under the master contracts, enough processors must have signed the contract to have reached the 60-percent activation figure of NFO members must be in a position to market 60 percent of the designated production, which means that enough of the industry and producers have been signed up to be the controlling factor in the market. With processors signing master contracts with the NFO, it means that NFO is well into the last phase of its collective-bargaining program. All it takes to activiate the contracts is for enough more farmers to join the NFO and add their production to the present strength already built by NFO members, and the economic battle for farmers has been won. The only thing holding up final success is farmers, themselves, because the NFO collective-bargaining program is sound and the NFO is well on the way to complete victory. Complete victory is assured because of the strength of the NFO. How soon this comes about depends on the efforts NFO members exert and on farmers themselves.

When farmers price their products at fair levels they must also meet the marketing problems of their industry in order to maintain their gains. All major commodities must be brought up in relative balance. This is a vital part of the NFO collective-bargaining program. If this is not done, just as soon as victory is won in one commodity many of the farmers producing other commodities would start producing that commodity, and the gains made would soon be destroyed. However, if all commodities are brought up in relative balance, then there is no more incentive to shift production of one commodity to another commodity than there is today. Therefore, the production of the entire agricultural plant must increase before any increased surplus production problem will develop. This could not come about overnight, and besides the population is rapidly increasing.

NFO HAS SURPLUS SOLUTION

Very few people, except NFO members, realize that the NFO collective-bargaining program covers the taking care of any surplus that may exist or develop. Let us look at the basic principles of the NFO program that covers any surplus production. First, in the past, the problems on surplus production have usually developed before anything was done about the surplus. The problem is much easier taken care of before it develops. The NFO cannot set quotas on individual producers—only the Government can legally do this. So then, how will NFO do it? Production can be in balance with consumption: First, before it is produced; second, after production has started; or third, after it is completed. In order for NFO to use step 1, it will take a vast educational program and great producer support. The reduction of production on livestock, after it is started, can be accomplished through contracts with processors using incentives to sell hogs, cattle, and sheep at lighter weights. Example: Butcher hogs are normally marketed at a 230-pound average. Before tonnage got too heavy the spread between lighter and heavy weight hogs could be increased until it became unprofitable to sell at heavier weights. Incentives could be used to get bred beef heifers sold which would break the cattle cycle. Incentives could be paid on choice veal dairy heifer calves to reduce future milk production. These would not be expensive programs when done industrywide.

On grain, a 12-month supply becomes available for market in a 30- to 60-day period of time at harvesttime. This means the grain must be stored and storage charges must be added to the price. Any production left over at the end of each year must be disposed of because the building up of supply with storage costs rising would wreck the entire effort. The problem of one commodity cannot be considered just a problem of that commodity because if this is done, it will soon affect other commodities. A surplus disposal fund will be set up when the contracts are activated. The 2 percent to go into this surplus disposal fund will be more than taken care of as far as net to the NFO member is concerned from money received from the processors for services rendered. This will be largely derived from savings over the present marketing system and from improvements in procurement for processors, as well as many other improvements for processors. A large portion of the surplus disposal fund will be used to buy burdensome supplies from normal market channels. Poorer quality products will be bought in order to cheapen the total cost. This would be comparable to the inventory always kept by industry. The products bought could be sold back into market channels as needed. Other methods of disposal could be diverting the products bought to worthwhile welfare work—a humanitarian service by agriculture. These products could also be used for the development of new foreign markets overseas by reducing prices. This cannot be done under present methods of marketing. Remember, when discussing agricultural surpluses, there has seldom been more than a 2- or 3-percent surplus produced in any given year.

MILK PROBLEM CAN BE SOLVED

In milk bargaining, it must always be remembered that approximately 50 percent of the milk production goes into bottled milk and 50 percent is manufactured. A fairly high percentage of the milk bottled is sold by producers under marketing agreements. These cannot be disturbed while in effect. This means we must organize all producers we can who are selling milk going for manufacturing purposes and sign all manufacturing plants possible. We must also sign all other milk producers to the NFO membership agreement; thus bringing their production, other than milk, under the NFO. As these producers see NFO working, they will, undoubtedly, urge their existing groups to form legal structures to sell together and this will, in the end, bring about the setting up of a legal structure with the NFO that will unite farmers' bargaining power. This will mean using existing groups, experience and facilities to assist all commodities in meeting the needs of agriculture. These steps are to be taken when master contracts are activated. If additional problems arise concerning surpluses the NFO has the structure through which those problems can be met. The NFO is setting up a vast oversea sales network. Contacts have already been set up in 52 foreign countries.

NFO GROWTH PHENOMENAL

The NFO's growth has far surpassed any previous efforts in agriculture. This has come about because thinking farmers know the NFO's collective-bargaining program is sound. The bargaining of NFO is many times greater than that which previously has been achieved in agriculture. This is the reason NFO is making great strides in bargaining with

processors. Processors will learn that the NFO collective-bargaining program will also solve many of their problems and establish stability in the entire industry.

The challenge to agriculture is clear. Are farmers ready to stop their punishment at the marketplace or do they want more? They can stop it. The NFO collective-bargaining programs is the answer. The formula is simple:

First. Organize into the NFO for the purpose of bargaining together, selling together, and pricing agriculture production together.

Second. Use holding actions when necessary to get sufficient contracts signed by processors.

The challenge to NFO is to give leadership to farmers to finish up the job. No one else can or will do it. Other feeble efforts will be made as NFO gets closer to its goal but NFO has the only program that can do the entire job. The strength of the NFO is now so great that a continuous battle will be waged until complete victory is achieved. This means holding actions will come at frequent intervals with periods in between being used to set up marketing arrangements and to carry on negotiations with processors.

The most important job at hand as always is to organize. This means every NFO member working to sign up nonmembers. Production brought together under the NFO membership agreement is what it takes to win. The NFO is calling on all nonmembers to join the NFO now so we can all start pricing our products at the marketplace like business men and women.

Since the first edition was printed, the NFO has made tremendous progress. The NFO is now working in 48 States.

The NFO through the use of its bargaining techniques, has been able to secure contracts with large processors on most commodities. These contracts are only the beginning. They are supply contracts with pricing formulas that include local prices, regional prices, and national prices in the determination of the prices NFO members receive.

The NFO is exerting an upward price pressure on almost all farm commodities. They are doing this through the use of contracts and by taking production out of low-price areas into higher price areas.

The NFO through experience, has learned that it is absolutely necessary to be able to bargain nationwide and industrywide. The NFO through experience, has made many changes. The upward price effect exerted by NFO on almost all commodities which means higher prices to farmers is being achieved because the buyers and processors that are not receiving products from NFO members are always trying to beat the price NFO members receive. NFO offers farmers their only hope to raise their prices.

The NFO is calling on all farmers and producers of agricultural commodities to join the NFO for the purpose of collective bargaining. The NFO is not asking farmers to desert their present farm organization, but only to join the NFO for the purpose of collective bargaining.

Collective bargaining in agriculture means farmers bargaining together and selling together. So farmers and agricultural producers should join the NFO and block their production together and not even consider selling their production as individuals, but rather sell their production only through NFO collective bargaining programs after the production has been bargained for.

The NFO efforts mean more money in the farmers' pockets every day. The NFO has the structure, the experience, and the size to achieve these goals of fair prices for farmers. All it needs is the farmers' support.

NEGATIVE INCOME TAX LEGISLATION

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 1969

Mr. CONYERS. Mr. Speaker, I am very happy to announce that my distinguished colleague, the gentleman from Ohio (Mr. WHALEN), has joined me in working toward introduction of a meaningful negative income tax statute which we plan to introduce in the near future.

Several months ago, I began serious consideration of such legislation as an alternative to the dilemma presented by present forms of public assistance in our changing society. The proposals contained in Tobin, Pechman, and Mieszkowski, "Is A Negative Income Tax Practical?"—Yale Law Journal, volume 77, No. 1, 1967—attracted my attention as a possible and workable basis for such legislation. I contacted Professor Tobin at the Yale University Department of Economics and asked if his proposals could be prepared in bill forms for possible introduction. He was kind enough to fill this request by getting some of the Yale Law School students to draft this legislation. After receiving the final Yale draft, the House of Representatives Legislative Counsel's Office made certain technical revisions required by the legislative process.

Congressman WHALEN and I have decided to place this draft in the RECORD for the perusal of our colleagues and other interested parties. We invite the comments, criticisms, and suggested changes of all our colleagues so that when the bill is introduced, we can offer the strongest possible bill to this body for its consideration.

I will not attempt in these brief remarks to explain this draft in detail, as I am preparing an explanatory statement which will be sent to each of my colleagues along with a letter requesting cosponsors at the appropriate time. I would simply say that the basic thrust of the legislation is to effectively eliminate some forms of public assistance which have proven difficult to administer and often degrading to the recipients. Our basic goal is to assure everyone a minimum standard of living and at the same time integrate the poor into the mainstream of our society. The bill assures every family of four at least the Social Security Administration's poverty index income—$3,200 per year. It provides a sliding scale of benefits which continue to aid families and eligible individuals until they reach a higher income, thus giving an incentive to break the poverty cycle which present forms of assistance do not provide. A family of four, would for example, reach a before-tax income of $7,916 per year before it would cease to receive any benefits from the negative income tax. At this point, the family would be on a firm financial base which place it in the positive income tax category.

I would like to insert at this point a table showing the effects of the proposed negative income tax for a family of four at various income levels. This chart was prepared by the Yale students for their Law Journal, volume 78, No. 2, 1968, page 269, in connection with an article explaining their model negative income tax statute:

EFFECTS OF PROPOSED NIT FOR FAMILY OF 4

Before tax family income (a)	Positive tax liability (050) (a−2b) (b)	Negative liability tax (c)	Total tax liability (b+c) (d)	Basic income supplement (e)	Net Government transfer (e−d) (f)	Net NIT transfer (e−c) (g)	After tax family income (a+f) (h)
0	0	0	0	$3,200	$3,200	$3,200	$3,200
$1,000	0	$500	$500	3,200	2,700	2,700	3,700
$3,000	$4	1,496	1,500	3,200	1,700	1,704	4,700
$6,000	450	2,550	3,000	3,200	200	650	6,200
$6,400	511	2,689	3,200	3,200	0	511	6,400
$7,000	603	2,897	3,500	3,200	—300	303	6,700
$7,916	758	3,200	3,958	3,200	—758	0	7,158

I would like to express my deep appreciation to Professor Tobin and his colleague, Peter Mieszkowski, for agreeing to share their proposal with the gentleman from Ohio (Mr. WHALEN) and myself. We also are grateful to James G. Speth, Jr., Richard Cotton, Joseph C. Bell, and Howard Mindus and their professors, Edward Sparer and Boris I. Bittker, of the Yale Law School, for laying the foundations for the draft which will appear at the conclusion of these remarks. And, as always, we thank the Legislative Counsel's Office for providing us with the assistance of Robert Nordhaus, who provided the finishing touches. I would like to personally thank my colleague from Ohio, who graciously offered his cosponsorship and assistance in making this a bipartisan effort to improve the quality of life for millions of Americans. We both look forward to the comments of our colleagues on the draft which follows:

H.R. —

A bill to establish a national program to provide income supplements to every family in need thereof

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

SHORT TITLE

SECTION 1. This Act may be cited as the "Income Supplement Act of 1969".

DECLARATION OF POLICY

SEC. 2. (a) FINDINGS.—The Congress declares that the general welfare and security of the nation and the health and happiness of its people require that every family has the right to an adequate income. In a rich and free society, no one need live in poverty, without hope or without opportunity to share the nation's wealth. The Congress finds that present welfare programs cannot assure all Americans freedom from want and that legislation is needed which guarantees to everyone a decent standard of living while preserving individual liberties.

(b) OBJECTIVES AND POLICY.—The objectives and policies of this Act shall be to entitle all families to an income supplement as a matter of right, to recognize and protect the personal dignity and legal rights—including the right to privacy—of supplement recipients, to leave recipients free to dispose of supplement benefits as they deem proper, and to encourage the productive employment of recipients by allowing them to retain a substantial portion of earned and other income.

ELECTION OF INCOME SUPPLEMENT

SEC. 3. (a) RIGHT TO INCOME SUPPLEMENT.—Every family unit may elect, as a matter of right, to receive an income supplement in an amount determined under section 4(a) of this Act.

(b) TIME AND MANNER OF ELECTION.—A family unit shall make an election under subsection (a)—

(1) by filing a final return at the end of the supplement period as provided in section 8(a) of this Act, or

(2) by filing a request for semimonthly payments at any time during the family unit's supplement period, or during the two months preceding such period, as provided in section 8(d) of this Act.

(c) Effective Period of Election.—An election under subsection (a) shall be effective for one supplement period (determined under section 7 of this Act) and cannot be revoked.

FAMILY UNIT INCOME SUPPLEMENT

SEC. 4. (a) GENERAL RULE.—Each electing family unit shall receive for each supplement period an income supplement in an amount equal to—

(1) the family unit's adjusted supplement (determined under subsection (b)), less

(2) the special tax imposed by section 6.

(b) ADJUSTED SUPPLEMENT.—A family unit's adjusted supplement for the supplement period is the sum of—

(1) the family unit's base supplement (determined under subsection (c)) multiplied by the low income consumer price index for such family unit (determined under subsection (d)), plus

(2) any State supplement provided to such family unit under section 5.

(c) BASE SUPPLEMENT.—

(1)(A) The base supplement of a family unit for a supplement period of 12 months is—

(i) $1,200 for the first claimant,

(ii) $800 for the second claimant, and

(iii) $600 for each dependent (except as provided in subparagraph (B)).

(B) In the case of a person who is a dependent of a family unit for only a part of its supplement period, the amount added to the family unit's base supplement on account of such person under subparagraph (A)(iii) shall be an amount which bears the same ratio to $600 as the part of the family unit's supplement period during which he was a member bears to the family unit's full supplement period.

(2) The base supplement of a family unit for a supplement period of less than 12 months is an amount which bears the same ratio to the base supplement to which such family unit would be entitled under paragraph (1) for a 12 month supplement period as the family unit's supplement period bears to 12 months.

(d) LOW INCOME CONSUMER PRICE INDEX.—

(1) The low income consumer price index for a family unit is the price index determined under paragraph (3) for the twelve-month period ending on September 30 of the calendar year preceding the calendar year in which the supplement period begins, and for the area in which the family unit resides. If the family unit resided in more than one such area during its supplement period, the income supplement shall be the weighted average of the amounts determined for each area in which the family established residence. The weights to be used for this determination shall be the fractions of the supplement period during which the family unit resided in each area.

(2)(A) For the purposes of paragraph (1), a family unit shall be deemed to have established residence in an area if for fifteen or more days consecutively, the claimant or claimants regularly occupy a dwelling unit within such area. Where the claimants in a two-claimant family unit occupy separate dwelling units for any period of time, the area in which the family unit resides shall be determined under regulations.

(B) For such period of time as a family unit does not qualify as residing in any area, its income supplements shall be calculated as if this subsection did not apply.

(3) The Bureau of Labor Statistics of the Department of Labor shall establish and maintain a low-income consumer price index based on the retail prices to low-income families of consumer goods and services commonly required by such families, including but not limited to charges for housing, clothing, food, transportation, and retail credit. The index shall be so calculated that the national average of low-income consumer prices for the twelve-month period ending on September 30 of the first calendar year during which income supplements are paid under this Act will have an index value of 1.00. The index shall be determined annually for the twelve-month period ending on September 30 of each year and shall contain three separate index values for urbanized, urban, and rural areas in each State and territory, as determined by the most recent national census.

(e) REPORTS BY BUREAU OF LABOR STATISTICS ON THE MINIMUM ADEQUATE STANDARD OF LIVING.—

(1) Within one year after the date of enactment of this Act, and thereafter as often as the Secretary of Labor shall determine necessary to reflect changes in the national standard of living, but no less than every five years, the Bureau of Labor Statistics shall report to the Congress those levels of annual family income which would ensure family units a minium adequate standard of living, consistent with the national standard of living.

(2) In effectuating the provisions of this subsection, the Bureau of Labor Statistics shall compile and price annual family budgets for all consumer goods and services necessary to a minimum adequate standard of living, including but not limited to—

(A) a diet of sufficient quantities and varieties of foodstuffs to meet those minimum standards of nutritional adequacy which shall be periodically determined by the Food and Nutrition Board of the National Research Council,

(B) housing which meets those minimum standards of safe, sanitary, and decent housing which shall be periodically determined by the Housing Assistance Administration of the Department of Housing and Urban Development,

(C) transportation, either through the use of public transit facilities or through the possession of private means, adequate for travel to and from places of employment, schools, stores, and recreational areas, and for such other activities as are necessary to a minimum adequate standard of living, and

(D) house furnishings, clothing, utensils and appliances, personal care, regular and ordinary medical and dental services, recreation, entertainment, education, and personal communications.

In pricing budget items, the Bureau of Labor Statistics shall take account of certain consumer goods or services provided at a subsidized cost by federal, state, or local government agencies only to the extent that these benefits may be received without any showing or declaration of need.

(3) The Bureau of Labor Standards shall compile and price separate annual family budgets for each type of living situation which it determines requires substantially different goods and services, or quantities thereof, for a minimum adequate standard of living; however, the Bureau of Labor Statistics shall in any event prepare separate annual family budgets for—

(A) family units living in urban, urbanized, and rural areas, as determined by the most recent national Census,

(B) family units living in regions of the country which, because of climate, regional consumption patterns, or other characteristics, require substantially different goods and services, or quantities thereof, for a minimum adequate standard of living, and

(C) family units which differ in the age and number of their members, except that the Bureau need take into account only such differences in the number and age of family unit members as would require substantial changes in family consumption needs.

(4) The Bureau of Labor Statistics shall price each item in an annual family budget by taking an average of retail prices to low-income consumers for such item in every area to which the budget applies. In determining the average, each price sample obtained shall be weighted by the number of low-income families in the area.

(5) The Secretary of Labor shall prescribe, by appropriate regulations, reasonable and workable procedures for compiling and pricing annual family budgets.

(6) Within ten days after the Bureau of Labor Statistics shall have transmitted its report to the Congress, pursuant to subsection (e)(1) of this section, the Secretary of Labor shall cause a copy of that report, together with copies of the annual family budgets on which it is based, to be published in the Federal Register.

(f) RECOMMENDATIONS OF THE SECRETARY.—Within sixty days after the Bureau of Labor Statistics shall have transmitted its report to the Congress, pursuant to subsection (e)(1) of this section, the Secretary or his delegate shall prepare and transmit to the Congress recommendations specifying how the provisions of this section, including the level of the base supplement under subsection (c), might be amended to reflect the findings of the Bureau of Labor Statistics.

OPTIONAL STATE SUPPLEMENTATION

SEC. 5. (a) STATE ELECTION OF INCREASED INCOME SUPPLEMENTS.—A State may elect, by appropriate legislation, to have additional income supplements paid to family units residing within its jurisdiction. The amount of the increase shall be set by the legislature of the electing State, but the base supplement (determined under section 4(c)(1)) for each family unit within the State shall be in-

creased in the same proportion. Except as otherwise provided in this Act, any such increase under this section shall apply without exception or condition to all family units for such time as they reside within the jurisdiction of the electing State.

(b) RESIDENCY.—Section 4(d)(2)(A) shall apply in making any determination of the State of residence of a family unit.

(c) STATE SHARING OF ADDITIONAL COSTS.—A State electing to increase income supplements for its residents under this section shall pay to the United States each year one-half the cost of such increase, at a time and in a manner designated by the Secretary. An electing State shall have access to information adequate to determine its liability under this section.

(d) PERIOD OF ELECTION.—An election by a State under this section shall be effective sixty days after the Secretary has received formal notice of the election, or at such later date as the notice shall specify, and until the State revokes, terminates, or modifies it, by appropriate legislation and notice.

(e) OTHER SECTIONS APPLICABLE.—Except as explicitly provided in this section, the income maintenance program provided for in this Act shall operate in electing States exactly as it operates in nonelecting States. By election of increased benefits under this section, a State shall not increase its involvement in the administration of this Act in any way whatsoever. The rights of members of a family unit under other sections of this Act shall not be diminished or abridged in any way by the provisions of this section.

SPECIAL TAX

SEC. 6. There is hereby imposed on every electing family unit a special tax equal to the lesser of (1) 50 per centum of the family unit's available income during its supplement period, or (2) the adjusted supplement to which it is entitled for the supplement period under section 4(b) of this Act.

SUPPLEMENT PERIOD

SEC. 7. (a) GENERAL RULE.—Except as otherwise provided by subsection (b), the family unit's supplement period shall be the taxable year of the claimant or claimants under the provisions of section 441(b) of the Internal Revenue Code of 1954. In the case of a family unit containing two claimants with different taxable years, the taxable year of either claimant may be used unless otherwise required by the Secretary or his delegate. If no claimant in the family unit files an income tax return under the provisions of chapter 61 of the Internal Revenue Code of 1954, the supplement period of the family unit shall be determined as if its taxable year were the calendar year.

(b) SPECIAL RULE.—If the family unit is not in existence for the entire period determined under subsection (a), the supplement period for the family unit shall be the portion of the period determined under subsection (a) during which the family unit is in existence. For purposes of this subsection, a family unit is in existence for so long as the number and identity of the claimants remain unchanged.

(c) SHORT PERIOD DEFINED.—For purposes of this Act, the term "short period" means a supplement period of less than 12 months.

ANNUAL AND SEMIMONTHLY PAYMENTS

SEC. 8. (a) FINAL RETURNS.—Every family unit electing to receive an income supplement under this Act shall file a return at the local or district office of the Bureau of Income Maintenance, either by mail or in person, on or before the fifteenth day of the fourth month following the close of the supplement period for which the return is made. The return shall be signed by all claimants in the family unit and shall contain sufficient information to make an accurate appraisal of the family unit's rights and obligations under this Act.

(b) ANNUAL PAYMENTS AND SETTLEMENTS; LIABILITY.—Within thirty days of the receipt of a final return, the Secretary or his delegate shall provide payment of the income supplement due under this Act to any family unit which did not elect to receive semimonthly payments under subsection (c) during the supplement period to which the final return required by subsection (a) applies. If the family unit elected to receive semimonthly payments under subsection (c) during such period, the Secretary or his delegate shall make a final determination of the family unit's rights and obligations under this Act and shall (1) within such thirty-day period direct payment of any amount due the family unit or (2) notify the family unit of its liability for any payments received to which it was not entitled. All claimants in the family unit shall be liable (both jointly and severally) for any payment received under this Act to which the family unit was not entitled and for any payment in excess of the amount to which the family unit was entitled.

(c) RIGHT TO SEMIMONTHLY PAYMENTS.—A family unit shall be entitled to receive its income supplement in semimonthly payments. A request to receive semimonthly payments shall constitute an election under section 3 of this Act for one full supplement period.

(d) MANNER AND TIME OF REQUEST.—A family unit may request to receive semimonthly payments of its income supplement at any time. The request shall be made in writing, signed by all claimants in the family unit, and filed at the local or district office of the Bureau of Income Maintenance, either by mail or in person. The Secretary shall approve and implement such a request on the first payment day, as specified in subsection (e), after the request is filed with the Bureau, unless the claimants knowingly request in writing that the semimonthly payments begin at a later date, in which case the Secretary shall begin payments on the requested date (or, if the requested date is not a payment day as provided in subsection (e) on the first payment day preceding the requested date).

(e) TIMING AND AMOUNT OF PAYMENTS.—A family unit requesting semimonthly payments under this subsection (c) shall receive on the first day and on the fifteenth day of each month during the supplement period for which the request is effective an amount equal to one twenty-fourth of the adjusted supplement to which the family unit would be entitled for a twelve-month supplement period under section 4(b), less any amounts deducted as provided in subsections (i) and (j) of this section. For the purposes of this subsection, the amount of the annual supplement shall be determined initially by the family unit's composition and residence, as reported in the request for semimonthly payments. The Secretary shall determine the amount of the semimonthly payments on the basis of the facts as stated in the family unit's request, accompanying income statement, and subsequent quarterly estimates under subsection (i)(1). The Secretary shall adjust the amount of the annual supplement as required by changes in family composition within thirty days after notification under subsections (f) and (g).

(f) CHANGE IN FAMILY STATUS.—A family unit receiving semimonthly payments under subsection (c) shall notify the Bureau of Income Maintenance, through its local or district office, of any change in the family unit's dependents within thirty days of its occurrence.

(g) NOTICE OF CHANGE OF RESIDENCE.—A family unit receiving semimonthly payments under subsection (c) shall notify the Bureau of Income Maintenance, through a local or district office, of any change of residence within fifteen days after the change has occurred.

(h) TERMINATION OF REDUCTION OF SEMIMONTHLY PAYMENTS.—

(1) BY THE FAMILY UNIT.—The claimant, or either claimant in a family unit with two claimants, may terminate or reduce semimonthly payments to the family unit at any time by filing a written request for termination with the Bureau of Income Maintenance. A termination under the subsection shall not affect the right of the family unit to request semimonthly payments at any subsequent time. Termination of semimonthly payments shall not revoke or terminate the election of the family unit under section 3 of this Act, or any of the requirements or duties imposed by a section 3 election.

(2) BY THE SECRETARY.—If the Secretary determines that a family unit's income supplements shall be terminated or reduced, he shall not discontinue or reduce semimonthly payments to the family unit until the family unit has had an opportunity for a hearing and an appeal, as provided in section 19 of this Act. If the family unit seeks review of the Secretary's decision in a Federal district court, the court may further stay the discontinuance or reduction of semimonthly payments.

(3) AT THE CLOSE OF THE SUPPLEMENT PERIOD.—Semimonthly payments to a family unit shall terminate at the close of the family unit's supplement period, as determined by section 7 of this Act, unless the family unit files a request as provided in subsection (d) in respect to the new supplement period.

(i) DEDUCTION OF TAX ON ESTIMATED AVAILABLE INCOME.—

(1) QUARTERLY ESTIMATES OF AVAILABLE INCOME REQUIRED.—A family unit which requests and receives semimonthly payments under subsection (c) shall, at the time of filing such request and at the end of each succeeding quarter so long as the family unit continues to receive semimonthly payments, file an estimate of the amount of the family unit's available income for the year of election, including such amounts as would be included under sections 12 and 13 of this Act. Subject to the provisions of paragraph (2) of this subsection, this estimate shall be an extrapolation based on an estimate of the amount of the family unit's available income during the last preceding quarter year, or during those quarters of the year of election which precede the date of the estimate, whichever is longer.

(2) FLUCTUATING INCOMES.—In filing the estimate required by paragraph (1) of this section, the claimant or claimants shall state if there is reason to believe that the family unit's available income for the year of election will differ from the estimate as calculated accoridng to paragraph (1) of this subsection by 10 per centum or more, the ground for such belief, and the probable amount of the increase or decrease. In such a case, the Secretary or his delegate shall increase or decrease the estimate of available income by the declared amount for the purposes of calculating the tax under paragraph (3) of this subsection.

(3) DEDUCTION OF TAX.—The Secretary shall deduct and withhold ratably from each semimonthly payment a tax computed according to section 6 of this Act, and based upon the estimated available income for the year of election, adjusted as provided in paragraph (2) of this subsection. The amount deducted and withheld shall be allowed as a credit when the annual settlement is made under subsection (b).

(j) DEDUCTIONS FOR UNDERPAYMENTS.—The amount of any underpayment attributable to an earlier period, or determined by a final accounting either of the special tax imposed by section 6 of the Act or of the income tax imposed by the Internal Revenue Code of 1954, for which the family unit or any members thereof are liable, may be deducted from any semimonthly payment, but no deduction under this subsection shall exceed 0.5 percent of the adjusted supplement to which the

family unit is entitled under section 4(b). The amount of the deduction shall be allowed as a credit against any underpayments.

(k) SUPPLEMENT CHECKS.—Except when a claimant shows that an alternative form of payment is appropriate, supplement checks (whether annual or semimonthly) shall be made out jointly to all claimants in a family unit.

FAMILY UNIT DEFINED

SEC. 9. (a) GENERAL RULE.—A family unit shall consist of at least one claimant, and not more than two claimants, and any dependents which the claimant or claimants, individually or jointly, are entitled to claim and which all the claimants in a family unit choose to claim, except that any person 16 years old or older who is claimed as a dependent must agree in writing to be claimed as a dependent.

(b) CLAIMANTS.—Any person who is a United States citizen or a resident alien and—

(1) is 21 years of age or older, or

(2) is 19 or 20 years of age and maintains a domicile separate from his parents or guardian, does not receive more than half his support from his parents or guardian, and is not a student within the meaning of section 151(e)(4) of the Internal Revenue Code of 1954, or

(3) is under 21 years of age and is married, provided that he and his spouse maintain a common domicile, are not legally separated under a decree of divorce or of separate maintenance, or informally separated, as defined by subsection (e),

may declare himself a claimant under the provisions of this Act for so long as he resides in the United States or its territories.

(c) DEPENDENT.—A claimant or claimants in a family unit may declare as a dependent under the provisions of this Act any person who is a United States citizen or a resident alien and—

(1) is a son or daughter of the claimant, or is any person for whom the claimant is legal guardian, provided that such person, son, or daughter receives a significant portion of his support from the family unit of the claimant, or is a student within the meaning of section 151(e)(4) of the Internal Revenue Code of 1954, or

(2) is any other person who receives over half of his support from the family unit of the claimant and who resides in the same dwelling unit as the claimant.

but only if such person has not rightfully declared himself a claimant under subsection (b), or has not been rightfully declared as a dependent under this subsection by a claimant in another unit which in fact provided the larger share of the declared dependent's support during the preceding twelve months. The Secretary or his delegate may require any claimant who declares a person as a dependent under this subsection to substantiate the amount of support provided the dependent and the residence of the dependent.

(d) REQUIRED FAMILY UNITS.—

(1) A husband and wife, who have not been informally separated, legally separated or divorced, must file as members of the same family unit.

(2) A man and a woman, domiciled together and the common parents of at least one child, must file as members of the same family unit.

(e) INFORMAL SEPARATION DEFINED.—A husband and wife shall be considered informally separated for the purposes of this Act if—

(1) they have not lived together for 30 consecutive days, and

(2) they do not maintain a common residence, and

(3) one of the spouses files an affadavit with the Secretary, swearing or affirming these facts on information or belief and further stating a belief that the separation will continue indefinitely.

(f) SPECIAL RULE FOR REQUIRED FAMILY UNITS.—

(1) Notwithstanding the provisions of subsection (a), a claimant in a family unit required to file together under subsection (d) shall be entitled to receive, in respect to any dependent of such claimant—

(A) who is owed no duty of support by the other claimant in the family unit, and

(B) whom such other claimant refuses to support an adjusted supplement under section 4(b) of this Act, not reduced in amount by reason of the special tax imposed by section 6 of this Act on income attributable solely to such other claimant. The family unit shall receive no other income supplements in respect to such dependent. The income supplement paid to both claimants jointly shall be determined by treating the family exclusive of such dependent as a separate family unit for the purposes of sections 4 and 6 of this Act.

(2) The supplements provided under this subsection for the benefit of a dependent specified in paragraph (1) shall be reduced by 50 per cent of (A) any support actually provided by the refusing claimant and (B) any income earned by the non-refusing claimant and such dependent.

(3) No family unit (including such a dependent) shall receive benefits less than it would be entitled to if this subsection did not apply.

(3) The Secretary or his delegate, before making any payments under this subsection, may require from the claimant refusing support an affidavit attesting that (A) he is under no legal obligation to support such dependent and (B) he will not adequately support such dependent during the supplement period involved. The law of the state in which the family unit resides shall determine to which dependents the refusing claimant owes an obligation of support.

(g) LIMITATIONS ON FAMILY UNITS.—No person shall be declared as a claimant or dependent of more than one family unit during the same period of time.

COMPUTATION OF AVAILABLE INCOME OF THE FAMILY UNIT

SEC. 10. The available income the family unit for any period shall be the sum of the available incomes of all its members during such part of that period as they are claimed as members of the family unit for the purposes of section 4 of this Act. In computing available income, no item of income shall be included, nor any deduction allowed, more than once.

DETERMINATION OF AVAILABLE INCOME OF PERSONS

SEC. 11. (a) IN GENERAL.—For the purposes of this Act, a person's available income shall be his adjusted gross income, as defined in section 62 of the Internal Revenue Code of 1954, increased as provided in subsection (b) and reduced as provided in subsection (c).

(b) AMOUNTS ADDED TO ADJUSTED GROSS INCOME.—For the purposes of subsection (a), adjusted gross income for any period shall include the amount of the following items which accrue or are received during such period to the extent they are not already included in adjusted gross income (a) defined by section 62 of the Internal Revenue Code of 1954):

(1) The entire amount of any payments received as an annuity, pension, or retirement benefit;

(2) The amount or value of any and all prizes and awards;

(3) The proceeds of any life insurance policy in excess of the premiums paid personally by the beneficiary or the beneficiary spouse;

(4) All gifts (cash or otherwise), support and alimony payments, and inheritances, in excess of a total of $50 per year, except for any gift or support payment or other transfer received from a member of the same family unit or from a private charity, and except for any property inherited from a deceased spouse;

(5) Interest on all governmental obligations;

(6) Except as otherwise provided in this Act, any amount received in the form of damages, insurance payments, workmen's compensation, or in any other form as (i) compensation for physical, mental or any other personal injuries or sickness, (ii) wage or income continuation payments, or (iii) payments for medical expenses;

(7) The rental value of parsonages;

(8) Certain combat pay and mustering out payments to members of the Armed Forces excluded from adjusted gross income by sections 112 and 113 of the Internal Revenue Code of 1954;

(9) The full amount of all dividends;

(10) The full amount of any scholarship or fellowship;

(11) The amount by which living expenses of the family unit are reduced when an employer supplies meals or lodging at less than their fair market value, regardless of whether the arrangement was made for the convenience of the employer;

(12) Any amount paid by the government to a member of the Armed Forces as an allowance for quarters or subsistence or as gratuity pay;

(13) The amount of current or accumulated income that could, within the discretion of any person with a nonadverse interest, be paid to an individual from a trust or estate of which he is a designated beneficiary, except that any such amount not exceeding $3,000 and in fact paid to some other person shall not be so included;

(14) All amounts deductible under section 1202 of the Internal Revenue Code of 1954;

(15) All unemployment compensation, from whatever source derived, whether from government insurance programs or otherwise, but excluding payments made pursuant to section 407 of Title IV of the Social Security Act;

(16) Strike benefits received from any union or other organization or agency;

(17) All cash benefits received pursuant to titles II and XVIII of the Social Security Act, but excluding all payments made pursuant to titles I, IV, XIV, XVI, and XIX of the Social Security Act and (ii) all sums received under any government program where the financial need of the recipient is an essential prerequisite of the award;

(18) Railroad Retirement Act cash benefits;

(19) Cash benefits under laws administered by the Veterans' Administration;

(20) Foreign source income presently excludable under sections 893, 894, 911, 912, 931, and 943 of the Internal Revenue Code of 1954;

(21) Amounts received as loans from the Commodity Credit Corporation;

(22) Items presently deductible under sections 173, 175, 180, 182, 263(c), 615, and 616 of the Internal Revenue Code of 1954;

(23) Imputed income, as defined in section 12 of this Act; and

(24) Capital utilization income, as defined in section 13 of this Act.

(c) DEDUCTIONS ALLOWED.—For the purposes of subsection (a), adjusted gross income for any period may be reduced by the amount of the following items which accrue, are paid, or are otherwise deductible during such period, to the extent that they have not already been deducted from adjusted gross income under the provisions of the Internal Revenue Code of 1954:

(1) All expenses for medical care within the meaning of section 213(e) of the Internal Revenue Code of 1954, except that—

(A) this deduction shall not apply to expenses compensated for by insurance or

otherwise, where such compensation has been excluded from available income, and

(B) deductions can be made under this section only to the extent that the aggregated medical expenses of the family unit during the period involved exceed $25 for such person;

(2) Alimony, separate maintenance, and support payments required by law and actually made by the taxpayer;

(3) The value of any gift to a member of a family unit other than the donor's where the donee is a member of a family unit receiving payments under this Act, but only if the donor can present a signed statement from the donee attesting to such transfer;

(4) All deductions presently allowable under sections 162 and 212 of the Internal Revenue Code of 1954, plus the cost, in excess of $10 per month, of all transportation to and from work;

(5) Any deduction allowable under section 214 of the Internal Revenue Code of 1954 (but in applying such section 214 to this Act, any dependent (within the meaning of section 9(c) of this Act) shall be considered "a person with respect to whom the taxpayer is entitled to an exemption under section 151(e)(1)" for purposes of section 214 (d)(1));

(6) All amounts deductible under section 404 of the Internal Revenue Code of 1954;

(7) An amount equal to twice the taxes imposed by subtitle A of the Internal Revenue Code of 1954 on the taxable income of any member of the family and paid during the period involved, including any amounts paid pursuant to chapter 24 of the Internal Revenue Code of 1954 as withholding taxes, less twice the amount of any credits allowed against such taxes by sections 33, 35, 37, and 38 of the Internal Revenue Code of 1954: *Provided*, That the maximum deduction allowable to a family unit under this paragraph shall not exceed the income supplement to which the family unit is entitled under section 5 of this Act; and

(8) Employee contributions under the Social Security and Railroad Retirement Acts.

(d) In determining adjusted gross income for the purpose of subsection (a), losses may be deducted to the extent allowable by sections 165 and 172 of the Internal Revenue Code of 1954, except that—

(1) no deduction shall be allowed for losses described in section 165(c)(3) of the Internal Revenue Code of 1954 (casualty losses),

(2) deductions for losses from sales or exchanges of capital assets shall be allowed only to the extent of gains from such sales or exchanges, and no deduction for capital losses shall be allowed unless realized in a period during which the individual was a member of a family unit entitled to receive an income supplement in excess of its special tax liability under this Act without the benefit of this deduction,

(3) for the purposes of this Act, the term "net operating loss" as used in section 172 of the Internal Revenue Code of 1954 shall mean the excess of the deductions allowed by this Act over the income obtained by the operation of section 11(b) on adjusted gross income, although such excess shall be computed with the modifications specified in section 172(d) of the Internal Revenue Code of 1954,

(4) no carryover or carryback of any net operating loss shall be allowed unless the loss occurred in a period during which the individual was a member of a family unit receiving an income supplement in excess of its special tax liability under this Act, and

(5) no loss may be deducted under this Act which has been deducted under the provisions of the Internal Revenue Code in any period during which the individual was not a member of a family unit receiving an income supplement in excess of its special tax liability under this Act.

(e) DEPRECIATION AND DEPLETION.—In determining available income, a deduction shall be allowed for depreciation and depletion only to the extent permitted by sections 167 and 611 of the Internal Revenue Code of 1954; but no deduction shall be permitted for depletion calculated pursuant to section 613 of the Internal Revenue Code of 1954.

(f) DEDUCTIONS DISALLOWED.—Deductions from income other than those specifically allowed in this section are disallowed. No item shall be deducted more than once.

(g) SUBCHAPTER S CORPORATIONS.—Any amount attributed to the available income of a member of the family unit by operation of section 1373 of the Internal Revenue Code of 1954 shall be increased by an amount proportional to the amount by which the taxable income of the electing corporation would be increased if computed under this section.

(h) INTERNAL REVENUE CODE APPLICABLE.—Except where this Act provides or necessarily implies otherwise, the provisions of the Internal Revenue Code of 1954 shall apply in the determination of available income.

IMPUTED INCOME DEFINED

SEC. 12. (a) GENERAL RULE.—For purposes of this Act, a person's imputed income for a supplement period of a full year shall be the sum of—

(1) an amount (not less than zero) equal to 5 per cent of the fair market value of the person's gross available capital, computed at the close of the supplement period, less the amount of any income derived from any interest included within gross available capital to the extent that—

(A) such income is otherwise included within available income, and

(B) such income does not exceed 5 per cent of the value of the interest from which the income is derived, and

(2) the retail market value of food grown by a person or some member of his family unit and consumed by such person, minus the costs not otherwise deducted of producing such food.

For a supplement period of less than a year, a person's imputed income shall be computed as for a full year, except that the percentage of the fair market value of gross available capital and the percentage used in subsection (a)(1)(B) shall bear the same relation to 5 per cent as the supplement period bears to a full year.

(b) GROSS AVAILABLE CAPITAL DEFINED.—For purposes of this Act, a person's gross available capital means gross capital, minus an exemption for the value of his clothing, furniture, automobiles, and other personal effects not used in a trade or business, not to exceed $1,500 for a claimant or $500 for a dependent. The unused amount of a person's individual exemption may be used by any other member of the same family unit, but only to the extent that it has not been used by another person.

(c) GROSS CAPITAL DEFINED.—For purposes of this Act, a person's gross capital means all property, real or personal, tangible or intangible, wherever situated, to the extent of any of the person's interest therein, but excluding pensions and annuities. The value of an interest in any property shall be reduced by the amount of any mortgage or indebtedness in respect to such property only to the extent that interest or other payments arising out of the mortgage or indebtedness have not been deducted in the computation of available income.

CAPITAL UTILIZATION INCOME DEFINED

SEC. 13. (a) GENERAL RULE.—For the purposes of this Act, a person's capital utilization income for a supplement period of twelve months shall be 30 percent of the fair market value of his net available capital, computed at the close of the supplement period. For a supplement period which is a short period, a person's capital utilization income shall be computed as for a twelve-month supplement period, except that the percentage of the fair market value of net available capital shall bear the same relation to 30 percent as the supplement period bears to twelve months.

(b) NET AVAILABLE CAPITAL DEFINED.—For purposes of this Act, "net available capital" means gross available capital, as defined in section 12(b), minus—

(1) the amount of any mortgage or indebtedness in respect to property included within gross available capital,

(2) any other indebtedness not otherwise deducted,

(3) the excess (if any) of the current fair market value of the principal residence owned by the family unit over the maximum amount for which such property commercially could be mortgaged if it were otherwise unencumbered,

(4) an exemption of $5,000 for a claimant or $3,000 for a dependent, and

(5) an additional exemption for any property used in a trade or business not to exceed $5,000 for a claimant.

The unused amount of a person's individual exemptions under paragraphs (4) and (5) of this subsection may be used by any other member of the same family unit, but only to the extent it has not been used by another person.

BASIS

SEC. 14. (a) GENERAL RULE.—Except as provided in subsection (b), the adjusted basis for determining the gain or loss from the sale or other disposition of property under this Act shall be the adjusted basis as defined by section 1011 of the Internal Revenue Code of 1954.

(b) EXCEPTIONS.—For the purposes of this Act the adjusted basis of any property (other than cash) used in a trade or business or held for the production of income shall be increased by—

(1) the amount of income imputed to the property under section 12 of this Act, and included within available income, less the amount of income includable within adjusted gross income as defined by section 62 of the Internal Revenue Code of 1954, and

(2) the amount of any deduction with respect to the property disallowed in computing available income to the extent that such deduction would result in a reduction of the adjusted basis of the property under section 1016 of the Internal Revenue Code of 1954.

No adjustment may be made in respect to years in which the person holding the property did not belong to a family unit receiving income supplements in excess of its special tax liability under this Act.

VALUATION

SEC. 15. (a) GENERAL RULE.— The Secretary of the Treasury or his delegate shall prescribe all necessary rules and regulations for the valuation of interests under this Act. When fair market value is not readily ascertainable, the Secretary or his delegate shall prescribe methods for approximating the value. Either the Secretary or the recipient may establish that actual value is greater or less than that ascertained by such methods, but the burden of proof shall rest on the party asserting the different value.

(b) JOINTLY HELD PROPERTY.—Jointly held property, whether or not partitionable, shall for the purposes of this Act be treated as if owned in separate proportional shares.

(c) CONTINGENT AND CONDITIONAL INTERESTS.—Interests subject to a contingency or condition which may not otherwise be valued shall be valued as if the contingency or condition did not exist unless—

(1) the contingency or condition is real and substantial,

(2) the contingency or condition does not depend upon a power exercisable by a person

who is a member of the same family unit or who does not have an adverse interest, and

(3) the failure of the interest would not result in the interest passing beneficially to another member of the family unit,

in which case the interest shall be valued as zero. No interest, however, shall be attributed more than once to the same family unit.

METHODS OF ACCOUNTING

SEC. 16. (a) METHOD OF ACCOUNTING.—Available income shall be computed under the method of accounting regularly used by the claimants of the family unit in computing income tax liability. Where two claimants in a family unit use different methods in computing income tax liability, the family unit shall use the method followed by the claimant whose taxable year serves as the basis of the family unit's supplement period, under section 7(a) of this Act. If no method of accounting has been regularly used by such claimants, or if the method used does not clearly reflect income, the computation of available income shall be made under the cash receipts and disbursements method or such other method that does clearly reflect income.

(b) SPECIAL RULE.—Where an item of income or deduction may not be properly attributed to a specific period of time, such item of income or deduction shall be deemed to accrue ratably during the calendar year.

(c) APPORTIONMENT AMONG INDIVIDUALS.—The Secretary or his delegate may apportion items of income, deductions, or credits, among individuals if such apportionment is necessary in order to prevent evasion of taxes or to reflect clearly the income of such individuals for purposes of subsection (a).

CLAIMS AGAINST SUPPLEMENT PAYMENTS PROHIBITED

SEC. 17. (a) ASSIGNMENT AND TAXATION.—Payments of benefits due or to become due under this Act shall not be assignable and shall not be subject to taxation under the Internal Revenue Code of 1954 or to any other taxation.

(b) OTHER CLAIMS.—Payments of benefits due or to become due under this Act shall be exempt from the claims of creditors and from any process of attachment or levy, or from seizure by or under any legal or equitable process whatsoever before receipt by the beneficiary. This subsection shall not apply to claims of the United States, which accrue under the provisions of this Act or, subject to the prohibition in subsection (a), under the provisions of the Internal Revenue Code of 1954.

RECORDS AND RETURNS

SEC. 18. Every claimant in an electing family unit shall keep such records, render such statements, and make such returns as are required by this Act. Every claimant required to make a return or statement shall include therein the information requested by such forms and regulations as may apply. Such requests may not violate the recipient's right to privacy. All rules and regulations requiring the disclosure of information shall be subject to the review provisions of section 19 of this Act.

PROCEDURAL RIGHTS AND REVIEW

SEC. 19. (a) RULES AND REGULATIONS.—The Secretary or his delegate shall make all rules and regulations under this Act on the record and after an opportunity for a hearing in the manner prescribed by chapter II of title 5 of the United States Code, except as expressly modified herein. All such rules and regulations shall be reviewable in a Federal court of competent jurisdiction.

(b) RECIPIENTS' ORGANIZATIONS.—The Secretary or his delegate shall maintain a list of all organizations which certify that they have a membership of more than fifty people receiving benefits under this Act and shall send to such organizations all proposed rules and regulations at the time that they are published in the Federal Register. These organizations shall have standing to participate in any public hearing held to review a rule or regulation, and to challenge any proposed rule issued under this Act in a Federal court.

(c) INFORMATION.—The Bureau of Income Maintenance shall from time to time extensively publicize the benefits available under this Act, using all appropriate media of communication. The Bureau shall diligently and fully inform all applicants, in simple and understandable writing, of their rights under the Act and especially of their rights to benefits, to a hearing and appeal, to judicial review, and to payment of costs as provided in this section.

(d) DUE PROCESS HEARING.—Upon request in writing, the Secretary or his delegate shall afford opportunity for a full due process hearing before an examiner with respect to any action of the Secretary or his delegate denying, withholding, or modifying a family unit's income supplement, including semimonthly payments, or any part or portion thereof, to any person aggrieved by such action. Such hearing if requested shall occur prior to the effective date of any such denial, withholding, or modification, unless all individuals aggrieved by the action request in writing that it occur after such effective date. All aggrieved individuals shall be entitled to representation by counsel at such hearings, to present evidence in their own behalf, to know the evidence against them, to confront and cross-examine witnesses against them, and to challenge the reasonableness of any rule, regulation, or practice adopted pursuant to this Act as applied to their case. At the conclusion of a hearing held pursuant to this subsection, the trial examiner delegate shall make findings of fact and issue a written decision based upon the evidence adduced at such hearing and stating the reasons for his decision. All hearings provided for under this subsection shall be open to the public unless any one of the aggrieved individuals requests in writing that the hearing be closed. The Secretary and the aggrieved parties shall be bound by the decision of the trial examiner unless an appeal is taken to the Board of Appeals within thirty days of that decision. Such appeal shall be heard and decided before the action sought by the Secretary may be made effective.

(e) RIGHT OF ADMINISTRATIVE APPEAL.—The Secretary shall establish a Board of Appeals which shall review the findings, rulings, and decisions of the trial examiner in the hearings provided for in subsection (d) upon the request of any party thereto. The Board shall publish its decisions and state the reasons therefor. The Secretary and the aggrieved parties shall be bound by the decision of the Board unless judicial review is sought pursuant to subsection (f). The Board's decision shall take effect when rendered, unless stayed by an appropriate court pursuant to subsection (f).

(f) JUDICIAL REVIEW.—Decisions of the Secretary or his delegate denying, withholding, modifying, or affecting an individual's income supplement, including semimonthly payments, shall be fully reviewable by a civil action commenced in the United States district court for the district in which the recipient resides. The district courts shall have jurisdiction of such actions without regard to the amount in controversy.

(g) PAID EXPENSES.—All persons shall be entitled to reasonable expenses incurred in any hearing or judicial review brought under this section, including necessary child-care, loss of pay, transportation expenses for the aggrieved parties and their witnesses and representatives, reasonable expenses necessary for the adequate preparation of the case, reasonable attorney's fees, and any other expenses reasonably and necessarily related to the hearing or case: *Provided*, That a district court, in a proceeding before it under this Act, may disallow any or all such expenses if it finds that a party or his attorney has acted frivolously or in bad faith.

(h) COMPLAINT REVIEW BOARD.—The Secretary shall establish a Complaint Review Board to review any complaint that a Bureau employee is not performing his functions properly or is not following properly issued regulations. The Board shall, after notice to the employee, promptly investigate the complaint and send the results of its findings with respect to any complaint in writing to the person or organization making the complaint, and to the employee, within sixty days of the receipt of such complaint. In the event that the Board finds the employee guilty of willful or grossly negligent disregard of the rights of any person under this Act and the regulations issued pursuant to it, or of a serious and willful or grossly negligent abuse of discretion, or of willful or grossly negligent failure to perform his functions properly, the Secretary or his delegate shall conduct a hearing on the charge in which the employee and the complainant shall have standing to participate. If the results of the hearing sustain the findings of the Board, the Secretary shall take such disciplinary action, not excluding discharge or suspension without pay, as he deems proper and as authorized by the civil service laws of the United States.

(i) CONFIDENTIALITY.—All records kept by the Bureau of Income Maintenance shall remain strictly confidential and may be used only by the Bureau and the Internal Revenue Service to effectuate and enforce the provisions of this Act, except that a claimant shall at any time be entitled to examine his own file at the local office of the Bureau by submitting a written request.

(j) INVESTIGATIONS.—The Secretary or his delegate may not conduct investigations with respect to more than 5 per centum, randomly selected, of all family units electing to receive benefits under this Act in any calendar year, except that the Secretary or his delegate may investigate whenever probable cause exists to believe that a family unit is not entitled to receive the benefit for which it applied or which it has received, and except that the preceding limitations shall not apply to routine investigations undertaken in connection with hearings held under subsection (d).

APPLICATION OF INCOME SUPPLEMENT LAWS

SEC. 20. (a) POWERS AND DUTIES OF SECRETARY.—Except as otherwise expressly provided by law, the administration and enforcement of this Act shall be performed by or under the supervision of the Secretary of the Treasury.

(b) BUREAU OF INCOME MAINTENANCE.—There shall be established in the Department of the Treasury a Bureau of Income Maintenance. The Commissioner of Income Maintenance shall be the chief officer of the Bureau, shall be appointed by the President, by and with the advice and consent of the Senate, and shall serve at the pleasure of the President. The Commissioner of Income Maintenance shall have such duties and powers as may be prescribed by the Secretary.

(c) APPOINTMENT.—The Secretary or his delegate is authorized to appoint or employ in the Bureau of Income Maintenance such persons as the Secretary or his delegate deem proper for the administration and enforcement of the income maintenance laws. The Secretary or his delegate shall issue all necessary directions and rules applicable to such persons.

(d) REGULATIONS.—The Secretary or his delegate shall prescribe all rules and regulations necessary for the enforcement and administration of this Act. Such rules and regulations shall accord with the purposes and policies of this Act as set out specifically in section 1 and as embodied in other sections of this Act.

(e) SERVICE.—The Bureau of Income Maintenance shall also establish and maintain local counseling offices for the convenience

of claimants and shall render assistance to claimants in the preparation of returns and other materials required by law.

DEFINITIONS

SEC. 21. For purposes of this Act—

(1) The term "Secretary" means the Secretary of the Treasury.

(2) The term "Secretary or his delegate" has the same meaning as such term has under the definition contained in section 7701 (a)(12)(A) of the Internal Revenue Code of 1954.

AMENDMENTS TO OTHER LAWS

SEC. 22. (a) EXEMPTION OF INCOME SUPPLEMENTS.—Section 123 of the Internal Revenue Code of 1954 is amended by adding at the end of subsection (a) the following subsection:

"(19) Benefits under the laws administered by the Bureau of Income Maintenance, see section 17 of the Income Supplement Act of 1969."

(b) INCOME AVERAGING.—Section 1303 of the Internal Code of 1954 is amended by adding the following subsection:

"(e) INDIVIDUALS RECEIVING INCOME SUPPLEMENTS.—An individual shall not be an eligible individual for the computation year if at any time during the computation year or the base period he was a claimant under the Income Supplement Act of 1969."

(c) APPLICATION OF RULE MAKING REQUIREMENTS.—Section 553(a)(2) of title 5 of the United States Code is amended to read as follows:

"(2) a matter relating to agency management or personnel or to public property, loans, grants, benefits (but not including benefits under the Income Supplement Act of 1969), or contracts."

EFFECTIVE DATE

SEC. 23. Benefits may be paid under this Act with respect to supplement periods beginning on or after the first day of the first calendar year which begins more than 180 days after the date of enactment of this Act.

THE VIETNAM POLICY REVERSAL—PART II

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 1969

Mr. RYAN. Mr. Speaker, on March 6, I inserted in the RECORD the first of two articles from the New York Times by Hedrick Smith on the Vietnam policy reversal of 1968.

The second article, published on March 7, discusses how the final decision to change course was made, and the arguments which were advanced in favor of deescalation and a negotiated settlement.

With the Nixon administration discussing an "appropriate response" to recent North Vietnamese activity, I believe it is critically important that the basis of the March 1968 policy reversal be understood. We must understand that the mistakenly conceived policies of retaliation and escalation have already failed. The only course is to press toward an end of the conflict in Vietnam as speedily as possible.

I am including in the RECORD the second article on the Vietnam policy reversal of 1968:

[From the New York Times, Mar. 7, 1969]

THE VIETNAM POLICY REVERSAL OF 1968—II

(NOTE.—This is the second of two articles written by Hedrick Smith in collaboration with William Beecher, and incorporating reports by Peter Grose, John W. Finney, E. W. Kenworthy, Roy Reed, Benjamin Wells, Edwin L. Dale Jr. and Max Frankel.)

WASHINGTON, March 6.—If ever there was a demonstration that no decision in Washington is final and that the struggle for a President's mind never really ends while he remains in office, it came a year ago this month.

"Let's get one thing clear!" President Johnson said forcefully to his Vietnam advisers on March 16, 1968. "I'm telling you now I am not going to stop the bombing. . . . Now is there anybody here who doesn't understand that?"

No one misunderstood. The gathering in the gold and white Cabinet Room of the White House fell silent—but only temporarily. The dissenters from existing policy on Vietnam, who for two weeks had been battling against a request for massive troop reinforcements, chose to understand the President's pronouncement quite literally. They shifted tactics, and the argument flared up again.

In the Administration, Secretary of Defense Clark M. Clifford, who had entered the Government March 1 as a moderate hawk but was now an active dissident, took the initiative. He proposed that the bombing be restricted to the Panhandle region of North Vietnam south of the 20th Parallel.

No one knew where Mr. Johnson stood on that issue. It was still two weeks before he would announce a major shift in the direction of his Vietnam policy—a shift toward de-escalation that is still having its impact on the daily decisions of the Nixon Administration.

At that time the pressures for change—political and economic—were mounting. The public was increasingly impatient with the war.

"Something had to be done to extend the lease on public support for the war," a high State Department official remarked. "We were focused on what we could do without significant military drawbacks to make clear to people we were serious about peace."

Secretary Clifford pleaded skillfully for the proposal that the bombing be restricted to the region south of the 20th Parallel. A cutback would not violate the President's insistence that there be no halt without matching restraint from Hanoi, he said. He added that it would not, as the military feared in the case of a halt, jeopardize American troops in outposts just south of the demilitarized zone—Khesanh, Camp Carroll, the Rockpile and others.

The region south of the 20th Parallel contains many of the "meatiest" targets. All North Vietnamese troops and most of the supplies heading into South Vietnam have to pass through this region.

The proposal was also thought to offer a diplomatic opening: If Hanoi and Washington were not able to walk directly to the negotiating table, Mr. Clifford suggested, perhaps they could begin to "crawl."

This was not a new idea. In the spring of 1967, Mr. Clifford's predecessor as Defense Secretary, Robert S. McNamara, had his aides draft a similar proposal for cutting back to the 19th or 20th Parallel as a means of starting the process of tacit de-escalation. For many months, too, Secretary of State Dean Rusk had been developing a variety of plans for cutbacks.

The theory was that if Washington made the first move, Hanoi might match it and, step by step, they could begin scaling down the war even without negotiations.

President Johnson refused to accept the plan after it ran into heavy opposition from the Joint Chiefs of Staff. There were reports at the time that some senior generals would have resigned if it had been carried out.

Nonetheless, gingerly and indirect soundings of Hanoi were made at the time through one diplomatic source called a "quasi-disavowable channel." The reaction from Hanoi, as read in Washington, was negative: Only a halt could produce talks. (The talks began in May, as it turned out, but the bombing did not come to a complete end until Nov. 1.)

Now, in March, 1968, the diplomatic experts thought that this was still a problem. Privately, the President had made no decision on the plan but publicly he was as stern as ever.

With Senator Robert F. Kennedy now in the race for the Democratic Presidential nomination and with the political tide apparently running against Mr. Johnson, he lashed back at his critics. In one of his pet phrases, he was "hunkering down like a Texas jackrabbit in a hailstorm."

PRESIDENT DERIDES CRITICS

On March 18 in Minneapolis, the President derided critics who would "tuck our tails and violate our commitments" in Vietnam. He raised the specter of appeasement in the Munich style. The Clifford camp took this as a counterattack aimed at them by the hawkish faction of the Administration led by Walt W. Rostow, the President's adviser on national security affairs.

President Johnson ridiculed proposals for shifting to a less ambitious ground strategy in Vietnam, as the doves wanted. "Those of you who think you can save lives by moving the battlefield in from the mountains to the cities where the people live have another think coming," he said acidly.

That remark in a speech and two more addresses in a similar tone discouraged the doves. Mr. Clifford, exhausted by his first two intensive weeks in office—during which he was directing the reappraisal of policy on the war—and suffering renewed complications from a case of hepatitis picked up in Vietnam the year before, felt that he had lost the argument.

The bombing cutback seemed to have been brushed aside. The only hopeful sign, Mr. Clifford thought, was the fact that Mr. Johnson had still not approved the troop reinforcements for Gen. William C. Westmoreland. The request by the American commander in Vietnam, which amounted to 206,000 men, had precipitated the reappraisal when presented by Gen. Earle G. Wheeler, Chairman of the Joint Chiefs of Staff, on Feb. 28.

It is clear in the middle of March that despite his public declarations, President Johnson was deeply uneasy and undecided.

Late in the afternoon of March 20 he met in his oval office with Arthur J. Goldberg, the United States representative at the United Nations. It was their first meeting since Ambassador Goldberg, in a secret memo to the President on March 15, had proposed a bombing halt.

GOLDBERG CALLS AT WHITE HOUSE

It was this proposal that had provoked the President's angry outburst at the White House meeting a day later. Mr. Goldberg had not been there and was unaware of Mr. Johnson's reaction. Now the two men met alone, and the President seemed interested in Ambassador Goldberg's position. He asked him to go through his arguments again, listening carefully and putting questions now and then. There were no angry words.

Before they parted, Mr. Johnson invited the silver-haired envoy to take part in a secret council of "wise men" that was to meet in Washington March 25. "I hope you'll put these same views of them there," he said.

The next hint of the President's thinking—though its significance was denied at the time—came on March 22. He announced that he was making General Westmoreland Army Chief of Staff, effective in July. He insisted that this did not necessarily foreshadow a change in strategy.

The White House explanation was that the shift had been in the mill for weeks and that the President was rewarding the general with the best job he could give him.

President Johnson was upset over the immediate speculation that, as an aide put it, he was "sacking Westy because of Tet," the costly Lunar New Year offensive the enemy had sprung in Vietnam on Jan. 30. To this day Mr. Johnson says privately as well as publicly that in his own heart that was not his motive. But some who know Lyndon Johnson extremely well believe that the shift came at this time—subconsciously, at least—as part of a gradual transition to a new policy.

Unknown to his political advisers, President Johnson was moving to settle the troop issue. He ordered General Wheeler to hold a secret rendezvous in the Pacific with General Westmoreland to learn if massive reinforcements were still needed. On March 24 the generals met alone for 90 minutes in 13th Air Force headquarters at Clark Air Force Base, in the Philippines.

General Westmoreland reported that the battlefield situation had improved—the crisis around the isolated Marine garrison at Khesanh had eased, the enemy seemed to have run out of steam and the South Vietanese military forces were rebuilding their depleted ranks and moving back into the countryside.

Considering this trend, General Westmoreland said he would be satisfied if he could keep the two 5,000-man brigades rushed to Saigon early in February, at the peak of the enemy offensive, and if he were also given about 13,500 support troops for them.

General Wheeler flew back to report to the President. General Westmoreland sent a follow-up summary of his needs on March 28, three days before the President was to address the nation. No one was informed of the Pacific meeting.

By March 22, the inner circle in Washington had been informed that the President was going to give a Vietnam speech and they gathered in the family dining room of the White House to discuss it.

Present were the men who had shared the agony of Vietnam decisions with President Johnson—Secretary of State Dean Rusk, Secretary Clifford, General Wheeler, Walt Rostow, George Christian, the press secretary, and Marry McPherson, a speech writer.

SPEECH STILL HAWKISH IN TONE

The speech, conceived in the combative spirit after the Tet offensive, was still militant in tone. It deeply disturbed Mr. Clifford and others, who yearned to include some gesture of peace along with the scheduled reinforcements.

Once again Mr. Clifford urged the President to consider a bombing cutback on the ground that it would improve the Administration's position, internationally and domestically. Just two weeks before the crucial Democratic primary in Wisconsin, on April 2, most of the President's aides thought he needed a political shot in the arm. Vice President Humphrey believed that the bombing should be halted, not curtailed, if there was to be a change.

The discussion was exhaustive. How would a cutback effect Saigon? Would a bombing limitation to the 20th Parallel satisfy Hanoi? Were there other partial measures that made more sense?

After seven hours, Secretary Rusk gave a lucid summary. Mr. Rusk, who had himself raised the possibility of a bombing halt as early as March 3, said that there seemed to be a consensus that some step toward negotiations was desirable. But, according to one account, he cast doubt on whether a curtailment would satisfy the North Vietnamese.

"The feeling as we left," one participant recalled, "was that it would be nice if we could work it, but it wouldn't get anywhere."

The Administration doves had lost another round, but they did not relent.

The next morning Mr. McPherson, a bright, boyish-looking man, sent the President a memo that sought to strike a compromise between the general desire to make a peace gesture and the fear of rejection by Hanoi. The memo urged the President to stop the bombing north of the 20th Parallel and, simultaneously, to offer to stop the rest if Hanoi showed restraint at the demilitarized zone and left Saigon and other cities free from major attack.

The President sent the memo to Secretary Rusk, who later returned it with the comment that these were ideas that he had been working on and that they should be developed further. His reaction was favorable but, according to one account, he did not make any specific recommendation.

"WISE MEN" HAVE NEW THOUGHTS

Mr. Johnson also askd Mr. McPherson for another copy to send to Ambassador Ellsworth Bunker in Saigon. The answer that came back mentioned some of the problems Washington had anticipated but apparently did not raise any fundamental objections.

The time for decision was drawing near, but still the President hesitated.

"It was one of those periods when the President had everybody thinking he was about to make up his mind when actually he wasn't," a former White House official commented."He has a facility for keeping his innermost thoughts to himself. He could keep everybody else lathered up the whole time. He just kept slipping back the deadline for decision."

President Johnson, convassing more opinion, was reaching outside the administration to summon to Washington the secret council of trusted advisers he mentioned to Ambassador Goldberg. They had a special and surprising impact on the President.

The previous fall, almost without exception and with Mr. Clifford a participant, they had backed the President's policy. But in the wake of the Tet offensive several of these influential men had had a change of heart.

Mr. Clifford, in his new role as an advocate of change and looking for allies, encouraged the President to call them into council again in the hope that it would strengthen his argument.

They gathered at the State Department on Monday, March 25, with the President's address to the nation six days away. They constituted a "who's who" of the American foreign-policy establishment.

Dean Acheson, Secretary of State under President Truman; George W. Ball, Under Secretary of State in the Kennedy and Johnson Administrations; Gen. Omar N. Bradley, retired World War II commander; McGeorge Bundy, special assistant for national security affairs to President Kennedy and Johnson; Arthur H. Dean, President Eisenhower's Korean war negotiator; Douglas Dillon, Secretary of the Treasury under President Kennedy.

Also Associate Justice Abe Fortas of the Supreme Court; Mr. Goldberg; Henry Cabot Lodge, twice Ambassador to Saigon; John J. McCloy, United States High Commissioner in West Germany under President Truman; Robert D. Murphy, ranking diplomat in the Truman-Eisenhower era; Gen. Matthew B. Ridgway, retired Korean war commander; Gen. Maxwell D. Taylor, former chairman of the joint chiefs of staff and a constant Presidential adviser on Vietnam, and Cyrus R. Vance, former Deputy Defense Secretary and President Johnson's trouble-shooter.

SOME PESSIMISM IS VOICED

The wise men heard candid briefings, some of which bordered on pessimism, and then questioned Messrs. Rusk, Clifford and Rostow and others about the extent of the Tet disaster and the plans for the future. The discussion continued late that night and resumed the next morning at the White House.

For the first time President Johnson got the trend of their views. He was "deeply shaken," one aide said, by the change of temper of the wise men, who were deeply discouraged over the war after the exalted hopes of the previous fall.

The President was especially impressed by the fact that Mr. Acheson, McGeorge Bundy and to a lesser degree Mr. Vance had joined Mr. Ball and Mr. Goldberg in opposing further military commitments and advocating some way of getting out of the war. He was jolted when Mr. Bundy, one of the architects of intervention in the early sixties and of the bombing of North Vietnam in 1965, was now taking an opposite tack.

There was, to be sure, a faction that held firm in defense of the harder line—Justice Fortas, General Taylor and Mr. Murphy. Mr. Murphy wanted more bombing, not less.

Ambassador Lodge, now President Nixon's chief negotiator in Paris, left the other participants puzzled. Several found him hawkish, but at least one said he was "on all sides of the issue." Mr. McCloy leaned toward the hawkish group.

Mr. Dean, Mr. Dillon and Generals Bradley and Ridgway were now doubters. They were plainly war-weary if not yet ready to shift course dramatically. The warning public support of the war was a constant concern.

There was no censensus on the bombing issue. Mr. Goldberg and Mr. Ball advocated a halt as a way to negotiations. The others were uncertain but the impression left with Government sources was that the wise men as a group were saying: "We had better start looking for another way to get this war settled."

THE PRIMARY WAS SECONDARY

To the President and his senior advisers, one close observer said later, such shifts carried "more weight than something like the New Hampshire primary." Someone suggested that Mr. Johnson consider the impact of his Vietnam decisions on the coming election; he replied testily that the campaign was the least of his concerns.

Two days later, on March 28, Messrs. Rusk, Clifford, Rostow, McPherson and William Bundy met in Mr. Rusk's mahogany-paneled office on the seventh floor of the State Department to polish the President's speech.

It was still, in the words of one participant, a "teeth-clenched, see-it-through" speech, announcing that about 15,000 more troops would be sent to Vietnam. It made a proforma plea for peace at the negotiating table and said nothing about cutting back to bombing.

Secretary Clifford launched an impassioned plea against taking this approach.

"I can't do it—I can't go along with it," he said. "I can't be in the position of trying to polish a speech of this kind. This speech can't be polished. What's needed is a new speech. This one is irrevocably setting the President down the wrong road."

The others listened as he spoke for nearly an hour, using to enormous advantage his almost unique position of being able to speak for the view of many outside.

It would tear the country apart, the Defense Secretary argued, to hear a speech that promised only more war. What was needed, he said, was not a "war speech, but a peace speech—the issue is as sharp as the edge of an ax."

To Mr. Clifford's surprise, Mr. Rusk did not cut him short. The others chimed in. Mr. Rusk sent out for sandwiches. Mr. Clifford appealed for some compromise, and once again they debated the 20th Parallel idea.

By this time the military commanders were no longer raising strong objections. Some, like Adm. U. S. Grant Sharp, the Pacific Fleet commander, who had overall charge of the bombing, thought the cutback would fail. He fully expected that if it were tried, the President would order full bombing again in a month or so. Some officials thought this was Mr. Rostow's view also.

RUSK SWAYED BY THE DEBATE

Secretary Rusk, eager to find some way to the negotiating table, still did not think the cutback would satisfy Hanoi. The month's arguments had had a cumulative effect on him.

At the end of the day—the meeting lasted until 5 P.M.—Mr. Rusk had agreed with Mr. Clifford that Mr. McPherson should prepare "an alternate draft." That night, while the President was showing Senator Mike Mansfield, the Democratic majority leader, a draft of the original hawkish speech, Mr. McPherson began writing alternate draft No. 1. Working through the night, he had it ready by morning.

He sent the draft, the first one containing the proposal for a bombing cutback to the 20th Parallel, to Mr. Johnson with a note saying that it seemed to reflect the sentiments of some of the President's leading advisers. He also offered to go back to the original version if that was Mr. Johnson's wish.

Later in the day the President called Mr. McPherson in to discuss changes in an item on "Page 3." He did not specify which draft, but it was clear that he was now working with the new speech. That was how he signaled a major break in the debate.

He had been deeply influenced by the shift in the public mood, as reflected in the wise men's meetings and his contacts on Capitol Hill. The country was in turmoil and the dollar was in danger.

He had been shaken by the change in his old friend, Mr. Clifford, and was finally persuaded to try a new tack by Mr. Clifford's sheer persistence. The mood of others had softened in the crucible of debate too.

FIVE MORE DRAFTS OF SPEECH

From then until 9 P.M., on the 31st, the speech went through five more drafts. None changed the new essence, though there was one important tug-of-war over the wording on the bombing cutback.

Under Secretary of State Nicholas deB. Katzenbach, drawn into the top-level discussions since Secretary Rusk was leaving for a Pacific meeting with the Vietnam allies, opposed naming the 20th Parallel as the cutoff point.

Mr. Katzenbach had long favored a halt. Now he wanted the northern limit to be the 19th Parallel rather than the 20th, but the military insisted on the 20th so they could hit Thanhhoa, a railroad switching point, and Route 7, leading into Laos—both just south of the 20th Parallel.

The Under Secretary, who suggested that it not be stated so badly, was looking for a way to "winch" the limit further southward. And, like most Administration officials, he was operating under the mistaken assumption that one main purpose of the speech was to help President Johnson in the April 2 Democratic primary in Wisconsin.

Suggesting that the speech would have more public appeal if it emphasized that part of the bombing would be continued to protect American troops just south of the demilitarized zone, Mr. Katzenbach drafted a revision that said all bombing should stop "except in an area north of the demilitarized zone where the continuing enemy buildup directly threatens allied forward positions." His amendment specified that this would spare almost 90 per cent of North Vietnam's population.

ROSTOW PHONES KATZENBACH

The President liked that language and accepted it. On Saturday he asked Mr. Rostow to telephone Mr. Katzenbach, now Acting Secretary, to persuade him to accept the 20th Parallel as the northern limit.

Reluctantly Mr. Katzenbach agreed, but with a caveat: "Don't make the first big raid at 19 degrees 59 minutes. Make sure the orders are consistent with the speech." Mr. Rostow replied that this would be done.

But they had different interpretations of what they had agreed on. Mr. Katzenbach thought he had won agreement on a plan that would let the bombing "roll northward" gradually from the buffer area as battlefield conditions dictated. Mr. Rostow felt he had Mr. Katzenbach's approval for military orders saying simply that bombing north of the 20th Parallel was forbidden after March 31.

On the Saturday a small group worked with President Johnson, who was in good spirits going over the text line by line until about 9 P.M. The speech had become progressively more dovish until, one official said, "it ended up 180 degrees from where it started."

Late the previous day Mr. Clifford had been concerned that the peroration, left over from original drafts, was still too militant, so Mr. McPherson was to draft a substitute.

When the Saturday session ended Mr. Johnson asked for the revised peroration. Mr. McPherson said he had not had time to rewrite it but would do so promptly.

I MAY HAVE ONE OF MY OWN

The President, his shirt open and his tie down, muttered, "No need to—I may have one of my own." He winked at Mr. McPherson, who turned to Mr. Clifford and said: "My God? Do you think he is going to say sayonara?" Mr. Clifford responded with a strange and unbelieving grimace.

On Sunday the President had Horace Busby, another speech-writer, and Mr. Christian working on the withdrawal section. Mr. McPherson, still officially in the dark on the President's political plans, assumed that he did not want his ending.

But Mr. Johnson kept sending word that he did indeed want Mr. McPherson's peroration, obviously intending to deliver both.

Initially Mr. Johnson hesitated to make his withdrawal announcement with the policy declaration. But sometime near the end of March, as he became convinced of the need for a bombing cutback, he evidently concluded that it would be more effective if he made it clear that he was not just appealing for votes or pacifying domestic critics or serving some other personal interest.

The approach of the Wisconsin primary also served as a deadline for action, in the view of some of his political advisers. They thought his withdrawal would be more dignified and more effective if made before the primary rather than after the expected victory for Senator Eugene J. McCarthy of Minnesota.

By the eve of the speech the President's mind was made up.

He did not sleep particularly well that night, and he was up before dawn. In the afternoon, he began rehearsing the Vietnam portion of the speech. About 4 p.m. Mr. Busby gave him the revised ending on not seeking re-election. The President made a few final adjustments to insure that his motives would be understood.

At 8 P.M. the text was turned over to an Army Signal Corps man to put on Teleprompters, and the President told his aides to begin informing members of the Cabinet of his intentions. Secretary Rusk was informed while airborne in the Western Pacific.

Secretary Clifford and his wife were invited to the Executive Mansion half an hour before the President was to go on nationwide television. Mr. Clifford already knew of the Vietnam decision—the bombing cutback to the 20th Parallel, 13,500 more troops for General Westmoreland and more equipment for the South Vietnamese Army at a cost of $2.5-billion a year.

After the wrenching tensions of the policy debate and the chill that had crept into their personal relations, the secretary was warmed to learn that the President wanted to see him before delivering the speech. Upstairs in the family quarters, the Cliffords joined Mrs. Johnson and Jack Valenti, the President's former aide and an old Texas friend.

Mr. Johnson motioned Mr. Clifford into his bedroom and without a word handed him the last two paragraphs of the speech.

"With America's sons in the fields far away, with America's future under challenge right here at home, with our hopes and the world's hopes for peace in the balance every day," the President told the nation a few moments later, "I do not believe that I should devote an hour or a day of my time to any personal partisan causes or to any duties other than the awesome duties of this office—the Presidency of your country.

"Accordingly, I shall not seek, and I will not accept, the nomination of my party for another term as your President."

EPILOGUE

The President's speech brought Washington—and the nation—the relief it feels when a breezy summer day breaks a sweltering heat wave. The bitterness of months had been lanced in a stroke. There was a rare moment of harmony. But it was only an instant.

Within 36 hours, while the world awaited Hanoi's response, Navy jets struck Thanhhoa, 210 miles north of the demilitarized zone, the very kind of raid that Mr. Katzenbach had wanted to prevent.

The enormous relief evaporated. The heat wave was back. The politicians, not knowing that the Russians and Hanoi had been privately told that the northern limit of the bombing was the 20th Parallel, complained that the public had been misled. State Department officials privately accused the military commanders of trying to sabotage the President's peace initiative.

With a new political storm mounting, Mr. Clifford persuaded President Johnson to pull the bombing back to the 19th parallel on the pretext that some American planes might have strayed over the 20th Parallel. It was a decision that Mr. Rostow, General Wheeler, General Westmoreland and others tried many times to reverse.

And so it went—all summer, all fall—the two coalitions in the Administration battling for the President's favor: one insisting that an irrevocable turn toward disengagement had been made, the other denying it.

"It was like climbing the greasy pole," recalled an insider. "You wanted to continue climbing higher but you had to keep fighting to stay where you were."

In May, the Hawks were urging escalation after enemy forces had launched their mini-Tet offensive. Senior military commanders wanted to push the bombing back up to the 20th parallel to hit Thanhhoa to show Hanoi that America was impatient.

General Westmoreland also wanted approval to launch B-52 raids and small ground forays against enemy supply dumps and base camps in remote areas of Cambodia, when enemy forces pulled back to these sanctuaries from assaults on American outposts. But President Johnson rejected this plan firmly.

In June, when enemy rockets were falling on Saigon, Ambassador Ellsworth Bunker was privately urging that the United States retaliate by bombing Hanoi. One official said the United States was "within two days" of stepping up the bombing of North Vietnam when the attacks on Saigon stopped.

Next it was the doves. During the prolonged summer battlefield lull W. Averell Harriman and Cyrus R. Vance, the American negotiators in Paris, tried to talk the President into a total bombing halt.

They made their pitch at the end of July. It was strictly a ploy. They accepted the military estimate that the lull was not deliberate and that the enemy was merely regrouping and refitting his forces. But they suggested that President Johnson treat it as deliberate restraint anyway.

The proposal was to tell Hanoi that since it had de-escalated the war, the United States

would end the bombing, but that to sustain this cessation, Hanoi would have to refrain from another offensive. The hope was to talk Hanoi into restraint.

Mr. Clifford and Vice President Humphrey promoted the idea. Mr. Katzenbach and Mr. Bundy were in Paris at this time, and simultaneously, The New York Times in a July 29 editorial advocated a similar tactic.

It was all too much for President Johnson. "He thought it was a conspiracy," said one high official. "There were so many coincidences that he thought it stank to high heaven." He rejected the plan out of hand.

The struggle for the President's mind persisted until the day he left office.

ROBERT E. LEE, EDUCATOR

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 1969

Mr. RARICK. Mr. Speaker, education is a form of discipline which is necessary if we are to solve the problems of our society. The campuses of our colleges and universities in various parts of the Nation are today the scenes of disgraceful disorders that aim not only to disrupt educational processes but also to challenge authority in what amounts to the early stages of revolution. Instead of courageously meeting such tests, educational administrators have too often been weak and given in to unreasonable demands, thus laying the basis for still greater demands and increased violence.

What the officials of our educational institutions should know is that they are not the first ones to face academic crises on the campuses.

Following the War Between the States, Gen. Robert E. Lee, after having refused an offer of $50,000 a year as president of an insurance company, on October 2, 1865, was sworn in as president of Washington College—now Washington and Lee University, Lexington, Va.—at a salary of $1,500 a year. Prior to his presidency, the custom of this college had been to grant a week's holiday at Christmas. Evidently, to make up for some of the time lost incident to war, General Lee decided to have only Christmas Day as a holiday.

The story of the resulting crisis, as told by Thomas Nelson Page, a student at Washington College during the presidency of Lee, in his book, "Robert E. Lee: The Southerner, 1909," on page 273, has its lessons for today and I shall quote it:

> A petition to return to the old order having failed, a meeting of the students was held and a paper was posted containing many signatures declaring the signers' determination not to attend lectures during Christmas week. Some manifestation appeared on the part of certain of the faculty of giving in to the students' demand. General Lee settled the matter at once by announcing that any man whose name appeared on the rebellious declaration would be expelled from the college. And if every student signed it, he said, he would send every one home and simply lock up the college and put the key in his pocket.
>
> "The activity displayed in getting names off the paper was amusing, and the attendance at lectures that Christmas was unusually large." History shows the students respected his firm stand.

Prior to his assumption of the presidency of Washington College, General Lee had announced his desire to train and educate young men of the South so that they might become leaders in their states, which had been prostrated in the devastation of war. It is significant that General Lee's idea and purpose were in direct opposition to the present day ideas of irresponsible students in many of our educational institutions to tell responsible authorities how students should be trained.

General Lee was wise, experienced and resolute—characteristics that enabled him to deal intelligently and firmly with a recalcitrant student body which sought to reverse a decision reached by responsible authority. To him a "duty" was the sublimest word in our language.

Mr. Speaker, I believe that I reflect the feeling of the majority of the students at our colleges and universities today when I urge their officials to emulate the example of General Lee.

EMBASSY SECURITY VITALLY IMPORTANT

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 1969

Mr. ASHBROOK. Mr. Speaker, as James J. Kilpatrick, the author and syndicated columnist, points out, the nomination of Jacob D. Beam as our new Ambassador to the Soviet Union has left some knowledgeable observers wondering. When it is recalled that Mr. Beam was Ambassador to Poland when the Scarbeck case some years ago and other blatant abuses revealed how vulnerable were our security precautions in Warsaw, one is certainly justified in having some misgivings.

Mr. Kilpatrick cites the description of the Warsaw episode by Clark Mollenhoff, the Pulitzer Prize winning journalist, as it appeared in his book, "Despoilers of Democracy":

> The near total destruction of security in the U.S. Embassy in Warsaw was a frightening demonstration of how the Communists could effectively bore inside an American Embassy.

It is stressed in the Kilpatrick column that no one questions Mr. Beam's loyalty or qualifications in handling European affairs; however, an insecure Embassy operation, as in the case of Warsaw, would constitute a dangerous liability for the most preeminently qualified of Ambassadors.

I insert the column, "Jacob Beam—Our Man in Moscow?" by James J. Kilpatrick, appearing in the Washington Star of March 9, 1969, in the RECORD at this point:

JACOB BEAM—OUR MAN IN MOSCOW?

(By James J. Kilpatrick)

Concern is being voiced on Capitol Hill these days at the President's nomination of Jacob D. Beam to serve as U.S. ambassador to the Soviet Union. Before the gentleman is confirmed, several Senators propose quietly to inquire into a troublesome time in his career.

On paper, and perhaps in fact, Beam is well qualified for the Moscow assignment. At 60, he has spent 38 years in the Foreign Service. He began as a clerk in the U.S. consulate at Geneva, in the days of the League of Nations; he moved on to Berlin for a six-year stint; served in London during most of the war; did a tour of duty as consul general in Java, and spent seven months in 1952–53 in Russia.

In August of 1957, Beam arrived in Warsaw as American ambassador to Poland. He was to serve in this assignment until he returned to Washington in the fall of 1961. He resigned his post, and then was appointed assistant director of the U.S. Arms Control and Disarmament Agency. In 1966 he became U.S. ambassador to Czechoslovakia. Mr. Nixon's proposal is to shift him now to the most important and sensitive chancery of them all, the U.S. embassy in Moscow.

The nomination may be entirely in order. All the same, members of Congress remember the dismaying sex and spy scandals that occurred in the Warsaw embassy during Beam's administration there. A number of Senators are concerned at the prospect of having him serve as ambassador in the very center of Communist intrigue.

The story of those Warsaw days is as fantastic as any tale ever contrived by Ian Fleming for his fictional James Bond. To judge from various printed hearings and other published material, Communist intelligence agents infiltrated Beam's embassy as merrily as a swarm of termites boring holes in a tasty log.

Irvin C. Scarbeck, second officer of the embassy, was among those who succumbed to the age-old lure of a beautiful woman. He fell in love with a 22-year-blonde, Urszula Discner. The presumption is strong that she was an agent of Polish intelligence. In any event, Urszula set him up for a raid that led to blackmail; this led in turn to the theft of classified documents. Scarbeck was caught, indicted, convicted and sentenced at first to 30 years in prison. Later the sentence was reduced. It was a sensational case.

Scarbeck was not alone in female involvements. A detachment of Marine guards, assigned to the embassy, engaged in wholesale revels with Polish girls. The wife of a middle-rank embassy employe had an affair with a Russian agent. A code clerk implicated in an illicit relationship was "permitted to resign."

It was during Beam's tenure that construction began on the new $1.6 million American embassy. The ingenious Poles succeeded in bugging the building from the ground up. Eventually, some 40 concealed microphones—including a mike in the code room itself—had to be dug out of the walls by a team of Seabees.

Guy Richards, in "Imperial Agent" and Clark Mollenhoff in "Despoilers of Democracy," have dealt with the Warsaw intrigues. All told, more than a dozen embassy employes were compromised. Mollenhoff has written that "the near total destruction of security in the U.S. embassy in Warsaw was a frightening demonstration of how the Communists could effectively bore inside an American embassy." Other publications, notably the Government Employes Exchange here in Washington, have carried sensational accounts of the intricate webs that were woven by Polish intelligence agents.

None of the published material raises any question of Beam's loyalty. No one doubts his expertise in European affairs. He is given high marks for his performance in Prague during last year's invasion by Soviet troops. He speaks fluent Russian. Nevertheless, there are unmistakable stirrings in the Senate. Beam may be the right man for the vital Moscow assignment; but then again Senators are saying, he may not.