SENATE—*Tuesday, March 11, 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:

Eternal God, Lord of history and of daily duties, whose sovereign purpose cannot be defeated, give us faith to stand calm and undismayed amid the tumults of the world, knowing that Thy kingdom shall come and Thy will be done. Renew within us confidence in the divine event toward which all mankind moves. Confirm and strengthen us in this faith through an understanding of our own days, through companionship with great souls, through moments of withdrawal from the noise of the crowd, through constant communion with nature, with history, and with Thee. As knowledge grows more and more, and we learn to enter holy silences, may reverence also grow within us that we may say, "Surely the Lord is in this place and I knew it not." Amen.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States submitting a nomination was communicated to the Senate by Mr. Geisler, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session,

The VICE PRESIDENT laid before the Senate a message from the President of the United States submitting the nomination of James R. Smith, of Nebraska, to be an Assistant Secretary of the Interior, which was referred to the Committee on Interior and Insular Affairs.

TREATY ON THE NONPROLIFERATION OF NUCLEAR WEAPONS

The VICE PRESIDENT. The Chair lays before the Senate the pending business, which will be stated by the clerk.

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

The VICE PRESIDENT. The pending question is the reservation of the Senator from North Carolina to the resolution of ratification.

LEGISLATIVE SESSION—TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the pending business be laid aside temporarily, that the Senate return to legislative session, that there be a period for the transaction of routine morning business, and that statements therein be limited to 3 minutes.

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

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Journal of the proceedings of Monday, March 10, 1969, be approved.

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

ORDER FOR RECESS UNTIL 11 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate recesses this afternoon, it stand in recess until 11 o'clock tomorrow morning.

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

ORDER FOR RECOGNITION OF SENATOR LONG

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate convenes tomorrow morning at 11 o'clock, the distinguished Senator from Louisiana (Mr. LONG) be recognized for 1 hour.

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

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Committee on the District of Columbia, the Subcommittee on International Organization and Disarmament Affairs of the Committee on Foreign Relations, and the Subcommittee on Constitutional Amendments of the Committee on the Judiciary be authorized to meet during the session of the Senate today.

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

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the nominations on the Executive Calendar under "New Reports."

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

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

DISTRICT OF COLUMBIA COUNCIL

The bill clerk proceeded to read sundry nominations to the District of Columbia Council.

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

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

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

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

LEGISLATIVE SESSION

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

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

SUBCOMMITTEE MEETING DURING SENATE SESSION

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Subcommittee on Antitrust and Monopoly Legislation of the Committee on the Judiciary be authorized to meet during the session of the Senate today.

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

AID-TO-INDIA CRITICISM MOUNTS

Mr. SYMINGTON. Mr. President, an interesting article in the Christian Science Monitor of Friday, March 7, "Aid-to-India Criticism Mounts," would appear to indicate that critics of the U.S. foreign assistance program to India can be found in both the donor and recipient countries.

This article states:

> But many Indians are unhappy with the stark possibility of American aid going on indefinitely. They point out that the United States now owns one out of every three Indian rupees in circulation.

In explanation of this situation, the article continues:

> As India keeps on importing commodities under P.L. 480 (Food for Freedom), the amount of rupees held by the United States increases. In order to get as many back into circulation as possible, Washington lends more and more money to the Indian Government. As one Indian economist observed, "At this rate, America will be owning all the rupees in the country."

In this connection, for some time I have been concerned about the disproportionate amount of loan commitments which the World Bank and its soft-loan window, IDA, have made to India and Pakistan. To date, these two countries have received approximately 70 percent of all the loans in question.

In addition, since 1946, U.S. economic assistance to India has totaled some $8 billion. In view of the reported adverse reaction to part of such assistance, we would hope that before additional economic aid is provided to India, or any other country under the AID or military assistance programs, a long overdue reexamination be made of these programs

and their resultant influence on overall U.S. foreign policy.

I ask unanimous consent that the article in question be printed at this point in the RECORD.

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

[From the Christian Science Monitor, Mar. 7, 1969]

AID-TO-INDIA CRITICISM MOUNTS

(By Ernest Weatherall)

NEW DELHI.—How much longer can massive amounts of United States aid to India continue? The question now is being asked frequently in both Washington and New Delhi.

To date United States aid totals almost $9 billion—more than to any other country in the world. And while the value of this aid is acknowledged, its critics have become more vociferous of late.

There have been recent rumblings in Washington that American aid has subsidized India's hard-currency purchases of Soviet arms and submarines. Others point out that the aid has in no way lessened Prime Minister Indira Gandhi's criticism of the United States—that she slavishly follows Soviet policy on Vietnam and backs the Arab cause in the Middle East.

INDIANS DISCLOSE CONCERN

For their part some Indians are concerned about the possibility of American take-over of the Indian economy as a result of the aid.

However, President Nixon made plain his views on aid to India in an article in Foreign Affairs Quarterly a few years ago:

"For the most populous representative democracy in the world to fail," Mr. Nixon wrote, "while China succeeded, would be a disaster of worldwide proportions." For that reason United States aid to India had to continue, Mr. Nixon said.

Recently, Sen. Mark O. Hatfield (R) of Oregon, on a fact-finding tour of Asia for the President, told New Delhi Mr. Nixon's views on aid had not changed. American aid, he told officials, would continue under the Republican administration.

But many Indians are unhappy with the stark possibility of American aid going on indefinitely. They point out that the United States now owns one out of every three Indian rupees in circulation.

PROVISIONS OF AGREEMENT

This figure may be somewhat exaggerated, but there is no doubt that the United States has become deeply involved in India's economy through its foreign-aid program.

During the past 12 years, India has been paying in rupees for foodgrains, cotton, and other agricultural commodities provided by the United States under Public Law 480 the Food for Peace program.

The PL-480 agreements provide:

That the bulk of the rupees paid to the United States Government—ranging from 65 to 87 percent—will be returned to the Government of India by the U.S. in the form of long-term, low-interest loans. These loans are payable over a period of 40 years, including an initial grace period when no repayment of principal is due. These loans are repayable in rupees, unless India herself wants to pay in dollars.

A sum equivalent to 6.6 percent of the total is reserved for "Cooley loans" (named after Rep. Harold D. Cooley (D) of North Carolina, former chairman of the House Agriculture Committee). These loans will be granted to American firms, their subsidiaries, or Indian firms having an American affiliation.

About 13 percent of the PL–480 rupees are reserved for the use of the United States Government in India. But a substantial amount is used to aid such Indian projects as agricultural research.

As India keeps on importing commodities under PL–480, the amount of rupees held by the United States increases. In order to get as many back into circulation as possible, Washington lends more and more money to the Indian Government. As one Indian economist observed, "At this rate, America will be owning all the rupees in the country."

VOICE OF OPTIMISM HEARD

While members of India's ruling Congress Party have refrained officially from expressing their concern that PL–480 is becoming a Frankenstein's monster, leaders of the opposition parties have not. One is Minoo Misani, deputy leader of the Swatantra Party. Mr. Misani's party believes India can progress only through private enterprise, not through the present government's program of socialism.

"In some cases American aid has helped our government do the wrong thing," Mr. Misani explained. "If you give us food, without asking for dollars in return, the intention is, no doubt, generous and humanitarian. However, the effects could well be that our government, which would otherwise have to spend dollars or other foreign exchange to buy grain, is left free to divert that expenditure on putting up a steel plant like Bokaro."

"If that had not been done the Government of India would have had to plow the money into the land to get more food. So you see, very unintended consequences can follow such generosity."

In referring to the steel plant which is being built in Bokaro, Mr. Misani was touching on a sensitive issue. The Soviet-aided project has been considered an expensive white elephant by many.

However, government planners say that Bokaro is vital to the development of industry in India. But American aid policy in India tends to agree with Mr. Misani. Washington refused to help build any steel plants in India because it was felt New Delhi should concentrate on building up agriculture first.

Mr. Misani thinks highly of the West German aid policy and suggests the United States adopt it as a model.

SELF-SUFFICIENCY SOUGHT

Mr. Desai stated that depending on the United States for food had not made India complacent about its agriculture. "Our bumper crops of last year and the expected one this year is sufficient proof that we are striving to become self-sufficient."

"We don't want to remain dependent on PL-480 foodgrains any longer than is necessary. There is no question of living on crutches. We hope to become self-sufficient in food within three years. Then we can dispense with PL-480 imports."

It will be a hard road ahead to achieve self-sufficiency within three years, but India is giving agriculture and irrigation top priority in its next five-year plan. Also on the priority list is family planning to contain India's population explosion.

At present, India's population is running ahead of its ability to feed. At its present rate, there will be a billion people in the country by 1990.

Meanwhile, the debate over foreign aid continues in Washington and New Delhi. Only time will decide how soon India will no longer need American help.

EXECUTIVE COMMUNICATIONS, ETC.

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

REPORT OF AGREEMENTS UNDER PUBLIC LAW 480

A letter from the Administrator, Foreign Agricultural Service, U.S. Department of Agriculture, transmitting, pursuant to law, a report of agreements signed under Public Law 480 in January and February 1969 for use of foreign currencies (with an accompanying report); to the Committee on Agriculture and Forestry.

OUR NATION AND THE SEA

A letter from the Secretary of Transportation, transmitting, pursuant to law, a review and comment on the report of the Commission on Marine Science, Engineering and Resources: Our Nation and the Sea (with an accompanying paper); to the Committee on Commerce.

REPORT OF COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the review of certain management controls of the quality assurance system for the Apollo program of the National Aeronautics and Space Administration, dated March 11, 1969 (with an accompanying report); to the Committee on Government Operations.

PETITIONS AND MEMORIALS

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

By the VICE PRESIDENT:

A joint resolution of the Congress of Micronesia; to the Committee on Banking and Currency:

"SENATE JOINT RESOLUTION 5

"A Senate joint resolution requesting the U.S. Congress to include the Trust Territory of the Pacific Islands in the Federal Credit Union Act

"Whereas the Federal Credit Union Act (73 Stat. 628, 1959; 48 Stat. 1216) establishes the Bureau of Federal Credit Unions which creates a source of credit for provident purposes; promotes thrift among its members; has professional staff to give technical assistance to borrowers; has large assets or capital to make loans out to acceptable borrowers at a lower interest rate; and has been progressive and successful; and

"Whereas in the Trust Territory today there are over 40 credit unions which have greatly facilitated economic ventures and made available loan funds to their members, on favorable terms and at reasonable rates of interest, for various beneficial consumer purposes, that would have not been available to them otherwise; and

"Whereas credit unions have become a recognized institution in the Trust Territory and their philosophy of teaching and encouraging their members to practice systematic thrift is of great benefit to the people of Micronesia; and

"Whereas the Federal Credit Union Act will be of great benefit to the Trust Territory as it will provide technical assistance and close affiliations with Trust Territory credit union activity; now, therefore, be it

"Resolved by the Senate of the Third Congress of Micronesia, First Regular Session, 1969, the House of Representatives concurring, That the U.S. Congress be and hereby is respectfully requested to extend the services of technical assistance of the Federal Credit Union Act to the Trust Territory of the Pacific Islands; and be it further

"Resolved, That certified copies of this Joint Resolution be sent to the U.S. Congress and the Bureau of Federal Credit Unions and the Department of the Interior.

"Adopted January 27, 1969."

A concurrent resolution of the Legislature of the State of Oklahoma; to the Committee on Public Works:

"SENATE CONCURRENT RESOLUTION 14

"Concurrent resolution recognizing the dedicated leadership and many public services of Newton R. Graham in promoting Oklahoma's water resources and recreational facilities and in the development of navigation on the Arkansas river; requesting the Congress of the United States to name Lock and Dam No. 18 in the Verdigris River the 'Newton R. Graham Lock and Dam'; and directing distribution of copies of this resolution

"Whereas the late Newton R. Graham dedicated his life to service in the public interest and is one of Oklahoma's outstanding pioneers in the development of water resources and recreational facilities; and

"Whereas he rendered valuable assistance to the Oklahoma Legislature and to the Congress in promoting progressive legislation; and

"Whereas, as President of the Arkansas Basin Development Association and as a member of the Oklahoma Planning and Resources Board and Chairman of its Water Resources Committee he devoted more than a quarter of a century as an ardent champion of all phases of the development of Oklahoma's water and recreational resources in a manner that would preserve the natural beauty of our state; and

"Whereas his goal was the realization of a dream of the earliest Oklahomans for maximum development of all natural resources, especially navigation on the Arkansas River; and

"Whereas he was the leader in presenting to Congress the economic study on navigation of the Arkansas River, from the Mississippi River to a point near Tulsa, which culminated in the authorization in the 1930's of studies by the Corps of Engineers to determine the feasibility of a multi-purpose plan for development of the Arkansas River, including navigation; and

"Whereas, as Chairman of the Bi-State Committee, appointed by the Governors of the States of Oklahoma and Arkansas, he presented the testimony for the two states which resulted in authorization by Congress in 1946 of the multi-purpose plan for development of the Arkansas River, with navigation to Catoosa; and

"Whereas the name Newton R. Graham is synonymous with water resources projects, parks, and recreation generally and especially with navigation on the Arkansas River; and

"Whereas the pool created by Lock and Dam 18 on the Verdigris River will bring water into the Port of Catoosa; and

"Whereas said Lock and Dam 18 has not been named: Now, therefore, be it

"Resolved by the Senate of the first session of the thirty-second Oklahoma Legislature, the house of representatives concurring therein,

"Section 1. That the Congress of the United States be and is hereby respectfully requested to name the uppermost lock and dam on the Verdigris River, which is currently designated Lock and Dam No. 18, the 'Newton R. Graham Lock and Dam.'

"Section 2. That duly authenticated copies of this Resolution be transmitted to the presiding officers of the Senate and House of Representatives of the Congress of the United States, to the members of the Oklahoma Congressional Delegation, to the Governors of Oklahoma and Arkansas and to the City of Tulsa-Rogers County Port Authority.

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

"FINIS SMITH,
"President pro tempore of the Senate.

"Adopted by the House of Representatives the 3d day of March, 1969.

"REX PRINETT,
"Speaker of the House of Representatives.

"Certification:

"BASIL R. WILSON,
"Secretary of the Senate."

RESOLUTION OF THE CITY COUNCIL, YONKERS, N.Y.

Mr. JAVITS. Mr. President, I ask unanimous consent to have printed in the RECORD a resolution adopted by the city council of the city of Yonkers, N.Y., relating to recent hangings in Baghdad.

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

RESOLUTION 80–1969

Whereas, the recent hangings in Baghdad followed by the exhibition of the dead in a publicly outrageous manner, was so savage and offensive as to shock the conscience of the civilized world, and

Whereas, the government of Iraq is reportedly prepared to repeat this ghastly act, and

Whereas, freedom loving people everywhere condemn such barbarism and request responsible officials to take all the necessary steps to forestall similar future atrocities,

Now, therefore, be it resolved, by this City Council in meeting assembled, on its own behalf and that of the people of Yonkers, views with horror the Baghdad hangings and requests the United States Government—through its officials, representatives and agencies—to do everything within its power to prevent a repetition of these brutal acts and to promptly help find a viable means to permit all persecuted captives to get out of Iraq and at the same time to seek an impartial investigation of conditions for all the minorities in Iraq and other Arab lands, and

Be it further resolved, that the City Clerk is hereby directed to forward copies of this resolution to the President of the United States, the Secretary of State, our representative to the United Nations, United States Senators Jacob K. Javits and Charles E. Goodell, and Congressmen Richard L. Ottinger, and Ogden R. Reid.

Adopted by the City Council of the City of Yonkers, at a stated meeting held February 11, 1969, by a vote of 11–0; Councilmen Moczydlowski and Picone absent.

JOSEPH A. KRAYNAK,
City Clerk.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

The following favorable reports of nominations were submitted:

By Mr. McCLELLAN, from the Committee on Government Operations:

Robert L. Kunzig, of Pennsylvania, to be Administrator of General Services.

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

Richard E. Lyng, of California, to be a member of the Board of Directors of the Commodity Credit Corporation.

By Mr. RANDOLPH, from the Committee on Public Works:

Francis C. Turner, of Virginia, to be Administrator of the Federal Highway Administration.

REPORT OF THE SENATE COMMITTEE ON ARMED SERVICES SUBCOMMITTEE ON TREATMENT OF DESERTERS FROM MILITARY SERVICE (S. REPT. NO. 91–93) S. 1481—INTRODUCTION OF BILL RELATING TO DESERTERS

Mr. INOUYE. Mr. President, as chairman of the Senate Armed Services Subcommittee on Treatment of Deserters From Military Service, I submit the report of that subcommittee which has been adopted and ordered reported to the Senate by the full committee.

The subcommittee conducted hearings on May 21 and 22, 1968, and the problem was the subject of continued study and investigation by the subcommittee and staff.

Here, briefly, are some of the key points of the committee report.

In fiscal year 1967, the unauthorized absentees in the four military services totaled 134,668, and desertions totaled 40,227. In fiscal year 1968, unauthorized absentees totaled 155,536, an increase of more than 20,000, and desertions totaled 53,356, an increase of more than 13,000 over the prior year.

Mr. President, I should explain the term "desertion" as used here. In the military services when a serviceman is in an unauthorized absence status for 30 days, he is dropped from the rolls of his unit and administratively designated a deserter. However, the term "deserter" cannot be applied in its full legal sense until an individual has been tried and convicted, and the conviction confirmed for the specific offense of desertion.

These total figures are more meaningful when viewed in the following terms. For fiscal year 1967, U.S. servicemen went AWOL on the average of one every 4 minutes and the total number of military personnel going AWOL some time during the year almost equaled the total personnel in nine 15,000-man combat divisions.

As to desertion, in fiscal year 1967, U.S. servicemen deserted on the average of one every 13 minutes. The total of those dropped from their unit rolls as deserters amounted to more than the total personnel in two 15,000-man combat divisions.

For fiscal year 1968, U.S. servicemen went AWOL on the average of one every 3 minutes. The total who went AWOL some time during the year equaled the total personnel in ten 15,000-man divisions. U.S. servicemen deserted on the average of one every 10 minutes in fiscal year 1968, and the total of those dropped from their unit rolls as deserters amounted to a total of three and a half 15,000-man divisions.

In practical terms, these AWOL and desertion totals unquestionably reflect a serious disruption of military personnel utilization and an impairment of military manpower utilization.

The committee report contains a detailed résumé of two cases in which the subcommittee became especially interested in the course of its investigation. In each instance it was the opinion of the subcommittee that the case involved mishandling from the standpoint of military discipline and the report so states.

The first case pertains to Army Pvt. Ray Jones, who began an unauthorized absence by leaving his Army unit in Germany and going to Sweden. He stayed there 14½ months, and during that time he married, had a child, and obtained employment as a jazz ballet instructor. We obtained from the FBI a transcript of a radio interview reportedly made by Jones while in Sweden which contains statements condemning the United States for its Vietnam policy. The interview was broadcast by Radio Hanoi.

Jones voluntarily returned to U.S. military jurisdiction after reaching agreement with Army officials for a negotiated maximum punishment. He was never charged with desertion but pleaded guilty to a charge of unauthorized absence before a general court-martial and was sentenced to 4 months' confinement at hard labor and a bad conduct discharge.

The other case which the subcommittee pursued in detail pertains to Pvt. James Webb II, U.S. Marine Corps. Webb enlisted in the Marine Corps in April 1966. On November 21 he went AWOL until December 7. Then, 26 days later, he went AWOL for 66 days, at the end of which time he was apprehended by the FBI. Although he was twice classed as a deserter and was in an unauthorized absence status for a total of 310 days, he was never tried by court-martial. At the conclusion of his third offense of 227 days of unauthorized absence, he was granted an administrative discharge

Both the Jones and Webb cases, in the opinion of the subcommittee, reflect a miscarriage of justice. These cases are discussed in considerable detail in the committee report.

With respect to the problem of military deserters taking refuge in Sweden, it was the subcommittee's conclusion that the number of those who have fled to Sweden, while relatively small, is nonetheless undesirable. In the period from June 1, 1966, to January 21, 1969, a total of 174 U.S. servicemen have deserted to Sweden. Of this total 38 have returned to U.S. jurisdiction. The number remaining in Sweden as of January 21, 1969, was 136. The subcommittee included, as a part of its report, a proposed bill designed to cover specifically this type of offense. The proposed bill, which I am introducing, is brief. It would amend the Uniform Code of Military Justice by adding a fourth charge of desertion. Under this provision it would constitute an act of desertion to go, without authority, to any foreign country and while in such foreign country request or apply for, or accept any type of asylum or residence permit in that country. Adoption of this proposed legislation would eliminate the difficulties now encountered in prosecuting and convicting offenders on the general charge of desertion, since proof of intent to stay away permanently is difficult to prove.

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

The bill (S. 1481) to amend article 85 of the Uniform Code of Military Justice (10 U.S.C. 885), relating to the offense of desertion from the Armed Forces of the United States, introduced by Mr. INOUYE, was received, read twice by its title, and referred to the Committee on Armed Services.

Mr. INOUYE. Mr. President, I would like to mention the basic philosophy of the committee with respect to the problem of desertion and the measures taken as a result of the problem.

It is inherent in every principle of law, military and civilian, that the rights of the accused must be carefully protected. This means, as the report points out, there must be due and sincere attention to the preservation of the rights of the accused and he must not be unjustly convicted; however, if convicted, the punishment should be commensurate with the offense.

There is also another fundamental consideration: We must never forget the faithful soldier, sailor, airman, and marine who do not desert or go AWOL. They do their duty, and what is expected of them. They are the ones who, without individual reward and recognition, make the military system work and thus defend their country.

In fairness to these loyal and faithful servicemen, the punishment of those who desert should be just but it should also be firm.

Mr. President, in this regard I should point out that one of the recommendations adopted by the committee relates to the question of amnesty for those who have deserted their military posts and fled to foreign lands. There have been statements made by responsible persons on this subject recently, even some in this Chamber, who urge amnesty. As the hope for peace mounts in Vietnam, the pressure will mount to excuse those who have committed this offense against their fellow servicemen and country, and to allow them to return and escape punishment for their offense. The committee feels quite strongly that to do so in fact rewards the deserter for being successful in his attempts to avoid his sworn duty.

Mr. President, I urge my colleagues to carefully study this report and to weigh the seriousness of this problem of unauthorized absence and desertion in our military services.

The VICE PRESIDENT. The report will be received and printed.

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. GOLDWATER:

S. 1466. A bill to amend the Communications Act of 1934 to provide that certain aliens admitted to the United States for permanent residence shall be eligible to operate amateur radio stations in the United States and to hold licenses for their stations; to the Committee on Commerce.

By Mr. CURTIS:

S. 1467. A bill to provide for the payment of expenses incurred by members of the uniformed services in traveling home under emergency leave or prior to shipment outside the United States; to the Committee on Armed Services.

By Mr. HANSEN:

S. 1468. A bill to designate the Stratified Primitive Area as a part of the Washakie Wilderness, heretofore known as the South Absaroka Wilderness, Shoshone National Forest, in the State of Wyoming 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. SCOTT:

S. 1469. A bill for the relief of Ah-Chiu Pang; and

S. 1470. A bill for the relief of Carmela Marullo; to the Committee on the Judiciary.

By Mr. TALMADGE:

S. 1471. A bill to amend chapter 13 of title 38, United States Code, to increase dependency and indemnity compensation for widows and children, and for other purposes; to the Committee on Finance.

S. 1472. A bill to amend the National School Lunch Act to exempt school lunch programs from the provisions of title VI of the Civil Rights Act of 1964; to the Committee on the Judiciary, by unanimous consent.

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

By Mr. YARBOROUGH:

S. 1473. A bill to amend section 8336(c) of title 5, United States Code, to include the position of customs inspector in the category of hazardous occupations; to the Committee on Post Office and Civil Service.

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

By Mr. PROXMIRE (for mimself, Mr. CANNON, Mr. EAGLETON, Mr. FULBRIGHT, Mr. GOODELL, Mr. HARRIS, Mr. HART, Mr. JAVITS, Mr. MCINTYRE, Mr. MONDALE, Mr. NELSON, Mr. PELL, Mr. RANDOLPH, Mr. TYDINGS, and Mr. YOUNG of Ohio:

S. 1474. A bill to amend the Housing and Urban Development Act of 1968 to provide Federal guarantees for financing the development of land for recreational uses in order to contribute to the orderly economic development of underdeveloped areas and regions of the United States; to the Committee on Banking and Currency.

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

By Mr. HARTKE:

S. 1475. A bill to amend titles X and XVI of the Social Security Act to improve the programs of aid to the blind so that they will more effectively encourage and assist blind individuals in achieving rehabilitation and restoration to a normal, full, and fruitful life;

S. 1476. A bill to amend titles I, IV, X, XIV, and XVI of the Social Security Act to prevent recipients of assistance under programs established pursuant to such titles from having the amount of such assistance reduced because of increases in the monthly insurance benefits payable to them under title II of such act; and

S. 1477. A bill to provide that individuals entitled to disability insurance benefits (or child's benefits based on disability) under title II of the Social Security Act, and individuals entitled to permanent disability annuities (or child's annuities based on disability) under the Railroad Retirement Act of 1937, shall be eligible for health insurance benefits under title XVIII of the Social Security Act; to the Committee on Finance.

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

By Mr. JAVITS (for himself, Mr. DIRKSEN, Mr. MATHIAS, Mr. COOPER, and Mr. HARTKE):

S. 1478. A bill for the establishment of a Commission on Revision of the Antitrust Laws of the United States; to the Committee on the Judiciary.

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

By Mr. TALMADGE:

S. 1479. A bill to amend chapter 19 of title 38, United States Code, in order to increase from $10,000 to $15,000 the amount of servicemen's group life insurance for members of the uniformed services; to the Committee on Finance.

By Mr. YARBOROUGH:

S. 1480. A bill authorizing the President of the United States to present, in the name of Congress, the Medal of Honor to Col. Frank Borman, U.S. Air Force; Capt. James Lovell,

U.S. Navy; and Lt. Col. William Anders, U.S. Air Force; to the Committee on Armed Services.

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

By Mr. INOUYE:

S. 1481. A bill to amend article 85 of the Uniform Code of Military Justice (10 U.S.C. 885), relating to the offense of desertion from the Armed Forces of the United States; to the Committee on Armed Services.

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

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

S. 1482. A bill to amend the Norris-La Guardia Act so as to permit the granting of injunctive relief in suits brought to enforce the provisions of contracts between employers and labor organizations; to the Committee on the Judiciary.

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

By Mr. FANNIN:

S. 1483. A bill to amend the Internal Revenue Code of 1954 to deny tax-exempt status to labor organizations which use membership dues or assessments for political purposes; to the Committee on Finance.

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

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

S. 1484. A bill to abolish the commission authorized to consider a site and plans for building a national memorial stadium in the District of Columbia; to the Committee on the District of Columbia;

S. 1485. A bill to abolish the commission authorized to study facilities and services to be furnished to visitors and students coming to the Nation's Capitol; to the Committee on Interior and Insular Affairs; and

S. 1486. A bill to change the composition of the Commission for Extension of the U.S. Capitol; to the Committee on Public Works.

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

S. 1487. A bill to extend to the personnel of the USS *Pueblo* the provisions of the Internal Revenue Code of 1954 relating to combat pay of members of the Armed Forces; to the Committee on Finance.

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

By Mr. TYDINGS:

S. 1488. A bill to amend title 39, United States Code, to prohibit the mailing of unsolicited sample drug products and other potentially harmful items, and for other purposes; to the Committee on Post Office and Civil Service.

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

By Mr. FONG:

S. 1489. A bill for the relief of Lap Sheng Wong;

S. 1490. A bill for the relief of Chi Ming Lo;

S. 1491. A bill for the relief of Yuan-Fu Kuo and his wife, Li-Tzu Yen Kuo;

S. 1492. A bill for the relief of Young Hai Lim; and

S. 1493. A bill for the relief of Harry H. Nakamura; to the Committee on the Judiciary.

By Mr. SPARKMAN (for himself, Mr. HART, Mr. ALLOTT, Mr. BAYH, Mr. BIBLE, Mr. DODD, Mr. GRIFFIN, Mr. LONG, Mr. MCINTYRE, Mr. MONDALE, Mr. MONTOYA, Mr. MOSS, Mr. NELSON, Mr. PEARSON, Mr. RANDOLPH, Mr. THURMOND, Mr. YARBOROUGH, and Mr. YOUNG of North Dakota):

S. 1494. A bill to amend the Clayton Act by making section 3 of the Robinson-Patman Act, with amendments, a part of the Clayton Act, in order to provide for governmental and private civil proceedings for violations of section 3 of the Robinson-Patman Act; to the Committee on the Judiciary.

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

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

S. 1495. A bill to authorize the Secretary of the Interior to determine that certain costs of operating and maintaining Banks Lake on the Columbia Basin project for recreational purposes are nonreimbursable; to the Committee on Interior and Insular Affairs.

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

By Mr. JACKSON:

S. 1496. A bill to provide for payments on certain outstanding bonds or other obligations secured by lands acquired for Federal reclamation projects, and for other purposes; to the Committee on Interior and Insular Affairs.

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

By Mr. MATHIAS:

S. 1497. A bill to provide that Veterans Day shall be observed as a legal public holiday on the second Monday in November; to the Committee on the Judiciary.

By Mr. HARRIS:

S. 1498. A bill to provide for the conveyance of so-called scattered tracts in Oklahoma, acquired under the act of June 26, 1936 (49 Stat. 1967); to the Committee on Interior and Insular Affairs.

S. 1499. A bill to name the authorized lock and dam numbered 17 on the Verdigris River in Oklahoma for the Chouteau family; and

S. 1500. A bill to name the authorized lock and dam numbered 18 on the Verdigris River in Oklahoma and the lake created thereby for Newt Graham; to the Committee on Public Works.

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

By Mr. HARRIS (for himself and Mr. BELLMON):

S. 1501. A bill authorizing the Wichita Indian Tribe of Oklahoma together with its affiliated bands and groups of Indians to file with the Indian Claims Commission within 1 year any and all claims of said tribe against the United States, and repealing any law inconsistent to this act, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. SCOTT:

S. 1502. A bill for the relief of Dr. Tsung-Chu-Chou; to the Committee on the Judiciary.

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

S.J. Res. 75. Joint resolution to provide for a comprehensive study of weapons technology and foreign policy strategy by an independent commission; to the Committee on Foreign Relations, by order of the Senate.

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

By Mr. MONTOYA:

S.J. Res. 76. Joint resolution proposing an amendment to the Constitution of the United States relating to residence requirements for voting in presidential and vice-presidential elections and for the selection of delegates to conventions to consider proposed constitutional amendments; to the Committee on the Judiciary.

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

By Mr. DIRKSEN:

S.J. Res. 77. Joint resolution to authorize the President to designate the period beginning June 8, 1969, and ending June 14, 1969, as "Professional Photography Week in America"; to the Committee on the Judiciary.

S. 1468—INTRODUCTION OF BILL RELATING TO THE WASHAKIE WILDERNESS

Mr. HANSEN. Mr. President, I introduce for appropriate reference, a bill to designate the Stratified Primitive Area as a part of the Washakie Wilderness heretofore known as the South Absaroka Wilderness, Shoshone National Forest, in the State of Wyoming, and for other purposes.

In the last session of Congress, I introduced in the Senate S. 2630 to establish the Washakie Wilderness Area. That bill was the subject of very intensive and extensive hearings before the Senate Interior Committee on February 19 and 20, 1968. A large number of well-informed Wyoming citizens, as well as representatives of particular user groups, appeared before the Senate Interior Committee at that time to express their views with respect to the proposed legislation. A number of these citizens who testified favored the addition of significant amounts of acreage to the southern and western boundary of the wilderness area as it had been originally proposed by the Forest Service.

Following the 1968 hearings, my staff and I took another long look at the entire Washakie proposal. We have had numerous consultations with both the staff of the Senate Interior Committee and with Forest Service officials here in Washington and in the field.

Last November, my legislative assistant and I took a special trip to make a firsthand inspection of the various boundaries which were being proposed for the wilderness area. We spent the majority of the morning of November 20 in a small plane which allowed us to cover all of the areas in question and in controversy. Immediately thereafter, we had a lengthy meeting at which the supervisor of the Shoshone National Forest spelled out very intelligently, as well as candidly, the congressional mandate which was given to him, as well as the Forest Service of which he was a part, with respect to his management and planning responsibilities for the recommendation of proposed wilderness areas.

Mr. Tom Bell, with the active support of other interested citizens from the Dubois, Wyo., area, presented recommendations for additional inclusions within the wilderness area. An excellent exchange of ideas and viewpoints came out of that meeting and the information presented there certainly helped to clarify in my own mind the important issues surrounding the wilderness boundary question.

In the afternoon of that day, my legislative assistant and I attended an open town meeting in the town of Dubois and we listened to the various concerns and desires of Dubois residents, merchants, and political leaders. Here again, this meeting gave new insight into the problems and wishes of the local citizens who would be most vitally affected by the establishment of a wilderness area.

The staff of the Senate Interior Committee had also been active on the Wa-

shakie Wilderness question. They had been in touch with the U.S. Forest Service here in Washington and had obtained from the Forest Service a map showing new boundaries which served to add certain critical areas to the wilderness proposal.

Early this year, I again consulted with the Senate Interior Committee staff and asked Forest Service officials to supply me with their most recent thinking on the matter. Following these last meetings, I requested the Forest Service to draw a new boundary line adding additional acreage to the wilderness proposal along its southern boundary. It is this most recent proposal, dated February 4, 1969, which I present to the Senate today. I ask unanimous consent that the text of the Washakie Wilderness bill, along with a table showing the proposed acreage additions which I have included in this present bill, as well as a revised boundary description of the proposed area be included in the RECORD at the conclusion of my remarks.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill, table, and description will be printed in the RECORD, as requested by the Senator from Wyoming.

(See exhibit 1.)

Mr. HANSEN. Mr. President, we have come a long way since the Washakie Wilderness was first proposed several years ago by the Forest Service. The truth of this statement is not reflected so much in the addition or deletion of large amounts of acres to this specific wilderness proposal, but rather it is reflected in the attitudes and the conversations that have come out of the long debate on the Washakie Wilderness question. I believe that a high degree of communication has been achieved between various interested parties, including the Forest Service, conservationists and wilderness advocates, local citizens, user groups, and finally, the legislators who are ultimately responsible for establishing wilderness boundaries by act of Congress. I believe that the wilderness bill which I am presenting today is rational, defensible, and equitable. This bill adds acreage in the Bear Creek-Caldwell Creek area which will be important for elk migration routes and protection zones. Additional acres have been placed within the wilderness in the Wiggins Fork-Lincoln Point area and along Parque Creek. These additions seem particularly desirable to preserve scenic forward slopes which are highly visible from the south. This bill does not include a very major amount of acreage located in the DuNoir Basin within the wilderness area.

This omission comes after great deliberation and thorough study on my part. In the Senate Interior Committee hearings last year, I called attention to the fact that the Forest Service had been conducting a joint long-range study with the National Park Service to plan now for the recreation needs which must be met in the entire Rocky Mountain region surrounding Grand Teton and Yellowstone National Parks. I called attention to the fact that I had received a communication from the Forest Service wherein they predict that by 1972, if the Park Service planned recreational developments go according to schedule, the upward trend in recreational use indicates that the Grand Teton and Yellowstone National Parks will have reached a maximum capacity for taking care of people overnight in those parks; 1972 is not very far away. The next question which comes to mind, of course, is how will we handle the multitudes who will be traveling to those great national parks and seeking overnight accommodations. The answer must lie in planning now for heavy recreational and overnight use in the surrounding national forest areas.

Ed Cliff, Chief of the Forest Service, testified in response to my questions on this point at last year's hearings. He said:

> We have been engaged with the Park Service for several years now, analyzing the coordinated development plans of the national parks and the surrounding national forests, just as you have described.
>
> A number of organizations have been urging this regional planning approach, and the development of public facilities outside the national parks, and in the national forests.
>
> As you can see by the map, the Yellowstone National Park is almost surrounded on three sides by wilderness and primitive areas, and there are just corridors coming up from the east that give access.
>
> Our present national forest-developed facilities are taxed to capacity right now. We can develop more along those corridors, but the best sites have already been developed. If we proceed with this regional plan, we are going to have to go out further, over Togwotee Pass on the Washakie side and the Wind River side, to develop some of these facilities. This is one of the principal reasons we feel that these areas should not be included. We have to preserve opportunities for this recreation use.

It is for these reasons that I have omitted the DuNoir area from the Washakie Wilderness proposal at this time. Many Wyoming citizens who have testified or who have communicated with me with respect to the DuNoir area have expressed the fear that its exclusion from the wilderness area would automatically open it up to full-scale development for its timber resources. At times, arguments along this line seem to become frozen into an "all-or-nothing" rhetoric. Some have argued that it must either be wilderness or a complete stripping of the timber from the area will occur. I do not believe that this is the proper way to view this question. I believe that the DuNoir areas which have been excluded from the wilderness should be described and managed in the future with high priority being given to recreation values. I intend to call these high recreational values to the attention of the Senate Interior Committee when we deliberate on this legislation and I want the record to be abundantly clear that future management practices in this area as well as in the entire area along the southern boundary of the Washakie Wilderness should be managed in such a way by the Forest Service as to give full recognition to the great recreational potential inherent there. Along this line, I asked in the hearings last year that the Chief of the Forest Service keep me fully apprised of all management plans for development in these areas which are of critical concern.

The dedicated and intelligent efforts of the many citizens which have advocated additions to the wilderness area have been highly educational to me and I would like to think that this education has extended to the Forest Service as well. I believe that this citizen participation has been one of the greatest benefits that has come out of our long deliberations on the Washakie proposal.

On February 28, 1969, Thomas A. Bell, executive director of the Wyoming Outdoor Coordinating Council, Inc., wrote to me setting forth the views of that council with respect to the Washakie Wilderness proposal. I ask that the letter and its enclosures from Tom Bell be included in the RECORD at this point.

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

WYOMING OUTDOOR
COORDINATING COUNCIL, INC.,
Lander, Wyo., February 28, 1969.

Senator CLIFFORD P. HANSEN,
Senate Office Building,
Washington, D.C.

DEAR CLIFF: Belated thanks for your time in looking into the Washakie Wilderness. We who are concerned with this resource are greatly appreciative of your interest. I hope the flying trip and subsequent discussions were helpful in clarifying various aspects of the problems involved.

I was finally able to get to Dubois and obtain use of the Forest Service's aerial photos. From these I was able to delineate an approximate southern boundary, including all those areas we feel necessary for a well-rounded wilderness.

I am enclosing the proposed boundary description. We are hopeful this will be of help to you and that you can fully concur in the additions. These recommendations have been reviewed by many people sincerely interested in the wilderness resource. They look to you for careful consideration.

Respectfully yours,

THOMAS A. BELL.

WYOMING OUTDOOR COORDINATING COUNCIL—
WASHAKIE WILDERNESS PROPOSAL

Citizen proposals for additions to the Washakie Wilderness are based on the following reasons:

GENERAL

(1) The premise that wilderness area boundaries must be placed on high, impregnable, rocky ramparts wherever possible has no basis in fact. Many wilderness area boundaries are easily accessible by vehicle. Administratively defensible boundaries are another matter. The boundaries proposed herein have been drawn to exclude as many areas as possible which may pose problems. The bottom of Bear Basin is a good example.

(2) The Forest Service contention that steep slopes need not be included in wilderness to protect them is not valid. Citizen pressure (because of past timbering practices in the Dubois area) may make the prospect more unlikely in the future but does not preclude the possibility. Timbering conducted in the area of Lincoln Point and near Brooks Lake are glaring examples of practices which the Forest Service says do not occur. They have to be seen to be believed.

(3) The Forest Service premise that no areas should be included which contain the marks of man is a relative matter open to varied interpretation. What is "substantially unnoticeable" can be extremely difficult to define. It is certainly a fact that the wilderness system now contains areas which were once logged, have the remains of buildings,

and show the effects of man more noticeably than can be seen in the DuNoir area.

SPECIFIC

(1) Elk—Big game biologists, in those states concerned with elk, have all concluded that the Rocky Mountain elk are characteristically wilderness animals. That is, the animals have to be relatively free from human disturbance during some of the year. They have to have large areas of escape cover, especially during hunting season. Otherwise, they leave the area or are gradually exterminated. Deep concern has been expressed by biologists from Wyoming, Colorado, Idaho, Montana, and Oregon as to the effects of access roads and concomitant disturbance on elk habitat.

Factual information from Wyoming and Oregon shows a decline in elk populations following timbering programs which reduce escape cover and allow ready access to spring, summer and fall elk ranges. On the Chesnimnus Game Unit in Oregon, biologists examined all possible factors in relation to decline of elk populations (*Analysis of Factors Influencing the Population Density of the Chesnimnus Elk Herd,* Special Report, Game Division, Wallowa District, August 16, 1968, Ron Bartels and Ralph Denney). Their conclusions, in part, are as follows:

A. Though hunter numbers have remained relatively stable, success and kill have decreased steadily. At the same time, elk hunter numbers have doubled in northeast Oregon.

B. Hunter success on antlerless elk since 1963 is nearly double the success prior to 1963.

C. The summer range is in a healthier condition from the standpoint of elk than it was twenty years ago.

D. The expanded timber harvest in past years has contributed to better elk range from the forage production standpoint but has at the same time decreased the amount of cover.

E. The system accompanying the timber harvest has contributed toward excessive accessibility seasonally which has in turn contributed to overharassment of elk during the hunting seasons.

F. Accessibility has contributed to higher success on antlerless permits.

G. The present and proposed road system has contributed to and will affect all areas used as escape by elk during the hunting seasons.

H. The elk density-road system tolerance for the Chesnimnus Unit was reached in the period between 1964 and 1966 when 1.2 miles of transportation system roads per square mile of summer range was reached.

I. Opening of previous roadless areas has and will have a greater effect as elk will have no area to escape harassment and disturbance that they require.

J. Timber stand improvements are further reducing escape habitat by opening up the dense stands of species regarded as important escape cover.

Wyoming Game and Fish Department harvest records on the Wind River Elk Management Unit show that hunting success has declined in the most heavily roaded area from 27.2 percent of total harvest in 1963 to 9.1 percent in 1967. Meanwhile, the adjacent DuNoir area, where timbering and access roads have not yet penetrated, harvest has varied only 1.8 percent in the same period of time, holding steady at about 22 percent of the total. Similarly, the Bear Basin area, where there has been very little timbering, harvest records show the kill of elk has increased from 42 animals in 1963 to 136 animals in 1967.

Access also has other effects. Hunting records kept by the Wyoming department show that elk completely change their habits when faced with excessive human disturbance. In the fall, the animals stay high in the rocky, wilderness areas until the last possible moment before descending to lower elevations where the most hunting pressure is applied. This becomes a critical matter both for the welfare of the elk and for hunter harvest. The advent of winter weather varies from year to year making management of harvest a most difficult matter.

Wyoming's game managers know that hunting pressures and hunting patterns can change migration routes and herd distribution. Thus, in relation to the herds which now migrate off summer ranges on the high, Absaroka Plateau, movement is down into the Teton Wilderness to the Jackson Hole winter feed grounds, or down into the DuNoir Basins and thence to the East Fork Elk Winter Range. Concern is expressed that ready access into the DuNoir Basins could easily shift the established elk migration from East Fork to the Jackson feed grounds. In so doing, there could be actual loss of elk populations as well as a compounding of the unnatural situation on the feed grounds. In addition, the East Fork Winter Range would lose much of its significance.

Forest Service arguments in rebuttal fail to take into consideration that once elk are off the high plateau and in the lower elevations of the Teton Wilderness, they are committed to the routes which run the gauntlet of firing lines, highways and fences. This is not quite the same situation as in the DuNoir areas where access would take hunters to the very edge of the high, rocky plateau. There, the elk would be submitted to increased pressure and forced back into the Teton Wilderness.

A similar situation is found in the Bear Basin area where access too far north could push elk away from the East Fork Range to the Wind River Indian Reservation. There the elk would be unavailable to non-Indian hunters.

The Wyoming Game and Fish Department has some $260,000 invested in the East Fork Elk Winter Range. Here, some 2,500-3,000 elk feed naturally over snow-free foothills and maintain their wild, free ways. The desirability of maintaining such a condition should be obvious.

The elk herds are of considerable economic importance. Hunting expenditures for elk alone in the Dubois area amount to some $475,000 annually. Barring any environmental or habitat changes, harvest from the elk herds can be considered a sustained yield.

The U.S. Forest Service takes the position (1) that timbering is not deleterious to elk populations but, rather, is helpful (by providing more summer range—not needed in this case), and (2) that considerations for wildlife should not be a criteria for wilderness designation. The people of Wyoming know and feel otherwise.

(2) Bear Basin (about 8,000 acres)—The area to be included here is not roaded, has not been timbered, and has few stands of truly commercial timber. The bottom of the basin has been excluded from our proposal. This will allow development and sufficient access for campers, wilderness seekers and hunters. It has a small, resident elk herd and is an important migration route for other elk going to the East Fork Winter Range.

(3) Wiggins Fork-Lincoln Point (about 3,000 acres)—Timbering and mistletoe control has already wreaked considerable havoc in this area. About all the forest that remains is on the extremely steep slopes along the breccia ramparts. In order to give permanent protection to these slopes they should be included in the wilderness.

(4) Ramshorn slopes-DuNoir Basins (about 34,000 acres)—Some parts of the two basins have had selective timber cutting for ties during the 1920's and 1930's. Taken as a whole, the timbering left very little imprint and today that would be considered "substantially unnoticeable." Jeep trails have penetrated the area in several locations. They are not significant and are, again, "substantially unnoticeable."

Three Forest Service campgrounds and recreation sites were planned in both basins in conjunction with timbering roads. There is a vast area remaining outside of the proposed wilderness which is suitable for recreation development now and in the future. Two of the best campground sites, at Trail Lake and the Kissinger Lakes have purposely been left out of this proposal.

Timbering which was planned for the areas was mainly on the steep slopes around the rim of the basins. The sites and the slopes are exactly like those which have been protested so vigorously in the Brooks Lake area and at Lincoln Point. Wilderness, wildlife, recreation and aesthetic values far exceed timber values.

Timbering in this high altitude, short-growing season area is marginal at best. Stands are of generally low volume, poor quality material. In addition, Forest Service timber sales seem to have been planned without regard for site, slope and soil erodibility. The effect has been to destroy scenic and recreation values, create problems in forest regeneration, reduce elk range, and tarnish the image of the U.S. Forest Service as a responsible guardian of our natural resources.

Taken as a whole, the DuNoir Basins would have a high value for week-end or short-trip wilderness experience. Two, large, road-end campgrounds at Trail Lake and the Kissinger Lakes would serve as entrance to each basin. It is only three miles from the Kissinger Lakes to the Dundee Meadows at the head of West DuNoir Basin. It is only five miles from Trail Lake to Shoshone Pass where John Colter dropped down into East DuNoir. DuNoir Glacier on Coffin Butte is within easy walking distance of both campgrounds (approximately 4 miles). The scenic beauty is unexcelled. There would be opportunity to see elk, deer, bighorn sheep, moose, and bear within the area.

We believe these proposed additions are not unreasonable in view of all the values involved. The great majority of Dubois residents are in favor of the additions, as they were at the time of the 1966 field hearing. Wilderness is a valuable Wyoming resource by reason of topography and geography. Local residents recognize this fact, as do many other Wyoming citizens. We therefore respectfully submit this proposal.

THOMAS A. BELL,
Executive Director.

BOUNDARY DESCRIPTION

Southern boundary beginning on the east at the Wind River Indian Reservation and ending on the west at the intersection with the Continental Divide northeast of Brooks Lake.

Beginning at the head of the south fork of Lake Creek;

Thence 2.00 miles southwesterly down Lake Creek to its confluence with East Fork Wind River;

Thence 0.45 northerly up the East Fork River to its junction with Dugout Creek;

Thence 1.50 miles northwesterly up Dugout Creek to a prominent point which separates the south fork of Teepee Creek from Lean-To Creek;

Thence 1.00 mile northwesterly along this ridge to Castle Rock;

Thence 1.00 mile southwesterly along the bare ridge to the head of small stream;

Thence 2.00 miles down the stream drainage to a point 0.60 mile from Bear Creek near lower end of Bear Basin;

Thence 0.50 mile northeasterly to crest of bare ridge 0.50 mile southeasterly from center of Bear Basin;

Thence 0.60 mile north-northwesterly to bare rock outcropping on east side of Bear Creek near mouth of small stream (SW¼, Sec. 26, T44N, R105W);

Thence 0.50 mile northeasterly along east side of Bear Creek;

Thence 0.25 mile west-northwesterly, across Bear Creek, to bare ridge;
Thence 0.25 mile westerly to end of jeep trail;
Thence 0.90 mile southwesterly to stream;
Thence 1.00 mile downstream to Bear Creek;
Thence 2.30 miles down Bear Creek to mouth of Cave Creek;
Thence 2.40 miles up Cave Creek to pond in Bear Pass;
Thence 2.20 miles northwesterly to point above Caldwell Creek near center of Sec. 24, T44N, R105W;
Thence 1.00 mile northeasterly to a point on Caldwell Creek 0.05 mile below confluence of Bug Creek and Caldwell Creek (F. S. boundary point);
Thence 0.50 mile northwesterly up on ascending ridge to the southern point of the ridge which separates Caldwell Creek and Wiggins Fork (F. S. boundary point);
Thence 1.90 miles northwesterly to a point on ridge above Wiggins Fork;
Thence 1.15 miles southwesterly, across Wiggins Fork, to a point 0.40 mile northeasterly from Double Cabin ruins;
Thence 0.90 mile westerly to a point on Frontier Creek 1.25 miles upstream from its confluence with Wiggins Fork (F. S. boundary point);
Thence 0.40 mile southwesterly to prominent drainage;
Thence 0.80 mile southerly to small drainage;
Thence 1.00 mile south-southwesterly across prominent drainage to promontory;
Thence 0.50 mile southeasterly to small lake;
Thence 1.35 miles southerly to lower most rock outcrops on Lincoln Point;
Thence 0.95 mile westerly to rock outcrop above Cartridge Creek;
Thence 0.55 mile northwesterly to Cartridge Creek (F. S. boundary point);
Thence 0.10 northerly up Cartridge Creek (F. S. boundary point);
Thence 0.40 mile westerly up a ridge to a prominent point on this ridge which is 0.60 mile east of the north end of Boedeker Butte (F. S. boundary point);
Thence 0.30 mile southwesterly down a descending ridge to the bottom of the drainage (F. S. boundary);
Thence 0.50 mile southeasterly up an ascending ridge to the top of a main drainage divide (F. S. boundary point);
Thence 1.00 mile southwesterly along this drainage divide to a prominent point overlooking Horse Creek, this point being 0.90 mile northeast of Carson Lake and 0.80 mile northwest of Bog Lakes (F. S. boundary point);
Thence 0.10 mile northwesterly down a descending ridge to a small drainage (F. S. boundary point);
Thence 0.30 mile westerly up an ascending ridge to a prominent point overlooking Carson Lake, which point is 0.60 mile northeast of Carson Lake (F. S. boundary point);
Thence 1.10 miles northwesterly along the rim overlooking Horse Creek to the first major drainage coming from the east (F. S. boundary point);
Thence 0.40 mile southwesterly down this drainage to its confluence with Horse Creek (F. S. boundary point);
Thence 0.80 mile southwesterly up an ascending ridge with numerous small points to a prominent point on the drainage divide between Parque Creek and Horse Creek (F. S. boundary point);
Thence 1.15 miles northwesterly along the Parque Creek-Horse Creek drainage divide to a rock point 0.40 mile southeast of Deacon Lake (F. S. boundary point);
Thence 1.25 miles southwesterly to prominent point above Parque Creek;
Thence 2.25 miles southeasterly to a point, which is 1.00 mile southwesterly from Burnt Tiber Lake;
Thence 0.70 mile southwesterly to a point on Burroughs Creek 0.20 mile upstream from Amoretti Park;
Thence 1.25 miles south-southwesterly to a point at headwaters of Fivemile Creek;
Thence 0.50 mile southerly to a high, bare point;
Thence 1.15 miles southwesterly to a high point on the ridge between Fivemile Creek and Tappan Creek;
Thence 0.70 mile to a park on Fivemile Creek at end of jeep trail;
Thence 1.90 miles northwesterly, across East Fork of Sixmile Creek, to bare, rocky ledge;
Thence 0.80 mile northerly to point overlooking West Fork of Sixmile Creek;
Thence 1.20 miles northwesterly, across West Fork of Sixmile Creek, to a point which is 0.95 mile east from outlet of Trail Lake;
Thence 0.65 mile north-northwesterly to a point which is 0.55 mile northeast of Trail Lake;
Thence 1.00 mile westerly to a point, which is 0.25 mile northwest of Trail Lake;
Thence 1.00 mile northwesterly, across East DuNoir Creek, to a high point between East DuNoir Creek and Esmond Creek;
Thence 1.30 miles northwesterly, across Esmond Creek, to a bare, rocky point just above Falls Creek;
Thence 1.40 miles southwesterly to a high point between Falls Creek drainage and West DuNoir Creek, which is 0.15 mile south of small lake;
Thence 1.60 miles southwesterly, across West DuNoir Creek, to a high point between Basin Creek and small drainage to south;
Thence 1.15 miles westerly to northernmost Kissinger Lakes;
Thence 1.00 mile westerly to low pass in Pinnacle Buttes;
Thence 2.40 miles northerly along crest of Pinnacle Buttes to a point where bare, rocky crest narrows down to east facing cliff;
Thence 0.50 mile northwesterly to head of Bonneville Creek;
Thence 1.25 miles northwesterly to high point on Continental Divide.

Mr. HANSEN. Mr. President, while the boundary of the wilderness area as proposed by me today does not follow in all respects the boundary as suggested by the Wyoming Outdoor Coordinating Council, I have had their proposal printed in the RECORD at this point in order to make it abundantly clear to all those who will be concerned with the administration of this area in the future just what areas the Wyoming Outdoor Coordinating Council feels has special significance and which, according to their view, are susceptible to careful management in recognition of existing "wild-area" values.

I am hopeful that in the years ahead the concerned citizens in western Wyoming will continue to serve as diligent watchdogs to insure that the great scenic and environmental values of both the Washakie Wilderness and the areas surrounding it are preserved for posterity. It will be this future watchfulness along with a continuation of the great spirit of cooperation and understanding which has arisen between legislators, administrators, users, and concerned citizens which will make wilderness more than just an abstract thing which can be legislated and then forgotten.

I believe that all the facts are now in and I present this bill to the Congress to establish the Washakie Wilderness area in the hopes that the Senate and then the House can act on this measure with dispatch. I have every hope that this matter can be disposed of in this first session of the 91st Congress and I will be working toward that end.

The bill (S. 1468) to designate the Stratified Primitive Area as a part of the Washakie Wilderness, heretofore known as the South Absaroka Wilderness, Shoshone National Forest, in the State of Wyoming and for other purposes introduced by Mr. HANSEN, was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the RECORD.

EXHIBIT 1

S. 1468

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in accordance with subsection 3(b) of the Wilderness Act of September 3, 1964 (78 Stat. 891), the area classified as the Stratified Primitive Area, with the proposed additions thereto and deletions therefrom, comprising an area of approximately 206,000 acres as generally depicted on a map entitled "Washakie Wilderness—Proposed," dated February 4, 1969, which is on file and available for public inspection in the office of the Chief, Forest Service, Department of Agriculture, is hereby designated for addition to and as a part of the area heretofore known as the South Absaroka Wilderness, which is hereby renamed as the Washakie Wilderness.

SEC. 2. As soon as practicable after this Act takes effect, the Secretary of Agriculture shall file a map and a legal description of the Washakie Wilderness with the Interior and Insular Affairs Committees of the United States and the House of Representatives, and such description shall have the same force and effect as if included in this Act: *Provided, however,* That correction of clerical and typographical errors in such legal description and map may be made.

SEC. 3. The Stratified Primitive Area addition to the Washakie Wilderness shall be administered as a part of the Washakie Wilderness by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness areas, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act.

SEC. 4. The previous classification of the Stratified Primitive Area is hereby abolished.

The table and description, presented by Mr. HANSEN, are as follows:

Acreage summary of proposed Washakie Wilderness—1969 Hansen bill

	Acres
Forest Service proposal	196,390
Bear Creek-Caldwell Creek	6,680
Wiggins Fork-Lincoln Point	2,406
Parque Creek	320
Total	205,796
Stratified primitive area	203,930

BOUNDARY DESCRIPTION OF PROPOSED WASHAKIE WILDERNESS REVISED FEBRUARY 4, 1969, IN ACCORDANCE WITH A REQUEST FROM SENATOR CLIFFORD HANSEN

Beginning at the northwest corner of Section 6, T. 43 N., R. 102 W., 6th P.M., Shoshone National Forest, Wyoming.
Thence 2.80 miles west on the Forest boundary to the confluence of Needle Creek and South Fork Owl Creek;
Thence 2.60 miles northwesterly on the South Fork Owl Creek which is the Forest boundary to the upper left fork of South Fork Owl Creek;
Thence 1.10 miles southwesterly along this

fork of South Fork Owl Creek, which is the Forest boundary to a point on the divide between South Fork Owl Creek and the East Fork Wind River;

Thence 4.50 miles S 45° 30' W along the boundary between the Shoshone National Forest and the Wind River Indian Reservation to the south fork of Lake Creek;

Thence 2.00 miles southwesterly down Lake Creek to its confluence with East Fork Wind River;

Thence 0.45 mile northerly up the East Fork Wind River to its junction with Dugout Creek;

Thence 1.50 miles northwesterly up Dugout Creek to a prominent point which separates the south fork of Tepee Creek from Lean-To Creek;

Thence 1.00 mile northwesterly along this ridge to Castle Rock;

Thence 2.00 miles northwesterly down a prominent drainage to its confluence with Bear Creek;

REQUESTED REVISION

Thence about .30 mile up a minor ridge which originates directly opposite the confluence of said drainage with Bear Creek to a prominent knoll;

Thence west across a small drainage and 0.50 mile southwesterly along the rocky escarpment facing Bear Creek to a prominent rock point;

Thence 0.50 miles northwesterly up an ascending ridge to the beginnning of a small drainage into Bear Creek;

Thence southerly 1.20 miles down the thread of a small drainage to Bear Creek;

Thence down the thread of Bear Creek 2.10 miles to the point of the first ridge north of Cave Creek;

Thence 2.10 miles northwesterly up the first ascending ridge north of Cave Creek to a prominent point on top of the Bear Creek-Wiggins Fork Divide;

Thence 1.25 miles northwesterly down a descending ridge to a small tributary into Wiggins Fork;

Thence north about .10 mile to the top of the first low dividing ridge.

Thence northwesterly 1.30 miles along that ridge descending to the elbow of Caldwell Creek.

Thence northeasterly 1.60 miles up the thread of Caldwell Creek to a point 0.05 mile below the confluence of Bug Creek and Caldwell Creek.

Thence 0.50 mile northwesterly up an ascending ridge to the southern point of the ridge which separates Caldwell Creek and Wiggins Fork;

Thence about 1.00 mile northerly along the ridge which separates Caldwell Creek and Wiggins Fork, to a prominent rocky point on this ridge;

REQUESTED REVISION

Thence about 1.75 miles westerly and northwesterly generally following the break in the topography below the rocky escarpment to a minor drainage into Wiggins Fork;

Thence .65 miles down this minor drainage to a point at its intersection with the Wiggins Fork Trail;

Thence .50 miles westerly-southwesterly across Wiggins Fork to the point of an ascending ridge, which point is 0.70 miles above the confluence of Frontier Creek and Wiggins Fork;

Thence 0.20 miles northwesterly up this ridge to a prominent knoll;

Thence 0.40 miles northwesterly and 0.30 miles southwesterly following minor ridges to a point on Frontier Creek just below its confluence with the drainage which heads near Snow Lake, this point being 1.25 miles upstream on Frontier Creek from its confluence with Wiggins Fork;

Thence .40 miles southwesterly along the northwestern edge of a stream delta to a prominent unnamed drainage;

Thence .50 miles southwesterly up said drainage to the point where the major break in topography occurs;

Thence 2.90 miles southerly following a marked line along this break in the topography to the first prominent drainage into Wiggins Fork which heads north of Lincoln Point;

Thence .40 miles up a small tributary to said drainage to the base of the rock outcropping which makes up Lincoln Point;

Thence 1.35 miles southeasterly, southerly, westerly, and nothwesterly following the base of these rock outcroppings to a small drainage into Cartridge Creek which heads just north of Lincoln Point.

Thence 0.70 mile westerly down a small drainage to Cartridge Creek;

Thence 0.10 mile northerly up Cartridge Creek;

Thence 0.40 mile westerly up a ridge to a prominent point on this ridge which is 0.60 mile east of the north end of Boedeker Butte;

Thence 0.30 mile southwesterly down a descending ridge to the bottom of a drainage;

Thence 0.50 mile southeasterly up an ascending ridge to the top of a main drainage divide;

Thence 1.00 mile southwesterly along this drainage divide to a prominent point overlooking Horse Creek, this point being 0.90 mile northeast of Carson Lake and 0.80 mile northwest of Bog Lakes;

Thence 0.10 mile northwesterly down a descending ridge to a small drainage;

Thence 0.30 mile westerly up an ascending ridge to a prominent point overlooking Carson Lake, which point is 0.60 mile northeast of Carson Lake;

Thence 1.10 miles northwesterly along the rim overlooking Horse Creek to the first major drainage coming from the east;

Thence 0.40 mile southwesterly down this drainage to its confluence with Horse Creek;

Thence 0.80 mile southwesterly up an ascending ridge with numerous small points to a prominent point on the drainage divide between Parque Creek and Horse Creek;

Thence 1.15 miles northwesterly along the Parque Creek-Horse Creek drainage divide to a rock point 0.40 mile southeast of Deacon Lake;

Thence 0.70 mile west-northwesterly along the ridge between Deacon Lake and Parque Creek to the head of a small drainage;

Thence 0.75 mile southwesterly down this drainage to a point on Parque Creek;

Thence 0.10 mile easterly down Parque Creek;

REQUESTED REVISION

Thence 1.00 miles southwesterly up a small drainage to the base of the escarpment which forms the ridge between Parque Creek and Burroughs Creek;

Thence 1.85 miles southeasterly following a line along the base of this escarpment, which line is the upper tip of the stringer timber types, to its southern end;

Thence 0.50 mile southwesterly down a minor drainage to Burroughs Creek;

Thence 0.40 mile northwesterly up Burroughs Creek to the point of a ridge ascending to the southwest.

Thence 0.80 mile southwesterly up this ascending ridge to the south end of the Ramshorn;

Thence 0.50 mile northwesterly along the Ramshorn to a point 0.20 mile south of Ramshorn Peak;

Thence 1.40 miles westerly down a descending ridge to East Fork Sixmile Creek;

Thence 0.90 miles northwesterly up an ascending ridge to the southern end of the rocky divide between East Fork and West Fork Sixmile Creek;

Thence 0.60 mile northwesterly down a descending drainage to West Fork Sixmile Creek;

Thence 0.15 mile northerly up West Fork Sixmile Creek;

Thence 0.25 mile northwesterly up an ascending ridge to the main divide between West Fork Sixmile Creek and Trail Creek;

Thence 1.70 miles northerly along this divide to a point overlooking Frozen Lake Creek basin;

Thence 1.30 miles northwesterly down a descending ridge between two forks of a tributary of Frozen Lake Creek and along this tributary to Frozen Lake Creek to a point 2.00 miles above the confluence of Frozen Lake Creek and East DuNoir Creek;

Thence 0.15 mile southwesterly down Frozen Lake Creek to the point of the main ridge which divides Frozen Lake Creek and East DuNoir Creek;

Thence 2.00 miles northerly along the divide between Frozen Lake Creek and East DuNoir Creek to the intersecting point of this ridge with the divide between these drainages and the South Fork Shoshone River, this point being 1.75 miles southwest of Frozen Lake;

Thence 39.75 miles northeasterly along the main divide between the Wind River and Shoshone River and southeasterly along the main divide between the Wind River and Greybull River, which divide is the Fremont County-Park County line, and which divide is also a common boundary to the South Absaroka Wilderness; to East Fork Pass which lies between East Fork Wind River and North Fork Wood River;

Thence 2.00 miles easterly along the divide between Wood River and Middle Fork Wood River to a point where this divide turns northeast;

Thence 1.00 mile southeasterly down a descending ridge to Middle Fork Wood River;

Thence 0.80 mile easterly down the Middle Fork Wood River;

Thence 1.25 miles southeasterly up an ascending ridge which is east of No Name Creek to a point on the divide between Middle Fork Wood River and South Fork Wood River, this point being 0.90 mile southwest of Standard Peak;

Thence 7.50 miles northeasterly along the divide between the Middle Fork and South Fork Wood River to a point on this divide 1.20 miles west of the mouth of Chimney Creek;

Thence 1.40 miles east-northeasterly down a descending ridge to the South Fork Wood River to a point 0.40 mile below the confluence of Chimney Creek and the South Fork Wood River;

Thence 7.00 miles easterly and southeasterly on the divide north and east of Chimney Creek which separates Chimney Creek from Brown Creek, Gooseberry Creek, and Cottonwood Creek, to a point on this divide 0.01 mile northwest of Cottonwood Peak;

Thence 6.80 miles southwesterly along the divide between Owl Creek and the South Fork Wood River drainages to the northwest corner, Section 19, T. 44 N., R. 102 W., 6th P. M., which corner is also on the exterior boundary of the Shoshone National Forest;

Thence 3.00 miles south along the township line to the northwest corner of Section 6, T. 43 N., R. 102 W., 6th P. M., the point of beginning, containing 196,390 acres, more or less.

The boundary as above described is drawn more specifically on a set of aerial photos which are on file in the office of the Regional Forester, Rocky Mountain Region, U.S. Department of Agriculture, Forest Service, Denver, Colorado.

S. 1472—INTRODUCTION OF AMENDMENT TO THE NATIONAL SCHOOL LUNCH ACT

Mr. TALMADGE. Mr. President, Members of the Senate are well aware of the extreme gravity of hunger and malnutrition in the United States. In recent months, we have heard a great outcry

against these problems all across the land.

Many Members of Congress and many high-ranking officials of the new administration have registered angry and sympathetic protests against hunger.

Black hunger and white hunger.

Hunger in the ghetto.

Hunger in rural shanties.

Hunger among the aged and the infirm.

Hunger in the public schools.

And most tragically, hunger—and perhaps even virtual starvation—among small and innocent children.

The conscience of America has been aroused by the undeniable fact that there are millions of hungry and extremely needy children in this fat and prosperous Nation. They are being denied their birthright. They are being deprived of education and training. In more instances than we care to contemplate, they are sick and diseased in body and broken in spirit.

This is a shame and a disgrace, whether it occurs in the south, the north, the east, or the west—and it does in fact occur to a very large degree in all these places.

As a member of the Select Committee on Nutrition and Human Needs, I have been acutely confronted by the extent and intensity of this problem. I come before the Senate today to offer legislation that would remove at least one serious obstacle that stands in the way of feeding countless numbers of destitute and hungry children.

My legislation is simple. It seeks only to eliminate an outrageous aspect of Federal enforcement of the provisions of title VI of the Civil Rights Act of 1964. This section of the law enables the Federal Government, notably the Department of Health, Education, and Welfare, to withdraw all Federal assistance from local school systems supposedly found in noncompliance with the so-called school guidelines issued by the Department of Education under the previous administration of Harold Howe II.

I do not intend at this time to debate the demerits of title VI of these guidelines. My position regarding their enforcement is well known. However, I have had high hopes that the Department of Health, Education, and Welfare would abandon its unreasonable and impractical tactics of the past, and assume a more sensible stance in dealing with desegregation problems. But I do want to say this:

During the 1964 debates, opponents of this legislation, myself included, referred to title VI as the "starvation" section of the Civil Rights Act. Charges were made that it would have the effect of starving school systems out of the Federal Treasury. It has done that. It has done more. It has also had the effect on starving children of denying them perhaps the only good meal they get during the day.

This was not the intention of title VI. All of us here who were present in the Senate during this debate 5 years ago, and anyone who has read the legislative history, knows full well that it was not the purpose of this act to cripple or totally wipe out school lunch programs as a result of funds being cut off.

No one expressed himself more positively on this point than Senator Hubert Humphrey, the floor manager of the Civil Rights Act, when he declared during the course of the debate:

> I do not want to see school lunches cut off. I do not want to see innocent adults or children injured. If I thought that Title VI would have that result, I could not support it. (CONGRESSIONAL RECORD, vol. 110, pt. 7, p. 8627.)

We heard a lot of talk in 1964 about cutting off funds to school systems. Some of it was downright punitive and vindictive indeed. But I do not recall hearing anyone express the desire to see harm done to school lunch programs, especially where there are large concentrations of children who come to school unfed, and who go to bed at night with an ache in their bellies.

Certainly, it was not intended that the Federal Government be cast in the role of inflicting such damage.

But this is exactly what has been happening.

If proponents of title VI had adequately foreseen in 1964 what is taking place today, I believe specific safeguards would have been written into the law to protect school lunch programs, and to insure that although some Federal assistance to some schools may be denied, school lunch programs would be put beyond the reach of the law.

Much damage already has been done. Thousands upon thousands of school children—hungry children, black and white—have lost the opportunity to sit down at school to a good meal because of the dictates of some Federal official far removed from the scene, and probably totally unaware of the deprivation he has brought about.

These are children who have been and are being severely punished by a government they do not know and by political controversy they do not understand.

Aside from the machinations of Government, aside from political considerations, aside from school desegregation problems, I want to remind the Senate of the words and philosophy of the greatest spiritual leader who ever walked this earth. He told us:

> Suffer the little children to come unto me, and forbid them not. . .

Forbid them not, Mr. President, especially the food they need for nourishment of their bodies.

Let us put aside politics. Let us stop penalizing innocent children for conditions over which they have absolutely no control. Let us correct deficiencies in the law that permit this to happen.

My measure will not alleviate all of the harm that has already been done. But it will put a stop to it in the future. I propose to amend the National School Lunch Act, to provide that nothing in title VI of the Civil Rights Act of 1964 shall be construed to authorize a cutoff of funds in any nonprofit school lunch program under the School Lunch Act administered by the Department of Agriculture, or title I of the Elementary and Secondary Education Act of 1965, or under any other provisions of Federal law.

I have no control over the broad enforcement of title VI. I cannot bring about a revision of the school guidelines, although I have tried. The Department of Health, Education, and Welfare seems bent upon making school systems operate by the number, according to arbitrary ratios. But I can and do now propose that the Department keep its heavy hand out of the school lunch program.

We are dealing here with hungry children, not with Federal bureaucrats and school officials at loggerheads over how our local school systems ought to be operated. I personally feel that local officials and local citizens are in a far better position to resolve this problem than someone in Washington. But be that as it may, let us address ourselves today to the needs of hungry children.

I have been shocked by evidence of hunger among aged individuals trying to make ends meet on fixed incomes from welfare and social security. This too is a condition we must endeavor to alleviate. But the most unfortunate evidence of hunger that we have seen involves children, both preschool and school age.

We must face the fact, unpleasant as it is, that to many children of this Nation, hunger has become a way of life experienced from the cradle on up. They know the pangs of hunger from the time they awaken to the time they go to bed.

The tragic child whose parents cannot or will not provide an adequate diet for him is, by circumstance, sentenced to a life of pain and inferiority.

Nutrition is the key to normal development—both physical and mental—of infants and children. The quantity and quality of nutrition provided during the first few years of life can very well affect an individual for his entire life.

Scientific evidence indicates that malnutrition during the last 3 months of pregnancy and certainly during the first months of life seriously compromise ultimate intellectual development. Very often, early-age deprivation produces children who become the dropouts, the delinquents, and eventually the misfits of society.

In studying testimony before the Nutrition Committee, I have been interested to learn to what extent the problem of hunger is due to a lack of food, or to a lack of knowledge and willingness on the part of the mother to prepare an adequate diet for her young children.

There is good reason to believe that at least a large part of the problem is because many mothers do not have the means for doing much. If they do have some means, many of them do not know how it should be done. And in addition, we may as well face up to the fact that there are many mothers and many fathers who do not care.

I am in the process of studying our food stamp and commodity distribution programs to see how they can be improved to better benefit more needy people, and especially to reach more children. The problem is a complex one. I do not have all the answers.

However, I am impressed with the capabilities of the school lunch program as a means for improving the diet of children of school age. This program has been utilized to good effect in Georgia and in many other States. In fact, Georgia ranked second in the Nation in the past school year in the percentage of

schoolchildren participating in the school lunch program—66.5 percent of total enrollment.

Very often, the lunch that children receive at school is the only nourishing meal they receive all day, either free or at reduced prices. Thus, schools have taken it upon themselves, with Federal assistance, to see that every pupil gets a good meal at least once a day, whether their parents can afford it or not.

In spite of all that has been done under the school lunch program since its enactment in 1946, and notwithstanding the millions and millions of children who have benefited from it, the funds available under the program have never been totally sufficient to provide free and reduced price lunches to all the children in need of them.

I submit that if there is only one child in a school going hungry during the day, that is one too many. The fact is, there are hundreds of thousands, and probably millions, of such unfortunate children enrolled in the public schoools of the United States.

As I have pointed out, U.S. Department of Agriculture funding of the school lunch program has never quite filled the bill. Many school systems consequently have had to turn to title I of the Elementary and Secondary Education Act of 1965 to secure additional financing for free lunches for needy children. Local school systems have some discretion in putting title I funds where they are deemed to be most needed. Therefore, large portions of these funds in many school systems are going into the school lunch program.

It strikes me as one of the supreme ironies of our time that at the very time the Federal Government is so concerned with fighting hunger and malnutrition wherever it exists, the Department of Health, Education, and Welfare has been very busy cutting off title I funds, much of which is being used to combat hunger and malnutrition in our public schools. There has been a significant loss of funds previously used to provide free lunches to needy children.

I have not acquired all of the statistics to indicate exactly how this folly has affected school systems in each State where funds have been cut off. I do know how it has affected my own State of Georgia.

Of approximately 77 schools that have had title I food service prior to having their assistance cut off, 47 of these schools were forced to drastically reduce their school lunch programs.

As a result, more than 9,000 needy pupils were and are being denied a school lunch.

The Department of Agriculture has attempted to make up some of the deficits with funds from section 32 of the Agricultural Adjustment Act. I commend the Department for its efforts. But they have not been sufficient to compensate for the loss of title I school lunch funds. This is dramatically illustrated by the fact, as we have seen, that more than 9,000 students have lost their school lunches, in spite of special assistance from the Department of Agriculture.

This is only a part of the picture. In Georgia there are 21 school systems in a deferred status, that is, schools which have compliance enforcement proceedings pending against them. Involved here are almost a half million dollars, and 8,215 schoolchildren receiving lunches. We cannot tell at this point how many of these children would be dropped from the program in the event of a fund cutoff. But, just as we have seen in the other schools, we could expect a substantial decrease in the number of lunches served each day.

I have described this sad situation in Georgia as it has been reported to me. I am sure that it is duplicated in other States whose schools have lost their title I school lunch money.

I have already conceded that I do not have all of the answers to this very complex problem of hunger in America. But I do know that we are not going to solve it by taking school lunches away from little hungry children.

I can find no justification—not under the Civil Rights Act and certainly not in the name of humanity—for allowing such a practice to continue.

Mr. President, I introduce the bill at this time and ask unanimous consent that it be referred to the Judiciary Committee for prompt consideration.

The VICE PRESIDENT. The bill will be received, and, without objection, will be referred to the Committee on the Judiciary.

The bill (S. 1472) to amend the National School Lunch Act to exempt school lunch programs from the provisions of title VI of the Civil Rights Act of 1964 introduced by Mr. TALMADGE, was received, read twice by its title, and referred to the Committee on the Judiciary, by unanimous consent.

S. 1473—INTRODUCTION OF BILL TO INCLUDE CUSTOMS INSPECTORS IN THE CATEGORY OF HAZARDOUS OCCUPATIONS

Mr. YARBOROUGH. Mr. President, I introduce a bill to amend section 8336(c) of title 5, United States Code, to add customs inspectors to the categories of Federal employees deemed to be engaged in hazardous occupations.

I originally introduced this bill on July 13, 1967, as S. 2108 of the 90th Congress, and time has not lessened the danger nor decreased the hazards to these employees.

Customs inspectors are charged with the enforcement of customs laws. Enforcement includes securing and acting upon information of actual or suspected violations of the customs laws, where necessary making searches, seizures, and arrests.

One of the potentially dangerous persons is the narcotic offender and smuggler. Many narcotics seizures are made from these persons, and many of them are criminals of the most vicious type. For example, at the small port of San Luis, Ariz., a customs inspector found narcotics in the possession of a border-crosser while making a routine search, without any idea of the past criminal record of the individual. When the subject was arrested and his background checked, it was found that he had been convicted of eight felony counts, including rape, assault, kidnaping, and robbery. The danger of contact with such an individual is obvious.

To cite a recent example, last summer at the San Ysidro, Calif., border station a suspected narcotics smuggler pulled his gun on a customs inspector and forced him to drive the abductor and a woman companion through the customs barrier. The suspect kept his gun in the side of the inspector while the woman kept screaming "Kill him, kill him." The inspector effected a miraculous escape when the suspect ordered the car stopped and the inspector was able to break away and dive into a roadside ditch. The two suspects who had lengthy, impressive criminal records were later captured.

In addition to the obvious hazards inherent in face-to-face contact with criminal types, there are the out of the ordinary hazards inherent in a job that must be performed under conditions of constant strain and increasing workload. The consequence of this is that we have a large number of inspectors affected by such pressure diseases as coronary attacks and hypertension. This pressure is present at every customs installation from the smallest one-man port to the teeming border crossings, international airports, and great seaports.

Like other enforcement officers, customs inspectors are subject to call at any time of the day or night. In addition to an erratic working schedule, customs inspectors constantly face personal hazards other than those normally incident to most enforcement duties. Hazards are ever present in boarding or leaving vessels, from falling into open hatches, in stepping on slippery decks, from walking among rails and switches at railroad terminals, from speeding fork trucks, and swinging cranes.

Customs inspectors continually come into personal contact with vessel officers, crewmembers, and the traveling public who are oftentimes antagonistic and belligerent. In many instances, and especially in connection with small ships or at isolated ports, he performs his duties away from crowded piers and terminals and may be the only enforcement officer on duty.

In addition to duty assignments at seaports and airports throughout the country, customs inspectors are employed at customs ports of entry and customs stations along the Mexican and Canadian borders. At these points they come in direct contact with persons of all types and descriptions, including all manner of criminals.

In routine searches along the border it is common to discover concealed weapons such as knives, switchblades, brass knuckles, revolvers, and automatic pistols. Knives have been found dangling on the end of a string down a suspect's pants leg attached from his belt. Guns have been found strapped to the legs or taped there with masking or adhesive tape.

In consideration of the extreme hazards of the inspectors' work, it is obvious that as a matter of plain justice, they should be included as a class under the provisions of section 8336(c) of title 5, United States Code, along with other Federal employees subject to no greater

hazards in the performance of their assigned duties.

Mr. President, I ask unanimous consent that the bill be printed in full in the RECORD.

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

The bill (S. 1473) to amend section 8336(c) of title 5, United States Code, to include the position of customs inspector in the category of hazardous occupations introduced by Mr. YARBOROUGH, was received, read twice by its title, referred to the Committee on Post Office and Civil Service, and ordered to be printed in the RECORD, as follows:

S. 1473

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 8336 (c) of title 5, United States Code, is amended by inserting immediately after "United States" the following: "or who is a customs inspector".

S. 1475—INTRODUCTION OF BILL TO AMEND TITLE X AND TITLE XVI OF THE SOCIAL SECURITY ACT

Mr. HARTKE. Mr. President, continuing my efforts to improve, through Federal legislation, the opportunities of needy blind persons who must depend for support upon publicly provided programs of aid to the blind, I have introduced a bill containing several proposals to amend title X and title XVI of the Social Security Act.

Since my election to the U.S. Senate, Mr. President, it has been a particular privilege and, I believe, a particular opportunity for me to work with and for our sightless fellow citizens in their courageous struggle to achieve full and equal participation in all aspects and activities of our Nation's life.

Blind men and women throughout the country, join together in common cause in the National Federation of the Blind and working together in this organization toward the realization of common objectives and a shared philosophy—this organization and I, Mr. President, have joined forces to improve conditions and to equalize opportunities for all persons without sight in our Nation.

One object of our labors has been the improvement of the Federal-State programs of aid to the needy blind, established under title X of the Social Security Act.

We, the blind, and I, have sought to make public assistance to the blind an adjunct to rehabilitation, a force to stimulate hope, to encourage initiative and effort, a means and a way of gaining restoration of self-sufficiency and independence.

It has been one of my greatest satisfactions as a U.S. Senator that some of the proposals I have sponsored have been accepted by Congress and are now Federal law—and because of this, blind men and women have received some measures of help as they strive so bravely and so determinedly to help themselves and to help each other.

Mr. President, although Congress has, on numerous occasions, indicated by its enactments that aid to the blind should be directed toward the goal of assisting blind persons to reduce or to entirely eliminate their dependence upon public welfare, to achieve self-support through the use of their talents and training—still, the ancient and outmoded concepts of the Elizabethan "poor laws" continue to oppress the needy blind and obstruct their efforts, making release from relief an almost unattainable possibility.

The bill I have introduced today would remove these unsocial and uneconomic roadblocks from the law and from the lives of blind people.

In summary, Mr. President, my bill would do the following:

Section 1 would not only require that the basic human needs of blind persons be met by the maintenance of standards compatible with decency and health by State programs of aid to the blind, but would also require that the specialized needs, the needs which blind persons have because they are blind, be fully met and provided for by such programs.

Section 2 would remove the length of time limitation—of 12 months obligatory and 36 months permissive—on the exemption of all income and resources of a recipient of aid to the blind having a State-approved rehabilitation plan for achieving self-support.

Section 3 provides the maximum amount for which a relative may be held liable to contribute to a needy blind person.

Section 4 would prohibit any State agency administering a federally supported program of aid to the blind from requiring recipients under such a program to subject their property to liens or to transfer their property to such agency as a condition for receiving aid and assistance.

Section 5 provides for a minimum public assistance payment, which would permit the satisfaction of basic needs, and, in addition, would recognize and allow for the satisfaction of the specialized needs resulting from the circumstances of blindness. This provision would also require that needs peculiar to an individual—diabetic diet, homemaker help, et cetera—be also adequately provided for by State programs of aid to the needy blind.

Section 6 provides that the social services which are to be made available to recipients of public assistance under the welfare amendments of 1962, shall be given only to persons who request them, that the amount of aid a person is entitled to receive in nowise shall be contingent upon his acceptance of social services, and that such services be defined and administered on a categorical basis.

Section 7 provides for an increase in the Federal financial participation in money payments to recipients of aid to the blind.

This proposed matching formula change would raise the present basic grant of $31 of the first $37 to $42.80 of the first $50; and it would raise the present matching ceiling from $75 to $100, with the variable grant formula determining an additional Federal share of 50 percent to 66 percent of the difference between $50 and $100.

Section 8 requires that any increase in Federal financial sharing in aid to the blind payments intended to raise the level of money payments to recipients be given to States only upon the condition that the States will pass on the additional money to recipients without a reduction in the State's or the local share in such payments.

Section 9 prohibits the imposition of any durational residence requirement as an eligibility condition for receiving aid to the blind payments.

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

The bill (S. 1475) to amend titles X and XVI of the Social Security Act to improve the programs of aid to the blind so that they will more effectively encourage and assist blind individuals in achieving rehabilitation and restoration to a normal, full, and fruitful life, introduced by Mr. HARTKE, was received, read twice by its title, and referred to the Committee on Finance.

S. 1476—INTRODUCTION OF A BILL TO EXEMPT SOCIAL SECURITY INCREASES IN DETERMINING PUBLIC ASSISTANCE NEEDS

Mr. HARTKE. Mr. President, since the first enactment of the Social Security Act in 1935, Congress has acted many times providing for increases in social security payments.

Congress has taken these actions to raise the level of such payments, that aged and blind and other disabled beneficiaries might have more money in their monthly checks and be able to live better, to eat and clothe themselves better, to live in better circumstances.

Yes; many Congresses have acted to raise the level of social security payments, but far too often the intended beneficiaries of congressional generosity have not benefited at all from such ameliorative legislation.

There are millions of social security recipients, Mr. President, whose social security checks are just not sufficient to allow them to live even at the lowest standard of decent and healthy living, so these vast numbers of people must supplement their totally inadequate income with public assistance, with veterans compensation or with payments from private insurance plans.

And the structural nature of these supplemental income programs are such that as social security payments are increased, supplementary payments are decreased in the amount of the social security increase—thus, social security beneficiaries in large numbers are not $1 better off, after an increase in social security payments has been passed by Congress than they were before.

Although I am concerned with the plight of social security recipients who get additional income from veterans compensation and from private insurance plans, the bill I have introduced today is particularly directed to help social security beneficiaries who also receive public assistance, for these are our most needy citizens, yet many of them fail to benefit at all when we in the Congress legislate increases in social security payments.

To understand the reason for this, requires an understanding of the operations of the Federal-State public assistance system.

When a person applies for aid, after consideration of various budgetary items—food, clothing, shelter, fuel, and similar necessaries—a dollar amount is determined upon and his total need is established—let us say, at $80 a month.

Then, available resources are ascertained—unexempt earnings, regular contributions from relatives, pensions, insurance, and other forms of fixed and regularly received income.

Social security payments, whether received because of retirement or disability, are classed as available resources.

Since public assistance is only intended as supplementary help—help provided in addition to available resources—social security payments are used to reduce the amount of public assistance grants.

So that the person who has an established need, according to public assistance standards, of $80 monthly, and who receives the minimum social security payment of $55, will be given a $25 monthly public assistance grant.

If this same person's social security payment should be raised from the present $55 to, let us say, $65, this rise in social security will have no value for this person.

It will only mean that instead of his public assistance grant being $25 it will be $15 a month.

The person intended by Congress to be benefited by the social security payment increase will not benefit at all.

The State and county where the man lives, which provide his public assistance support, will be the only beneficiaries of the congressional generosity.

My bill would change this.

It would amend titles I, X, XIV, and XVI—the public assistance titles of the Social Security Act—to exempt all increases in social security payments made subsequent to January 1, 1972, from consideration in determining a person's need for public assistance and the amount of aid he should receive.

This proposal, enacted into Federal law, would assure that increases in social security payments provided by Congress to improve and raise the living standards of elderly and disabled persons would, in fact, be actually available to them as increased monthly income.

Nor is the concept which I propose of exempting certain income from consideration as an available resource when determining a person's need for public assistance a novel and startling concept to the Congress and to the Social Security Act.

Except that, Mr. President, previously adopted measures have only been half-measures and, therefore, have almost totally failed to achieve the objective they were intended to further.

In the Social Security Amendments of 1965, Mr. President, Congress acted as I now propose it act again—it provided that the social security increase of that year might be exempt up to $5 monthly from consideration in determining a person's public assistance need.

But, Mr. President, although, in 1965, Congress recognized the importance of providing for the $5 monthly exemption, it failed woefully to implement this recognition with effective legislation.

For it was left up to the States whether to exempt the $5 minimum increase in social security payments, and only 24 States have acted affirmatively in this matter.

Again in the 1967 social security amendments, it was the very same disappointing situation.

In the 1967 amendments to the Social Security Act, Congress authorized States to exempt up to $7.50 monthly of social security payments, and this time only nine States acted affirmatively.

Mr. President, my bill would do effectively what Congress did, ineffectively, both in 1965 and in 1967.

Mr. President, my bill as Federal law, would make sure that any proposed increase in social security payments would actually be received by social security beneficiaries, for my proposal would be mandatory on the States and not optional with them.

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

The bill (S. 1476) to amend titles I, IV, X, XIV, and XVI of the Social Security Act to prevent recipients of assistance under programs established pursuant to such titles from having the amount of such assistance reduced because of increases in the monthly insurance benefits payable to them under title II of such act, introduced by Mr. HARTKE, was received, read twice by its title, and referred to the Committee on Finance.

S. 1477—INTRODUCTION OF A BILL TO AMEND THE SOCIAL SECURITY ACT TO INCLUDE DISABILITY BENEFICIARIES IN THE MEDICARE PROGRAM

Mr. HARTKE. Mr. President, although I believe the greatest legislative accomplishment of the 89th Congress was the establishment of the social security-based health insurance program for persons over the age of 65, I also believe that this program must not remain limited only to elderly persons.

Rather, I believe this program must be changed and so expanded that beneficiaries of social security-provided disability insurance payments may share in its benefits, may be included in the Federal health insurance program.

To achieve this most worthwhile purpose, Mr. President, I am introducing a bill to provide that individuals entitled to disability insurance benefits—or child's benefits based on disability—under title II of the Social Security Act, and individuals entitled to permanent disability annuities—or child's annuities based on disability—under the Railroad Retirement Act of 1937, shall be eligible for health insurance benefits under title XVIII of the Social Security Act.

Mr. President, just as the men and women who are elderly and retired on social security payments must live and manage on very limited income have a great need that their health care costs be met by the social insurance method, so, too, it is most necessary that the health care costs of those who must live and manage on limited income because they are disabled, because they are beneficiaries of the disability insurance program be met by the very same concept of social insurance enacted into Federal law.

For the limited income problem of the disabled insurance beneficiary is the very same as that of the retired elderly person—the amount of his payment is the same as the amount of the old-age benefit for which he would be eligible if he were to retire.

It has been said, Mr. President, that older people, in general, have need for more medical and hospital care and less ability to pay for such care than is the case with younger persons.

It is equally true, Mr. President, that disabled persons, with verified, medically determined disabilities, in general, have need for more medical and hospital care than retired persons who, though advanced in years, still may be robust and well.

It is equally true, Mr. President, that persons whose disabilities are chronic, are constantly in need of medical and hospital attention.

Mr. President, how do the disabled, living on a limited income of social security, pay for their health care costs now, when they are confronted by the shockingly high expenses of a sudden accident or a major illness, or the prolonged anguish of a terminal disease?

Some, of course, may have savings to draw upon—to pay doctors' and hospital bills, nurses' wages and druggists' charge. But, as you well know, Mr. President, savings, so long in building, soon disappear.

Savings, so slowly accumulated and so carefully hoarded for use to supplement insufficient social security payments, soon disappear.

Then, Mr. President, there are family reserves and the earnings of family members to draw upon—of course, the health-care costs of the disabled can be imposed upon responsible relatives.

Finally, Mr. President, the disabled, beneficiaries of the Federal disability insurance program, faced with the disastrous financial consequences of impaired health or additional disabilities, may turn, in their grevious need, to charity—yes, for them there is always charity—there is always public welfare and private charity.

Mr. President, I reject these uneconomic and unsocial methods of meeting the health-care costs of the retired elderly, and, with equal force and conviction, I reject them for paying the health-care bills of disability insurance beneficiaries.

Mr. President, just as I supported the social insurance method for paying the price exacted for restored health and repaired bodies for the elderly, I urge its adoption for the disabled.

Just as I preferred the advanced payment with established rights method to the public or private charity method, or the responsible relatives method, for the elderly, I urge its adoption for the disabled.

My bill as Federal law would provide health-care benefits to the disabled, benefits specified and described in Federal

law and regulation rather than having such benefits dependent upon a social case worker's biased judgment or uncertain whim.

My measure as Federal law would provide health-care benefits to disabled persons by right upon establishment of eligibility in accordance with requirements specified and described in Federal law and regulations, rather than have receipt of such benefits dependent upon a "means" test standard of proven poverty or demonstrated destitution.

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

The bill (S. 1477) to provide that individuals entitled to disability insurance benefits (or child's benefits based on disability) under title II of the Social Security Act, and individuals entitled to permanent disability annuities (or child's annuities based on disability) under the Railroad Retirement Act of 1937, shall be eligible for health insurance benefits under title XVIII of the Social Security Act, introduced by Mr. HARTKE, was received, read twice by its title, and referred to the Committee on Finance.

S. 1480—INTRODUCTION OF BILL TO PRESENT THE MEDAL OF HONOR TO FRANK BORMAN, JAMES LOVELL, AND WILLIAM ANDERS

Mr. YARBOROUGH. Mr. President, I introduce, for appropriate reference, a bill to confer the Medal of Honor on astronauts Frank Borman, James Lovell, and William Anders.

Mr. President, the Medal of Honor is the highest military award for bravery that can be given to any individual in the United States of America. It was originally conceived in the 1860's, and was first presented in 1863. Ever since that time it has come to symbolize the highest and best of the American ideals.

Traditionally, the Medal of Honor has been awarded to members of the U.S. Armed Forces who have shown exemplary courage and bravery in time of war. It has been given to recognize those men who have risked their lives for their country, and have performed deeds that distinguished their gallantry above and beyond the call of duty.

On some occasions in the past, Congress has awarded the Medal of Honor for individual exploits taking place during peacetime. For example, Floyd Bennett, a U.S. Navy machinist, was awarded the Medal of Honor for his heroic contributions to the famous Byrd Arctic Expedition. Richard E. Byrd, who piloted the first aircraft over the North Pole, was also presented with the Medal of Honor by a special act of Congress. George R. Cholister and Henry Clay Drexly were awarded Medals of Honor for their bravery during a fire that broke out aboard the U.S.S. *Trenton* in October of 1924.

In all, Congress has acted to present the Medal of Honor to 16 persons who have acted with unusual bravery and heroism in peacetime, including such men as Richard P. Hobson, Adolphus Greely, William C. "Billy" Mitchell, and eight unknown soldiers.

On December 14, 1927, by a special act of Congress, the Medal of Honor was presented to Col. Charles A. Linbergh, U.S. Army Air Corps Reserve upon his successful completion of the first nonstop trans-Atlantic airplane flight. The citation of this act reads as follows:

For displaying heroic courage and skill as a navigator, at the risk of his life, by his nonstop flight in his airplane, the *Spirit of St. Louis*, from New York City to Paris, France, 20–21 May, 1927, by which Colonel Linbergh not only achieved the greatest individual triumph of any American citizen but demonstrated that travel across the ocean by aircraft was possible.

Congress recognized the significance of Colonel Linbergh's accomplishment, and awarded the Medal of Honor not only on the basis of his personal heroism, but on the basis of the future implications of trans-Atlantic flight as well. I think we would all agree that such skill and courage should be awarded, for it is so expressive of the American creative spirit.

Mr. President, on December 21, 1968, we witnessed an even greater example of American skill and courage. Mankind entered a new era when Apollo 8 broke the gravitational bonds of earth and sent men to the moon for the first time in history.

Three men—Col. Frank Borman, U.S. Air Force, Capt. James Lovell, U.S. Navy, and Lt. Col. William Anders, U.S. Air Force—led the way in this great adventure, displaying heroic courage and skill as they guided their spacecraft to the moon, a historical achievement comparative to the first airplane flight by the Wright brothers at Kitty Kawk, or Columbus' voyage to America.

It is fitting that we should honor these men—and the thousands of skilled technicians and scientists of NASA—who made it possible for America to pioneer the path to the moon. That is why I am proud to introduce today, a bill authorizing the President to present in the name of Congress, the Medal of Honor to Col. Frank Borman, Capt. James Lovell, and Lt. Col. William Anders.

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

The bill (S. 1480) authorizing the President of the United States to present in the name of Congress, the Medal of Honor to Col. Frank Borman, U.S. Air Force, Capt. James Lovell, U.S. Navy, and Lt. Col. William Anders, U.S. Air Force, introduced by Mr. YARBOROUGH, was received, read twice by its title, referred to the Committee on Armed Services, and ordered to be printed in the RECORD, as follows:

S. 1480

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he is hereby, authorized to present in the name of Congress, the Medal of Honor to Colonel Frank Borman, United States Air Force, Captain James Lovell, United States Navy, and Lieutenant Colonel William Anders, United States Air Force, for displaying heroic courage and skill by successfully completing the historic flight of the Apollo 8 spacecraft from the earth to the moon and back, from December 21, 1968, until December 28, 1968, by which they achieved the greatest technical triumph of man in this century, demonstrating the feasibility of travel to and around the moon, and leading mankind into a new era of scientific accomplishment and discovery.

S. 1482—INTRODUCTION OF BILL TO AMEND THE NORRIS-LA GUARDIA ACT

Mr. FANNIN. Mr. President, on behalf of myself and Mr. GOLDWATER I introduce, for appropriate reference, a bill to amend section 4 of the Norris-La Guardia Act so as to restore jurisdiction to our Federal courts sitting in equity, to grant injunctive relief, where otherwise appropriate, after notice and hearing, where the relief sought is to enjoin the breach of a clause, contained in a contract between an employer and a labor organization, forbidding a strike, slowdown, sitdown, or other interference with production, or a lockout.

Mr. President, the purpose of this bill is to permit the granting of injunctive relief in the event of strikes or lockouts in violation of a contract between an employer and a labor organization. Such injunctions may not now be granted because of a holding of the U.S. Supreme court in *Sinclair* v. *Atkinson*, 370 U.S. 238. That decision was to the effect that, although section 301 of the Taft-Hartley Act gives an employer the right to bring an action against a union for going on strike in violation of its no-strike pledge in a collective-bargaining contract, the courts are severely limited in the relief they can grant to the employer, since they are prohibited by section 4 of the Norris-La Guardia Act from issuing an injunction against the strike.

In other words, section 4 of the Norris-La Guardia Act has been interpreted by the Supreme Court as denying to the Federal courts the only enforcement power which could insure that the breach of a labor union's contractual commitment not to strike would be speedily remedied.

The authorities are almost unanimous in pointing out that an action for damages is, in fact, an insufficient deterrent to breaches of no-strike pledges because unions in too many instances have little hesitancy to subject themselves to a difficult-to-calculate damage action tried by a jury several years later, in order to reap the immediate gains which might be secured by strike action, even though such action would be in violation of an existing collective-bargaining contract.

These same authorities point out that a remedy restricted to damages is inappropriate, since the loss of orders, customers, and goodwill which results from such work stoppages and disruptions constitutes an irreparable injury to the employer, which cannot be adequately compensated for in money damages. Furthermore, as a practical matter, an employer can rarely afford to jeopardize labor-management relations by suing a union made up of his own employees, after the end of a strike.

However, even if actions for damages

were adequate to compensate employers for losses and injury suffered as a result of violations of no-strike pledges by labor unions, and clearly they are not, they would still remain completely inadequate to protect the public interest. Furthermore, when parties enter into contractural commitments not to strike and not to lockout, it is a peaceful and harmonious relationship and continuity of operations which they want, if they are dealing in good faith, not damages, and the public interest demands that they be held to those commitments.

Mr. President, if would be difficult, indeed, to imagine a situation more inconsistent and more at variance with our national labor policy than that which is disclosed by the Supreme Court's decision in the case of Sinclair Oil Co. against Atkinson.

Mr. President, the bill I am introducing today is the same as S. 2455, which I introduced in the last Congress. I hope that this will receive the prompt consideration which I believe it deserves.

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

The bill (S. 1482) to amend the Norris-La Guardia Act so as to permit the granting of injunctive relief in suits brought to enforce the provisions of contracts between employers and labor organizations, introduced by Mr. FANNIN (for himself and Mr. GOLDWATER), was received, read twice by its title, and referred to the Committee on the Judiciary.

S. 1483—INTRODUCTION OF A BILL TO DENY TAX-EXEMPT STATUS TO LABOR ORGANIZATIONS

Mr. FANNIN. Mr. President, I introduce, for appropriate reference, a bill to amend the Internal Revenue Code to deny tax-exempt status to labor organizations which use membership dues or assessments for political purposes.

Mr. President, it has been estimated that over a hundred million dollars were spent by labor unions in the last national elections.

What makes this practice so iniquitous is that much of this money is collected by the unions under compulsory union shop arrangements, with large numbers of workers having to pay dues to the unions against their will and with the knowledge that their money will be used to support candidates which they oppose. Moreover, the rank-and-file members seldom have any voice in the decisions as to which candidates are to be supported or opposed by the union. Even the elected union officials at the local level have no voice in these matters, their function being to see to it that the dues money is transmitted to COPE organizations.

Mr. President, I would like to note in passing that in spending their members' money in this manner the unions are engaging in unlawful activity in violation of the Federal Corrupt Practices Act, an act which makes it a crime for any union to make any contribution or expenditure in connection with any election to Federal office including President, Vice President, Senator, or Representative. It provides for punishment by fine and imprisonment for any union officer responsible for making, or any candidate who receives, any such contribution. This criminal statute has been on the books since 1947, but since no serious effort has been made to enforce it, the unions are able, for all practical purposes, to ignore its provisions. Vigorous enforcement of this law by the new administration would go a long way toward curbing this serious abuse of union power and provide more effective protection to rank-and-file employees.

Mr. President, tax exemption is a privilege, and if unions are to continue to enjoy that privilege they should be expected to abide by the same rules as other exempt organizations. There is no logical justification for carving out a special rule for them, particularly when this special rule, in effect, condones flagrant and persistent violations of a Federal criminal law. The legislation which I introduce today will make it clear that unions are not entitled to tax-exempt status if they engage in political activities.

Mr. President, unions enjoy a tax-exempt status under the Internal Revenue Code. Section 501(c) of the Internal Revenue Code lists various categories of exempt organizations among which are labor unions, fraternal clubs, religious, charitable, and educational organizations, chambers of commerce, civic associations, and so on. Of the more than two dozen groups listed there is only one group that can engage in political action without being disqualified for tax exemption. That group is labor. A chamber of commerce group that spends any part of its funds for political purposes would quickly lose its exemption status, and the same would happen to a religious or educational organization, a public welfare organization, a social club, or any of the others. Only one group has the privilege of engaging in political action while still retaining the exemption status.

Now, the interesting point is that there is nothing in the statutory language which would authorize this special treatment for unions, nor is there any legislative history to support it. It is purely and simply a position that has been followed by the Internal Revenue Service, and officially articulated for the first time under the Johnson administration. In other words, the position of the Internal Revenue Service is that a union is tax exempt no matter how much of its money it spends for political purposes, and notwithstanding the fact that the Federal Corrupt Practices Act makes such expenditures a Federal crime.

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

The bill (S. 1483) to amend the Internal Revenue Code of 1954 to deny tax-exempt status to labor organizations which use membership dues or assessments for political purposes, introduced by Mr. FANNIN, was received, read twice by its title, and referred to the Committee on Finance.

S. 1487—INTRODUCTION OF BILL PROVIDING TAX RELIEF FOR "PUEBLO" CREWMEN

Mr. MONTOYA. Mr. President, I introduce at this time on behalf of myself and the junior Senator from California (Mr. CRANSTON), a bill that requires our most immediate attention.

Mr. President, as we approach the April 15 deadline for filing of Federal income tax returns, we are faced with the horrors that beset us all—to some degree or another—as we try working our way through the maze of columns and forms and deductions and all the other items that we have to contend with in filing our tax returns. On February 18, I introduced a tax reform measure, S. 1054, and announced that I would soon be introducing another tax reform proposal that would, if enacted, bring about a more equitable distribution of the tax burden that is presently being borne principally by the low- and middle-income wage earner. I am presently drafting that measure and hope to have it ready for introduction in the near future.

There has, however, been brought to my attention, and to the attention of Senator CRANSTON, a situation that cannot wait on other tax reform measures, This is a situation that requires this Congress to act and act right now.

Mr. President, we have been hearing much about the inequities that exist in our present tax structure—and exist they do. But, I do not think that any are more inhumane than the taxation of the pay received by the 82-member crew of the U.S.S. *Pueblo* while they were being held in captivity by the North Koreans during those agonizing 11 months.

By some strange quirk of fate, had the *Pueblo* crew been prisoners of war, or had they been in Vietnam at the time of their capture, they would not have been subject to such taxation. However, because they happened to be assigned to North Korean waters and not to Vietnam, they are not legally classified as having been serving within a combat zone and, therefore, not subject to the special tax treatment that would have been theirs had they been serving in Vietnam.

Thus, the 82-member crew of the *Pueblo* is now discovering that after an 11-month captivity, Uncle Sam is cruel enough to come in and demand taxes on the pay they earned while in captivity.

No one can or should argue with the tax provisions that give favored tax treatment to prisoners of war. Unless we have been unfortunate enough to have undergone the same experiences ourselves, none of us could begin to imagine what torture such individuals must undergo. A lessening of their tax burden is the least that we should do for them.

By the same token, however, as we are learning from the investigation into the *Pueblo* capture, there has seldom been such punishment inflicted upon prisoners of war as was suffered by the crew of the *Pueblo* during their 11-month captivity. By a strange quirk of fate, however, the *Pueblo* crewmen are being subjected to taxation that is cruel indeed.

This is a matter that should be divorced completely from the inquiry into the capture of the *Pueblo*. The fact is, that the capture did take place and these crewmen were subjected to torture at the hands of the North Koreans. For

taxing purposes, they certainly should not be given less consideration than had they been assigned to a combat zone.

I, therefore, introduce, with the cosponsorship of Senator CRANSTON, a bill that would give the *Pueblo* crewmen the same tax treatment as if they had been assigned to a combat zone, that is, the pay received while in captivity be nontaxable. Because the April 15 deadline for filing of tax returns is fast approaching, I urge immediate and prompt action on this measure. This is a unique situation which demands our most expeditious consideration.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD, an article by Jim G. Lucas, Scripps-Howard staff writer, appearing in the Albuquerque Tribune on March 6, 1969, entitled: "Tough Rap After Korea; 11-Month Captivity, Now Uncle Sam To Tax *Pueblo's* Crew."

Mr. President, I also ask unanimous consent to have the text of the bill printed at this point in the RECORD.

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

The bill (S. 1487) to extend to the personnel of the U.S.S. *Pueblo* the provisions of the Internal Revenue Code of 1954 relating to combat pay of members of the Armed Forces, introduced by Mr. MONTOYA, was received, read twice by its title, referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

S. 1487

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for purposes of sections 112, 692, and 2201 of the Internal Revenue Code of 1954, service of the officers and members of the crew of the U.S.S. *Pueblo* during the period commencing with the day on which the *Pueblo* was first attacked by the naval forces of North Korea and ending on the day on which the surviving officers and members of the crew were released by the government of North Korea shall be treated as service in a combat zone (within the meaning of section 112 of such Code).

The article, presented by Mr. MONTOYA, is as follows:

TOUGH RAP AFTER KOREA: 11-MONTH CAPTIVITY, NOW UNCLE SAM TO TAX "PUEBLO'S" CREW

(By Jim G. Lucas)

CORONADO, CALIF.—Uncle Sam is preparing to take a tax bite out of the money the USS Pueblo's 82 crewmen earned during their 11-month captivity in North Korea.

Had they been in Vietnam, or had they been legal prisoners of war, they'd get favored tax treatment. But by quirk of fate they were neither.

They were illegal detainees—whatever that means—and unless the law or the tax regulations are changed they owe taxes on the pay accrued during their captivity.

The average Pueblo crewman laid up between $3,000 and $7,000 on the books while he languished in prison outside Pyongyang.

But after they were freed two days before Christmas the money went fast. They wanted new cars. One sailor promptly bought a new car and a racing engine for his old one.

Dozens have new motorcycles. They've bought expensive hi-fi's and musical instruments.

They've splurged on expensive gifts for their parents, their wives, brothers, sisters and girl friends. They've been Lord Bountiful, and it has been a glorious two months.

But now April 15 is bearing down.

"I had a Pueblo sailor in the other day," said a tax consultant who asked that his name not be used. "I sweated over his returns for hours. No matter how you figured it, that boy owed a whopping tax. And he was flat broke.

"In this business, you get callous. If a client gets his finances in a mess and can't pay his tax, that's his problem—next case, please.

"But when that sailor walked out of here with that return in his hand, I never wanted to cry so bad in my life. If he doesn't pay, of course, the penalties start piling up. At least I didn't charge him anything. It's a tough rap after North Korea."

S. 1488—INTRODUCTION OF BILL TO PROHIBIT THE MAILING OF UNSOLICITED DRUG PRODUCTS AND OTHER POTENTIALLY HARMFUL ITEMS

Mr. TYDINGS. Mr. President, today, I would like to introduce a bill which would amend title 39 of the United States Code by prohibiting the Postmaster General from accepting for mailing and delivery unsolicited drug products and other potentially harmful products.

Last year Jimmy Ingraham, age 3, of Rockville, Md., fell mysteriously asleep one afternoon and could not be awakened. His distraught mother called the family physician and the child was taken to the hospital. Thankfully, Jimmy was revived several hours later none the worse for his harrowing brush with tragedy.

Earlier that day, Jimmy Ingraham had come upon a sample bottle of a patent cough medicine which had been sent through the mails. The package was too large to go through the mail slot at the Ingraham's home. The bottle carried a warning, "Keep medicine away from children." But Jimmy Ingraham, age 3, could not be expected to read the warning on the label. He drank most of the contents of the bottle before his mother knew the package, addressed only to "Occupant," had been left on her doorstep.

Mrs. Carol B. Ingraham, the wife of a postal service employee, reacted to her misfortune in the most admirable way. Upon learning that it was the practice of many patent medicine firms to bulk-mail samples, she organized a group called "Citizens Committee for Legislation Preventing Unsolicited Bulk Mailing of Drugs and Other Medicines." In the best tradition of American political action she sought, by exercising the right of petition, to enlist others to her cause and, notwithstanding an obvious lack of organization and resources, she has achieved widespread support.

In addition to support from individuals, Mrs. Ingraham's campaign has also attracted official support. On January 15, 1969, the mayor of Rockville, Md., the Honorable Achilles M. Tuchtan, wrote me urging me to promote legislation designed to ban this practice. I responded to the mayor with assurances that I would not only support such legislation, but would introduce such legislation myself if none were forthcoming in this session.

Today, I am able to fulfill that pledge and I do so enthusiastically. To prohibit the use of the mails to those who, unsolicited, would transmit potentially dangerous materials is a goal well worth pursuing. And certainly any hardship such a prohibition would cause to those who utilize this means to advertise their wares is insignificant when compared to the threat this practice poses to thousands of Jimmy Ingrahams all over the country.

Mr. President, I ask that a copy of Mayor Tuchtan's letter to me and my response be incorporated as a part of these remarks.

I would also like to have incorporated in the RECORD a resolution, Resolution No. R–3–69, of the mayor and City Council of Gaithersburg, Md., which urges the enactment of the type of legislation I introduce today.

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

The bill (S. 1488) to amend title 39, United States Code, to prohibit the mailing of unsolicited sample drug products and other potentially harmful items, and for other purposes, introduced by Mr. TYDINGS, was received, read twice by its title, and referred to the Committee on Post Office and Civil Service.

The material, presented by Mr. TYDINGS, follows:

CITY OF ROCKVILLE,
Rockville, Md., January 15, 1969.

Hon. JOSEPH D. TYDINGS,
Senate Office Building,
Washington, D.C.

DEAR SENATOR TYDINGS: The Mayor and Council of Rockville, at its meeting of January 13, received a letter from a Mrs. Carol Ingraham, a resident of Rockville, concerning a campaign, by petition, that she is conducting for legislation to prohibit the mailing of drugs and other medicines by unsolicited bulk mailings. A copy of her petition is enclosed.

The Mayor and Council felt that Mrs. Ingraham's campaign is a worthwhile one in view of the fact that children, particularly, are the victims of drinking such medicines, and wishes to make known its support. It is the Council's hope that you will take an interest in this matter, and give whatever assistance you can in promoting legislation to ban this medicine mailing practice.

Sincerely yours,

ACHILLES M. TUCHTAN,
Mayor.

JANUARY 27, 1969.

Hon. ACHILLES M. TUCHTAN,
Mayor, City of Rockville,
Rockville, Md.

DEAR MAYOR TUCHTAN: Many thanks for your letter of the 15th sending me the petition of the Citizens Committee for Legislation Preventing the Unsolicited Bulk Mailing of Drugs and Other Medicines.

I have corresponded with Mrs. Ingraham about her frightening experience and assured her that I am very much concerned about the problem of hazardous substances being sent through the mail on the 3rd class bulk rate. Legislation was introduced last year to prohibit such mailings but was not acted upon adjournment. Although I do not yet know whether that bill will be reintroduced, I am prepared to offer legislation myself if it is not.

I greatly appreciate your interest and the support of the council for Mrs. Ingraham's campaign.

Sincerely,

JOSEPH D. TYDINGS.

RESOLUTION R–3–69

Resolution of the mayor and city council of the city of Gaithersburg, Md., urging the U.S. Congress to adopt appropriate legislation which would prevent unsolicited bulk mailing of drugs and other medicines, particularly those addressed to resident or occupant

Whereas the Mayor and City Council deem it to be in the public interest to support legislation which contributes to the safety of the citizens of the City of Gaithersburg; and

Whereas certain drug manufacturers and marketers distribute their products through bulk mailings to "Resident" or "Occupant" and to addressees obtained from city and telephone directories and other sources; and

Whereas some of the drugs and other medicines may be very harmful if not taken in accordance with directions printed on container labels or in printed materials accompanying samples; and

Whereas bulk-mailed drugs and other medicines are usually delivered in such a fashion that small children can be the first ones to pick them up; and

Whereas there have been instances of small children opening and consuming such drugs and medicines without the knowledge of their parents or other attendants; and

Whereas children have become very ill as the result of eating or drinking such drugs and medicine samples; Now, therefore, be it

Resolved, by the Mayor and City Council of the City of Gaithersburg, That the Congress of the United States be urged to enact appropriate legislation which would prevent unsolicited bulk mailings of drugs and medicines, particularly those addressed to "Resident" or "Occupant".

I, Harold C. Morris, Mayor of the City of Gaithersburg, Maryland, do hereby certify that the foregoing is the true and correct Resolution No. R–3–69 passed at a meeting of the Mayor and City Council of Gaithersburg held on the 3rd day of March, 1969.

HAROLD C. MORRIS,
Mayor.

Attest:

SANFORD W. DAILY,
City Manager.

S. 1494—INTRODUCTION OF BILL RELATING TO PRIVATE ANTITRUST ENFORCEMENT

Mr. SPARKMAN. Mr. President, I introduce, for appropriate reference, a bill to amend the Clayton Act by making section 3 of the Robinson-Patman Act, with amendments, a part of the Clayton Act, in order to provide for governmental and private civil proceedings for violations of section 3 of the Robinson-Patman Act.

This measure is substantially identical to S. 877 of the 90th Congress. This proposed legislation has been the subject of hearings before the Judiciary Subcommittee on Antitrust and Monopoly in the past. The distinguished chairman of that subcommittee, the Senator from Michigan (Mr. HART), is again joining me as a cosponsor. The Senator and I are pleased to announce that the bill is also being cosponsored by the Senator from Colorado (Mr. ALLOTT), the Senator from Indiana (Mr. BAYH), the Senator from Nevada (Mr. BIBLE), the Senator from Connecticut (Mr. DODD), the Senator from Michigan (Mr. GRIFFIN), the Senator from Louisiana (Mr. LONG), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Minnesota (Mr. MONDALE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Utah (Mr. Moss), the Senator from Wisconsin (Mr. NELSON), the Senator from Kansas (Mr. PEARSON), the Senator from West Virginia (Mr. RANDOLPH), the Senator from South Carolina (Mr. THURMOND), the Senator from Texas (Mr. YARBOROUGH), and the Senator from North Dakota (Mr. YOUNG).

The purpose of this bill, in a nutshell, is to authorize private and governmental civil enforcement of a certain provision of the Robinson-Patman Act that is not found elsewhere in the antitrust and trade regulation laws of the United States. It is a peculiar fact that, as the law now stands, violators of section 3 are subject to criminal prosecution, with punishments up to a $5,000 fine or a year's imprisonment or both, upon conviction, yet are not subject to suits for damages and injunctive relief by those whose businesses their criminal conduct has injured or destroyed. Enactment of this measure would end the peculiarity and reverse the situation. Criminal enforcement would be ended. Civil enforcement would be restored.

Section 3 of the Robinson-Patman Act prohibits three kinds of commercial misconduct in the field of pricing. It forbids "any person engaged in commerce, in the course of such commerce"—and now I shall, in part, paraphrase the statutory language:

First. To be a party to, or assist in, any transaction of sale, or contract to sell, which discriminates to his knowledge against competitors of the purchaser, in that any discount, rebate, allowance or advertising service charge is granted to the favored purchaser and not granted to his competitor, in respect of a sale of goods of like grade, quality, and quantity;

Second. To sell, or contract to sell, goods in any part of the United States at prices lower than those exacted by said person elsewhere in the United States for the purpose of destroying competition or eliminating a competitor; and

Third. To sell, or contract to sell, goods at unreasonably low prices for the purpose of destroying competition or eliminating a competitor.

Prohibitions quite similar to the first two of these three occur also in section 1 of the Robinson-Patman Act, and that section is made, in express terms, amendatory of section 2 of the Clayton Act. Violators of the Clayton Act may be sued for treble damages and injunctive relief by those whom their unlawful conduct has injured. Accordingly, in this new bill, I am retaining only the third provision of section 3, removing the criminal sanctions, and making the section, so revised, a part of the Clayton Act.

Before 1958, it had been widely assumed that section 3 of the Robinson-Patman Act was one of the antitrust laws, which, by provisions in the Clayton Act, are the subject of civil enforcement. Although several lower courts doubted or denied the right of private suitors to base damage actions on violations of section 3, enough others did grant relief thereunder to cause the Attorney General's National Committee To Study the Antitrust Laws, in its 1955 report—page 200—to note that private claimants had emerged as the principal enforcers of this section.

Then, on January 20, 1958, the Supreme Court, in two companion cases decided by a five to four majority, ruled that section 3 of the Robinson-Patman Act was not a part of the antitrust laws, and, as a result, that private actions for treble damages and injunctive relief would not lie for violation of the unreasonably low pricing ban contained only in that section—a criminal statute—and not paralleled in section 2 of the Clayton Act. In the years since 1958, I have introduced, with distinguished cosponsorship, a number of bills designed to permit civil relief under section 3 of the Robinson-Patman Act. These bills have received warm support from small businessmen in many and varied industries at hearings before the subcommittee chaired by the Senator from Michigan. Senator HART and I, and our cosponsors, believe that those hearings have made the case for this legislation. It should be enacted. We hope and trust that in this Congress it will be enacted.

The forces pushing us toward concentration in industry after industry in our economy are very great. Some of them may be unavoidable; but one such force, the occasional practice of deliberate predatory pricing with the express purposes of destroying competition, is not in that class. It can and should be checked; yet it is not feasible or even desirable to initiate a criminal prosecution every time the existing law against such pricing is broken. Unleashing the power of private civil enforcement will bring vitality to a provision of the law that badly needs to be revitalized, if we are to preserve an economy in which power is dispersed among many competitors, not concentrated in the hands of a few giant companies.

I have high hopes that the Subcommittee on Antitrust and Monopoly, under the leadership of Chairman HART, will give this bill prompt and favorable consideration. I commend it to the attention of every Member of Congress, for I think it deserves the active support of every believer in a competitive economy and every friend of small business.

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

The bill (S. 1494) to amend the Clayton Act by making section 3 of the Robinson-Patman Act, with amendments, a part of the Clayton Act, in order to provide for governmental and private civil proceedings for violations of section 3 of the Robinson-Patman Act, introduced by Mr. SPARKMAN (for himself and other Senators), was received, read twice by its title, and referred to the Committee on the Judiciary.

S. 1495—INTRODUCTION OF BILL TO AUTHORIZE THE SECRETARY OF THE INTERIOR TO DETERMINE THAT CERTAIN COSTS OF OPERATING AND MAINTAINING BANKS LAKE ON THE COLUMBIA BASIN PROJECT FOR RECREATIONAL PURPOSES ARE NONREIMBURSABLE

Mr. JACKSON. Mr. President, I introduce, for appropriate reference, a bill to authorize the Secretary of the Interior to determine that certain costs of operating and maintaining Banks Lake on the Columbia Basin project for recreational

purposes are nonreimbursable. This measure passed the Senate in the 90th Congress, but no action was taken in the House.

Banks Lake is an equalizing reservoir on the Columbia Basin project. Under the original authorization and at present, the lake is operated for purposes of irrigation alone. As a result, the water level is subject to periodic surges and fluctuations of as much as 18 feet. These fluctuations have the effect of making the use of the lake for recreational purposes almost impossible.

The purpose of the bill is to permit the Secretary of the Interior to determine that limited costs related to pumping water to stabilize the lake's level are nonreimbursable. The Department's report estimates that these costs would average about $21,000 per year. The recreational benefits which would accrue are estimated at over $60,000 per year.

The bill proposes an interim arrangement, as the authorization runs for only 6 years, at which time the arrangement would be reevaluated in light of studies now being made of recreational opportunities on Federal water projects.

Banks Lake is an important recreational resource in the eastern half of the State of Washington. In addition to being an excellent area for fish and wildlife, it is a popular recreational area that is used by residents from all over the State when water level conditions permit.

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

The bill (S. 1495) to authorize the Secretary of the Interior to determine that certain costs of operating and maintaining Banks Lake on the Columbia Basin project for recreational purposes are nonreimbursable, introduced by Mr. JACKSON (for himself and Mr. MAGNUSON), was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

S. 1496—INTRODUCTION OF BILL TO PROVIDE FOR PAYMENTS ON CERTAIN OUTSTANDING BONDS OR OTHER OBLIGATIONS SECURED BY LANDS ACQUIRED FOR FEDERAL RECLAMATION PROJECTS

Mr. JACKSON. Mr. President, I introduce, for appropriate reference, a bill to provide for payments on certain outstanding bonds or other obligations secured by lands acquired for Federal reclamation projects.

This bill, previously designated as S. 3688, was introduced late in the second session of the 90th Congress. The measure was referred to the Committee on Interior and Insular Affairs, but the accumulation of other work prevented further action prior to adjournment.

When lands are acquired by the Bureau of Reclamation for the construction, operation, and maintenance of water resource developments, the right-of-way acquisition procedures provide for equitable payment to landowners and for the relocation of utilities as project costs. However, situations have arisen where portions of the distribution system service areas of water agencies have been included in such land acquisitions. The Secretary of the Interior presently has no authority to reimburse the agency for increased costs of operation and maintenance occasioned by the change in service area. Furthermore, the Secretary has no authority to compensate the agency for its loss in revenues used to make payments on bonds or other obligations outstanding at the time of acquisition and secured by the land which has been taken.

As a result, the remaining water users in the service area are faced with the unanticipated increased cost. The bill which I am introducing today would provide the authority for the Secretary to make equitable compensation for these costs of right-of-way acquisition.

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

The bill (S. 1496) to provide for payments on certain outstanding bonds or other obligations secured by lands acquired for Federal reclamation projects, and for other purposes, introduced by Mr. JACKSON, was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

S. 1500—INTRODUCTION OF BILL TO NAME LOCK AND DAM NO. 18 ON THE VERDIGRIS RIVER IN OKLAHOMA AND THE LAKE CREATED THEREBY FOR NEWT GRAHAM

Mr. HARRIS. Mr. President, I introduce, for appropriate reference, a bill to name the authorized lock and dam No. 18 on the Verdigris River in Oklahoma and the lake created thereby for Newt Graham. Newt Graham, who died in 1957, devoted many years of work against great odds to keep the dream of the Arkansas River navigation project alive. Since the Arkansas navigation project has been under construction, several of its boosters have been memorialized through the naming of locks and dams on the river after them. It would be a shame if one of the Arkansas navigation project's greatest supporters, Newt Graham, was forgotten. The Arkansas Basin Development Association has adopted a resolution urging Congress to name the lock and dam No. 18 the Newton R. Graham Lock and Dam. Also the Oklahoma State Legislature has adopted Senate Concurrent Resolution 14 requesting the naming of lock and dam No. 18 the Newton R. Graham Lock and Dam. It therefore seems appropriate that this lock and dam be named for Newt Graham inasmuch as lock and dam No. 18 is the closest lock and dam to his hometown of Tulsa. Mr. President, I ask unanimous consent that Senate Concurrent Resolution 14 be inserted in the RECORD at this point in my remarks.

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

The bill (S. 1500) to name the authorized lock and dam numbered 18 on the Verdigris River in Oklahoma and the lake created thereby for Newt Graham, introduced by Mr. HARRIS, was received, read twice by its title, and referred to the Committee on Public Works.

The concurrent resolution, presented by Mr. HARRIS, is as follows:

S. CON. RES. 14

Concurrent resolution recognizing the dedicated leadership and many public services of Newton R. Graham in promoting Oklahoma's water resources and recreational facilities and in the development of navigation on the Arkansas River; requesting the Congress of the United States to name lock and dam No. 18 on the Verdigris River the "Newton R. Graham Lock and Dam"; and directing distribution of copies of this resolution

Whereas, the late Newton R. Graham dedicated his life to service in the public interest and is one of Oklahoma's outstanding pioneers in the development of water resources and recreational facilities; and

Whereas, he rendered valuable assistance to the Oklahoma Legislature and to the Congress in promoting progressive legislation; and

Whereas, as President of the Arkansas Basin Development Association and as a member of the Oklahoma Planning and Resources Board and Chairman of its Water Resources Committee he devoted more than a quarter of a century as an ardent champion of all phases of the development of Oklahoma's water and recreational resources in a manner that would preserve the natural beauty of our state; and

Whereas, his goal was the realization of a dream of the earliest Oklahomans for maximum development of all natural resources, especially navigation on the Arkansas River; and

Whereas, he was the leader in presenting to Congress the economic study on navigation of the Arkansas River, from the Mississippi River to a point near Tulsa, which culminated in the authorization in the 1930's of studies by the Corps of Engineers to determine the feasibility of a multi-purpose plan for development of the Arkansas River, including navigation; and

Whereas, as Chairman of the Bi-State Committee, appointed by the Governors of the States of Oklahoma and Arkansas, he presented the testimony for the two states which resulted in authorization by Congress in 1946 of the multi-purpose plan for development of the Arkansas River, with navigation to Catoosa; and

Whereas, the name Newton R. Graham is synonymous with water resources projects, parks, and recreation generally and especially with navigation on the Arkansas River; and

Whereas, the pool created by Lock and Dam 18 on the Verdigris River will bring water into the Port of Catoosa; and

Whereas, said Lock and Dam 18 has not been named.

Now, therefore, be it resolved by the Senate of the first session of the thirty-second Oklahoma Legislature, the House of Representatives concurring therein:

SECTION 1. That the Congress of the United States be and is hereby respectfully requested to name the uppermost lock and dam on the Verdigris River, which is currently designated Lock and Dam No. 18, the "Newton R. Graham Lock and Dam."

SEC. 2. That duly authenticated copies of this Resolution be transmitted to the presiding officers of the Senate and House of Representatives of the Congress of the United States, to the members of the Oklahoma Congressional Delegation, to the Governors of Oklahoma and Arkansas and to the City of Tulsa-Rogers County Port Authority.

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

FINIS SMITH,
President Pro Tempore of the Senate.

Adopted by the House of Representatives the 3d day of March, 1969.

REX PRIVETT,
Speaker of the House of Representatives.

Attest.

BASIL R. WILSON,
Secretary of the Senate.

SENATE JOINT RESOLUTION 76—INTRODUCTION OF PROPOSED CONSTITUTIONAL AMENDMENT RELATING TO RESIDENCE REQUIREMENTS FOR VOTING IN PRESIDENTIAL AND VICE-PRESIDENTIAL ELECTIONS AND FOR PROPOSED CONSTITUTIONAL AMENDMENTS

Mr. MONTOYA. Mr. President, on May 27, 1968, I introduced in the U.S. Senate, a proposed Senate joint resolution (S.J. Res. 174) proposing a constitutional amendment long overdue. I am today reintroducing this proposal and urging the Senate Subcommittee on Constitutional Amendments, which is presently holding hearings on proposed amendments to the Constitution, to take prompt action on my measure.

My proposed constitutional amendment would provide that strict State residency requirements would no longer continue to disenfranchise American citizens in elections for President and Vice President and in the selection of delegates to conventions to consider proposed constitutional amendments.

Mr. President, because of residency requirements which must be met in order for a citizen of the United States to be eligible to vote, it was estimated that as many as 16 million voters were disenfranchised in the 1968 national elections. This is incredible.

As many as 35 States require the individual voter registrant to have maintained residence within the State for up to 1 year in order to be considered as an eligible voter. The States have every right—and should continue to have that right—to set reasonable residency requirements for voter eligibility in elections on all matters of primarily State and/or local significance. However, there are certain rights which are inherent to American citizenship and should not be denied because of residency within a State. Among those rights are the right to vote for the two high offices of this Nation, and on matters pertaining to the Federal Constitution.

Mr. President, we are a highly mobile society today. Americans today are moving about from State to State more freely than ever before, as required by their employment or for personal or other reasons. This factor, in and of itself, should not disenfranchise them during national elections. The President and Vice President of the United States are the President and Vice President of all American citizens. And all American citizens should be protected in their right to participate in the election process which chooses those two officials. Likewise, the American Constitution is a constitution which all Americans must abide by and all American citizens should be able to participate in the process by which this Constitution is or might be amended. My proposed constitutional amendment would guarantee that the exercising of these rights is not abridged because of unduly restrictive State residency requirements.

Mr. President, I ask for prompt consideration of this measure. I also ask, Mr. President, unanimous consent that the text of my proposed amendment be printed at this point in the RECORD.

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. 76) proposing an amendment to the Constitution of the United States relating to residence requirements for voting in presidential and vice presidential elections and for the selection of delegates to conventions to consider proposed constitutional amendments, introduced by Mr. MONTOYA, 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. 76

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:

"ARTICLE —

"SECTION 1. Except as otherwise provided by this article, the right of any citizen of the United States to vote in any election for electors for President or Vice President, for President or Vice President, or for the election of delegates to a convention convened within any State to consider any amendment to this Constitution proposed by the Congress shall not be denied or abridged by any State by reason of the failure of such citizen to meet any residence requirement of such State if such citizen is otherwise qualified to vote in such election in such State.

"SEC. 2. The right to register as a qualified voter for the elections defined in section 1 shall not be denied or abridged by any State, except that no State shall be required to accept applications for registration within thirty days of an election defined in section 1.

"SEC. 3. The Congress shall have the power to enforce this article by appropriate legislation.

"SEC. 4. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the States within seven years from the date of the submission hereof to the States by the Congress. If so ratified within that period, this article shall take effect on the date of such ratification, or January 1, 1969, whichever date is later."

SENATE RESOLUTION 163—RESOLUTION COMMEMORATING THE 50TH ANNIVERSARY OF THE FOUNDING OF THE AMERICAN LEGION

Mr. DIRKSEN (for himself and Mr. MANSFIELD) submitted a resolution (S. Res. 163) commemorating the 50th anniversary of the founding of the American Legion, which was considered and agreed to.

(See the above resolution printed in full when submitted by Mr. DIRKSEN, which appears under a separate heading.)

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTION

Mr. McCLELLAN. Mr. President, I ask unanimous consent that, at its next printing, the name of the Senator from South Dakota (Mr. MUNDT) be added as a cosponsor of S. 1290, to incorporate the college benefits system of America.

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

Mr. McCLELLAN. Mr. President, I also ask unanimous consent that, at its next printing, the name of the Senator from Alabama (Mr. ALLEN) be added as a cosponsor of the bill (S. 30) relating to the control of organized crime in the United States.

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

Mr. YARBOROUGH. Mr. President, I ask unanimous consent that, at its next printing, the name of the Senator from Wisconsin (Mr. PROXMIRE) be added as a cosponsor of the bill (S. 309), the Postal Employee-Labor Management Act.

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

Mr. BENNETT. Mr. President, I ask unanimous consent that, at its next printing, the names of the Senator from Pennsylvania (Mr. SCOTT) and the Senator from Ohio (Mr. SAXBE) be added as cosponsors of the bill (S. 845) to redefine ammunition in the Gun Control Act of 1968.

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

Mr. HARTKE. Mr. President, I ask unanimous consent that, at its next printing, the names of the Senator from Indiana (Mr. BAYH) and the Senator from Utah (Mr. MOSS) be added as cosponsors of the bill (S. 1205) to create a Supreme Sacrifice Medal.

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

Mr. JACKSON. Mr. President, I ask unanimous consent that at its next printing, that the names of the Senator from New Mexico (Mr. ANDERSON), the Senator from Montana (Mr. METCALF), the Senator from Ohio (Mr. YOUNG), the Senator from Vermont (Mr. AIKEN), the Senator from Kansas (Mr. DOLE), the Senator from Wyoming (Mr. McGEE), the Senator from North Dakota (Mr. YOUNG), the Senator from North Carolina (Mr. ERVIN), the Senator from Indiana (Mr. HARTKE), the Senator from California (Mr. CRANSTON), the Senator from West Virginia (Mr. RANDOLPH), the Senator from New Hampshire (Mr. COTTON), the Senator from Hawaii (Mr. INOUYE), the Senator from Connecticut (Mr. DODD), the Senator from Connecticut (Mr. RIBICOFF), the Senator from North Dakota (Mr. BURDICK), the Senator from Michigan (Mr. HART), the Senator from Missouri (Mr. EAGLETON), the Senator from Rhode Island (Mr. PELL), the Senator from Indiana (Mr. BAYH), the Senator from Nevada (Mr. CANNON), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Nevada (Mr. BIBLE), the Senator from Alaska (Mr. GRAVEL), and the Senator from Maine (Mr. MUSKIE) be added as cosponsors of the bill (S. 88) the "Artificial Organ, Transplantation, and Technological Development Act of 1968."

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

Mr. MURPHY. Mr. President, I ask unanimous consent that, at its next printing, my name be added as a cosponsor of the bill (S. 713) to designate the Desolation Wilderness, Eldorado National Forest, in the State of California.

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

Mr. MURPHY. Mr. President, I ask also unanimous consent that, at its next printing, my name be added as a cosponsor of the bill (S. 714) to designate the Ventana Wilderness, Los Padres National Forest, in the State of California.

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

Mr. BYRD of West Virginia. Mr. President, at the request of the senior Senator from West Virginia (Mr. RANDOLPH), I ask unanimous consent that, at its next printing, the names of the Senator from California (Mr. MURPHY), the Senator from Idaho (Mr. CHURCH), the Senator from Vermont (Mr. PROUTY), and the Senator from Wyoming (Mr. HANSEN) be added as cosponsors of the joint resolution (S.J. Res. 74) providing for the designation of the first full calendar week in May of each year as "National Employ the Older Worker Week."

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

NOTICE OF HEARING ON NOMINATIONS

Mr. SPARKMAN. Mr. President, I wish to announce that the Committee on Banking and Currency will hold a hearing on Thursday, March 13, 1969, on the following nominations:

Carlos C. Villarreal, of California, to be Urban Mass Transportation Administrator.

Henry Kearns, of California, to be President of the Export-Import Bank of the United States.

The hearing will commence at 10 a.m., in room 5302, New Senate Office Building.

NOTICE OF HEARINGS ON MEASURES TO COMBAT ORGANIZED CRIME

Mr. McCLELLAN. Mr. President, I should like to announce that the Special Subcommittee on Criminal Laws and Procedures will hold hearings on S. 30, S. 974, S. 975, and S. 976, bills relating to the Federal effort against organized crime. Should additional proposals in this area of criminal law be introduced and referred to the subcommittee prior to the hearings, we will be pleased to include these. The first series of hearings will begin on March 18 and continue on March 19, 25, and 26, at 10 a.m. in room 2228, New Senate Office Building. Should anyone wish further information on the hearings, please contact the subcommittee staff in room 2204, New Senate Office Building.

NOTICE OF HEARINGS ON DEPARTMENT OF THE INTERIOR NOMINATIONS

Mr. JACKSON. Mr. President, for the information of the Members of the Senate, I announce that on Friday, March 14, the Committee on Interior and Insular Affairs will hold open hearings on nominations by President Nixon to five posts in the Department of the Interior.

They are:

Hollis Mathews Dole, of Oregon, to be Assistant Secretary of the Interior for Mineral Resources.

Dr. Leslie L. Glasgow, of Louisiana, to be Assistant Secretary of the Interior for Fish and Wildlife and Parks.

Carl L. Klein, of Illinois, to be Assistant Secretary of the Interior for Water Quality and Research.

Mitchell Melich, of Utah, to be Solicitor of the Interior Department.

James R. Smith, of Nebraska, to be Assistant Secretary of the Interior for Water and Power Development.

These public hearings are scheduled to begin at 10 o'clock in the Committee on Interior and Insular Affairs, room 3110, New Senate Office Building. Any Member of the Senate is, of course, welcome to attend and participate.

Mr. President, I ask unanimous consent that a brief biographical sketch of each of these nominees be printed in the RECORD.

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

BIOGRAPHY OF HOLLIS MATHEWS DOLE

Residence: Born Paonia, Colorado, September 4, 1914. Moved to Portland, Oregon, 1917; Independence, Oregon, 1920; Grants Pass, Oregon, 1924; Portland, Oregon, 1947. Resides at 2612 N.E. 23rd Avenue, Portland, Oregon 97212; Telephone: XXXXXXXX (Area code 503).

Education: Grade and high school: Grades 1–5; Independence, Oregon (1920–24); Grades 6–12; Grants Pass, Oregon (1924–31). College: Oregon State University, Corvallis, Oregon, 1931–32; 1937–40: BS in geology; 1940–42: MS in geology; minor mining engineering University of California at Los Angeles; 1941: Economic geology, University of Utah, Salt Lake City, Utah; 1951–53: Economic geology.

Military service: U.S. Navy (Naval Reserve); Grade: 1942–1943, Ensign; 1943–1944, Lt. (j.g.); 1944–1945, Lieutenant.

Service: Indoctrination, Tucson, Arizona (1942); Memphis Naval Tr. Center (1943); First Marine Air Wing (South Pacific Combat Air Trans.) Solomon Islands (1943–1944); Naval Air Station, Anacostia, Md. (1944); Joint Tactical Air Force, Okinawa (1945); First Marine Air Wing, Zamboanga, P.I. (1945); Naval Reserve, inactive (1946–1949).

Awards: Unit Citation—SCAT; Unit Citation—JTAF; Navy Commendation with medal (Okinawa).

Employment: Bohemia Mines, Cottage Grove, Oregon (1934–35); American Trust Company, Palo Alto, California (1935–37); U.S. Bureau of Mines, Scappoose, Oregon (1942); U.S. Geological Survey, Tucson, Arizona (1946); State of Oregon Department of Geology and Mineral Industries; Grants Pass Field Office: Field Geologist (1946–47); Portland Office: Geologist (1947–55); (Educational leave, academic years—1951–52); Acting Director (1955–56); State Geologist and Director (1956–present); Instructor in Geology, Oregon Extension Center (1948–50); Graduate instructor, University of Utah (1951–52); Adjunct professor of geology, Portland State College—no salary (1968–69).

Publications—Articles: "Strategic Minerals and the Stockpile", Mining Congress Journal, American Mining Congress, February 1967; "Strategic Minerals", Mining Congress Journal, American Mining Congress, February 1964; "Public Land Withdrawals Threaten Mineral Industry", Mining Engineering, Amer. Inst. Min., Met. & Pet. Engrs., July 1961; "New Focus on Oregon for Gold, Uranium, Oil", Greater Portland Commerce, Portland Chamber of Commerce, April 1968; "Oregon's Mineral Industry", Greater Portland Commerce, Portland Chamber of Commerce, January 1967.

Technical publications: Author—"A Description of Oregon Rocks and Minerals", Dept. of Geol. & Min. Ind., Misc. Paper #1, 1950; Co-author—"Relations of Certain Jurassic and Lower Cretaceous Formations in Southwestern Oregon", Bulletin, Amer. Assoc. of Pet. Geol., vol. 43, no. 12, Dec. 1959; "Geology of the Central and Northern Parts of the Western Cascade Range in Oregon", U.S. Geol. Survey, Prof. Paper 449, 1964.

Editor—"Gold and Money Session", 1960 Pac. Northwest Metals & Min. Conf., Amer. Inst. of Min., Met. & Pet. Engrs, 1960; "Proceedings of the Second Gold and Money Session, 1963 Pac. Northwest Metals & Min. Conf., Amer. Inst. of Min., Met. & Pet. Engrs, 1963; "Proceedings of the Third Gold and Money Session, 1967 Pac. Northwest Metals & Min. Conf., Amer. Inst. of Min., Met. & Pet. Engrs, 1967; "Andesite Conference Guidebook", Bull. 62, Dept. of Geol. & Min. Ind., and Int. Upper Mantle Project, Scient. Rept. 16–S, 1963.

Technical publications: In print—Several chapters in "Mineral Resources of Oregon," a joint publication of the U.S. Geological Survey and the State of Oregon Dept. of Geol. & Min. Ind. to be published as Dept. Bull. 63, 1969; "Regional Mineral Resources" in "The Mineral Industry: Problems in Resources Management," Univ. of Wash. Press, College of Public Affairs, 1969.

Government documents: Testimony presented to U.S. House and Senate Interior Committees and printed in hearings on Chrome—April 19, 1956; March 28, 1958; June 26, 1959; Gold—May 6, 1966; Testimony before Tariff Commission on quicksilver—February 20, 1962; Interstate Oil Compact Commission, General reporter for Oregon, Legal reporter for Oregon.

Membership and offices in societies and organizations—Professional: American Institute of Mining, Metallurgical & Petroleum Engrs. (1941–65); American Association of Petroleum Geologists; Association of American State Geologists (Secretary-Treasurer 1968); Sigma XI; Oregon Academy of Science.

Other: Public Lands Committee of American Mining Congress; Gold and Silver Committee of American Mining Congress; Public Lands Committee of Interstate Oil Compact Commission; Oregon and California Advisory Board of Director of Bur. of Land Management; Western Governors Mining Advisory Council; Governor's Committee on Oceanography; Oregon Geographic Names Board; Executive Committee of Oregon Assoc. of State Fiscal & Admin. Officers; Chairman, Gold and Money Session, Pacific Northwest Metals & Minerals Conference (1963 and 1967); Northwest Mining Association; Idaho Mining Association.

Listed in: Who's Who; American Men of Science.

Family: Married September 29, 1942. Wife: Ruth Josephine (Mitchell) Dole; Born October 15, 1915, Squaw Creek Ranger Sta., Okanogan County, Wash.; Grants Pass High School, Class '33; Oregon State University, Class '38; High School Teacher, La Grande, Oreg., '38–'40; Home Economist, Clark County PUD, Longview, Wash., '41–'42; Air traffic controller, CAA, Seattle & Yakima, Wash., '42–'44; Home maker '44 to present; Active in Panhellenic Council of Portland (past President, member of Board); Oregon Symphony Society.

Children: Michael Hollis Dole; Born Mar. 16, 1945, Portland, Oregon; Alameda Grade School, Grant High School, Harvard University, class of '67, VISTA in Washington, D.C. & Maryland, 1967–1969; Now a private in Army at Fort Lewis, Wash.

Stephen Eric Dole, born April 17, 1949, Portland, Oregon, Alameda Grade School, Grant High School, Oregon State University, class of '72, Oregon National Guard.

BIOGRAPHY OF DR. LESLIE L. GLASGOW

Dr. Leslie L. Glasgow, 54, of Baton Rouge, Louisiana, has been teaching for the past 20

years in the fields of fisheries, wildlife and forestry.

He was formerly Professor of Wildlife Management at Louisiana State University for 18 years. In 1966 he became Director of the Louisiana Wildlife and Fisheries Commission.

Dr. Glasgow has spent 18 years in research on wildlife wetlands management at the LSU Agricultural Experiment Station, and was formerly a waterfowl biologist in the Indiana Conservation Department. He was winner of the Governor's Award of the Louisiana Wildlife Federation in 1967.

A native of Portland, Jay County, Indiana, he was graduated from Purdue University in wildlife and forestry, obtained his master's degree in wildlife at the University of Maine, and his doctorate in wildlife management at Texas A&M University.

Dr. Glasgow had a graduate teaching assistantship while at the University of Maine, was named the Outstanding Louisiana Conservationist by the state's outdoor writers in 1958, and has been awarded membership in several chapters of the Louisiana Wildlife Federation.

Dr. Glasgow is a former president of the Louisiana Wildlife Biologists Association and the Southeastern Section of the Wildlife Society. He is and has been a member of the American Fisheries Society, the Gulf States Marine Fisheries Commission, the Gulf and Caribbean Fisheries Association, the Southeastern Association of Fish and Game Commission, International Association of Fish and Game Commission, Sigma Xi (National Research Fraternity), Louisiana Stream Pollution Control Commission, Louisiana Forestry Commission, and the Louisiana Tourist Development Commission.

In 1943–44, Dr. Glasgow was employed as a civilian by the U.S. War Department at Deep River, Connecticut, and during the next two years saw military service with the U.S. Army Air Force.

Dr. Glasgow and his wife, the former Garnet Lucile Confer, are the parents of three sons, Vaughn, 24; Hugh, 21; and Robert 16.

BIOGRAPHY OF CARL L. KLEIN

Born: May 18, 1917 at Butternut, Wisconsin (Ashland County.) A Chicagoan since 1919.

Education: Primary—Henderson, 57th & Wolcott, Chicago, Illinois. Graduated 1930. Secondary—Lindblom Technical High School, 61st & Wolcott, Chicago, Illinois, graduated 1934 as salutatorian. College—Central YMCA College, 19 S. LaSalle St., Chicago, Ill. Bachelor of Arts in history and political science awarded in 1939. Law school—DePaul University, 25 East Jackson, Chicago, Illinois. Degree of Juris Doctor, June 1942.

Admitted to practice of law in the State of Illinois, September 1942 by Illinois Supreme Court.

Member of Chicago Bar Association, Illinois State Bar Association and Delta Theta Phi Law Fraternity.

Marital Status: Married August 23, 1941 to Emma M. Klein of Chicago, Illinois. Two children: Karen Klein, graduate of Eastern Illinois University in Charleston, Illinois, now a teacher in Chicago, Illinois; and Carl L. Klein, Jr., Sophomore at the University of Illinois, Urbana.

Occupation: Lawyer and State Representative of the 27th District, 3rd term. Specialties: Real estate, probate, corporation law. Attorney for Hemlock Federal Savings and Loan Association, Colonial Savings and Loan Association and Lawn Manor Savings and Loan Assoc.

Military Service: Went into Military Service in April 1943 with service in counter-intelligence corps as enlisted man and also as aviation cadet with the Air Force; commissioned as 2nd Lieutenant in Quartermaster Corps. Service as officer at Fort Devens, Mass. as defense counsel, courts-martial, legal assistance and personal affairs officer. At Fort Lewis, Washington—trial judge advocate, acting staff judge advocate, personal affairs and legal assistance, security and intelligence officer for the Basic Training Section. Discharged as 1st Lieutenant August, 1946.

Memberships: Formerly President and Chairman of Board of Directors, Town of Lake Chamber of Commerce. Past President of Kiwanis Club of the Stock Yards Area and member of Board of Directors.

Hobbies: Fishing and travel.

Public offices: Republican Committeeman of 15th Ward of Chicago. State Representative, 27th District—1964, 1966, 1968. Chairman—Water Pollution and Water Resources Commission of State of Illinois. Chairman—House Commission on Water Resources.

Committees: Member: Banks and Savings & Loan. Higher Education.

BIOGRAPHY OF MITCHELL MELICH

Mitchell Melich, 57, of Salt Lake City, was a candidate for Governor of Utah in 1964, a member of the Utah State Senate from 1943 to 1950, and recently on the staff of Representative Sherman P. Lloyd of Utah.

He is a former consultant for Atlas Minerals, Division of Atlas Corporation of Salt Lake City. From 1955 to 1962 he was President of Uranium Reduction Company, operators of one of the nation's largest uranium mills, and Secretary and Director of Utex Exploration Company of Moab, Utah.

Melich, born in Bingham Canyon, Utah, received his LLB degree from the University of Utah in 1934, was admitted to the Utah State Bar the same year and went into private law practice at Moab, Utah, from 1934 to 1955, dealing with matters involving federal lands and mining and corporations law.

Melich was City Attorney of Moab from 1935 to 1951 and County Attorney of Grand County, Utah, in 1941 and 1942.

He is former Republican National Committeeman from Utah and a member of the Utah Legislative Council, Colorado River Commission of Utah, Utah Water and Power Board, University of Utah Board of Regents, Utah Mining Association, Citizen's Advisory Committee on Higher Education, Salt Lake City Committee on Foreign Relations, and a trustee of the Park City Institute for Arts and Sciences.

He is a former Director of the Salt Lake Board of the First Security Bank of Utah and a Director of the Ideal National Insurance Company.

Melich is married to the former Doris Synder and they are the parents of two sons and two daughters.

BIOGRAPHY OF JAMES R. SMITH

James R. Smith, 51, of Omaha, has been nominated by the President as Assistant Secretary for Water and Power in the Department of the Interior.

Smith comes to Washington from a position as manager for marketing relations for Northern Natural Gas Company of Omaha. He has been active in water and land resource development for 25 years, particularly during 10 years spent as vice president of the Mississippi Valley Association.

He was an original leader in fostering the Missouri Basin development program while he lived in South Dakota in the 1940s and he was active in reclamation projects associated with the Pick-Sloan Plan, including the Garrison Project in North Dakota, the Oahe Project in South Dakota and others.

His activities in wildlife conservation include work as president of the Omaha Zoological Society.

A native of Sioux Falls, S.D., Smith formerly served as a legislative assistant to former Senator Chan Gurney of South Dakota. He is a graduate of the University of South Dakota College of Law.

RICHARD BREVARD RUSSELL—SENATE GIANT

Mr. BYRD of West Virginia. Mr. President, I was glad to see the article on Senator RUSSELL, prepared by William Grigg, and carried in the Washington Star just this past Sunday.

I am happy at all times to see tribute paid to the tremendous capabilities of Senator RICHARD BREVARD RUSSELL, of Georgia, for he indeed ranks tall among the giants who have served in the U.S. Senate. I am confident that history will so credit him and will accord to him the just measure of recognition which his many years of devoted and brilliant service to this Nation warrant.

Bill Grigg had a goodly number of fine things to say about Senator RUSSELL, and I concur with him in those statements. But the article just did not say nearly enough. And it could not. It would be impossible for any one newspaper article to portray adequately the effectiveness of Senator RUSSELL's legislative genius, the warmth of his personality, and the inspiration of his great personal character. Those of us who serve with him here in the U.S. Senate are privileged to witness the exercise of his talents and would wish that the people of our Nation could more adequately come to know the manner in which these attributes work to their benefit.

I would say to any Senator who newly arrives at the threshold of the U.S. Senate that there is surely no greater personal opportunity in the Senate than that of learning from DICK RUSSELL and attempting to stretch one's personal capacities to emulate the breadth of his.

I could state a long list of the accomplishments of this Senate which bear the imprint of Senator RUSSELL's forethought and selfless service. The measure of the esteem accorded to him by his colleagues is proof of the fact that these deeds have been achieved without any residual of acrimony among friends, supporters, or—as is inevitable in our political system—the opposition.

As a politician and a practitioner of the political arts to achieve great aims, in insuring the safety and progress of this Nation, RICHARD RUSSELL is a genuine "pro," and the deftness and humanity of his political art can surely be credited as being superb.

To the remarks in the newspaper article, I must add that the personal concern and interest which Senator RUSSELL manifests in his colleagues is an enriching experience. He has been an inspiration to me, and I feel fortunate to have had the opportunity to serve in the Senate with this senatorial giant, this kind southern gentleman and selfless patriot.

I ask unanimous consent that the March 9 newspaper article, "Senator RUSSELL, of Georgia: His Club Is on Capitol Hill," the Sunday Star, Washington, D.C., be printed in the RECORD.

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

SENATOR RUSSELL OF GEORGIA: HIS CLUB IS ON CAPITOL HILL

(By William Grigg)

A strictly reared son of the dust and rote-learned Bible verses of rural Georgia, Rich-

ard Brevard Russell loosened up a bit when he went to college. He drank illegal "popskull" whiskey and wine with his brothers in Sigma Alpha Epsilon and managed to make no mark as either a scholar or student leader. (His dad, Judge Russell, had been both.)

Now 71—and long accustomed to being one of America's most powerful men—Senator Russell smiles shyly to recall those careless years.

He glances across his desk at his interviewer, who could be his grandson, and perhaps wonders if any product of today can grasp the feeling of selectness and freedom which a college afforded a country boy then.

Oh, he did well enough in the courses he liked such as Blackstone, he says quietly, and he "got by" in the others. He held a post on the fraternity council for a time and helped arrange some campus dances. And he made some solid friendships.

When the college interlude ended, the dust and the Bible verses of hometown Winder, Ga., reasserted themselves. But there was also the law now. And Russell's discovery that he—with his big hands, his pitcher ears and his plain-as-Georgia-clay manner—had the capacity to gain the trust of others.

A LONG ERA

Almost by accident he was propelled into the Georgia legislature, the governorship and on into history—including that long era when he led the Southern defense of states rights, a cause now as lost as the Confederacy.

Today, Russell defends the Union. Chairman of the Senate Appropriations Committee, he stands in the way of those who would like to slash military spending to gain a painless source for domestic spending.

He is today both a stalwart advocate of preparedness and a cautious advocate of accommodation.

"I want to keep this country prepared, so that we needn't back down," he says fervently. "Although we sometimes have backed down, I don't want us ever to have to."

Yet he has advocated discussions with Red China and has backed treaties with the Soviet Union—as long as there are sufficient guarantees against a double-cross.

Towards this work, Russell conserves his energy. Although there is something grand about the man, his style of life is plain. This permits him to work long hours and look rested and fit, despite emphysema.

This deterioration of lung tissue was diagnosed in 1958—and, in 1965, it was complicated by a bout with pneumonia that almost carried him off.

It was tough giving up his three packs of cigarettes a day after the emphysema diagnosis. "But I saw Bill Fulbright and he said he had stopped two weeks before and then I saw Milt Young and he had quit.

"I figured I could do anything they could," Russell says.

STRONG DESIRE

The desire to smoke held strong for weeks, but Russell resisted. Finally, it was no longer a struggle. "And then I learned that Bill and Milt had long been back smoking again!" That made Russell's victory that much sweeter.

Cigarette smoking itself had been a departure from his upbringing. Until he was a grown man, he didn't dare let his father see him smoke. Then he was surprised to see a younger and bolder brother light up in front of their father and get away with it.

Russell was one of 15 children born and 13 surviving infancy, but he had the special relationship of a "junior." Richard B. Russell, Sr. was chief justice of Georgia and widely respected.

The judge was both stricter and more emotionally open than most men today. After 39 years of marriage, he began a letter to his wife, "My precious little sweetheart," and ended it "with a sense of love and gratitude that is overpowering, I can only say, God bless you, darling of my heart."

The Judge raised his family near Winder.

The town was renamed Winder, as promised, after the engineer who found a way to get the railroad to go through what was previously known as Jug's Tavern.

The Russell place was a cotton farm which had once been operated as a slave plantation by "old man Jackson," Sen. Russell recalls. "Oh, shaw—what was his first name?"

Ina Russell, to whom Russell wrote so lovingly, noted in her diary that she made 184 pieces of clothing in the spring of 1912.

She got the family around the piano each Sunday afternoon to sing hymns to her accompaniment. At these times, each child had to recite a new Bible verse he had learned. But these sessions were not overly severe; a youngster could get by, at least once, with "Jesus wept" for his verse.

The Senator once said that as a small child he thought that mothers never had to rest. When, at 10, he discovered his mother asleep, "I still recall how shocked I was."

She too could express her emotions, warmly but realistically. She wrote a daughter, "You have been a fortunate girl, born with a good little body, a fair amount of good looks and a bright mind. Also you found a fond father and a loving mother awaiting you. You young people can't realize how much you are loved."

And to a child who complained she was tired of being poor: "Oh, my child, that hurts me."

And to a son away from home: "How I do want to see you, but how proud I am that you are sticking it out and not coming home."

When his mother died, Sen. Russell wrote a long inscription for her memorial. It said in part: "There has never been a marriage relationship more tender and true than existed between this noble woman and her eminent husband."

Springing from such a family, Dick Russell Jr. must have felt an obligation to do well. Judge Russell had wanted to be Georgia governor and a U.S. senator. Dick would do it.

After graduating from the University of Georgia in 1918, and spending a year in the Navy Reserve just as World War I was ending, Russell toyed with going to Atlanta to join a city law firm but decided to return to Winder because he liked the more general practice that could be provided there.

He hadn't been back long before he started thinking it would be a good thing to run for the state legislature. First, it would provide an excuse to buy an automobile. Second, the campaign would spread his name around and, even if he lost, produce additional clients for his law practice.

But the most important reason for running was simply that "I had the political bug," Russell says.

Surprising himself, he won easily. Thus, in 1921, when he was hardly out of college, he began 10 years in the legislature that would lead to his election as governor—Georgia's youngest—at 33. He was an adept reformer of the state's government and proved a popular man, electable to the U.S .Senate—at 35.

Two years later, he was leading a successful filibuster against a federal anti-lynching law. And again and again, over the next two decades, he was to lead the forces of the South.

Disarmingly, Russell says of these filibusters and anti-civil rights votes: "I guess they look pretty bad to any liberal today. But I was brought up to believe that the states should exercise all powers not specifically vested in the federal government."

PUSHED BY SOUTH

Twice, once against Truman and once against Stevenson, the South pushed Russell seriously as a candidate for President. In 1952, against Stevenson, Russell seems to have been giddy enough to take his bid seriously.

But Southerners seem destined to find their strength in the Senate, not the White House. In large part, their Senate strength is built on the status that comes simply from seniority, which is aided by the South's one-party system. Here Russell is king, now serving his 37th year in the Senate.

As the most senior in service in the Senate, he was this year elected as Senate President Pro Tempore—an honorary post traditionally recognizing seniority. Seniority also made him chairman of the Senate Armed Services Committee for many years. He is now the ranking member of that committee but has given up its chairmanship to head the most powerful committee in the Senate, Appropriations.

The chairmanship gives Russell a great deal of bargaining power.

He derives additional influence from his continuing leadership of his fellow Southerners, who listen to his views on policy and his ideas on strategy. Fellow Senators say there is no better parliamentarian in the Senate.

Thoroughly reliable, sure to do as he promises, Russell also makes a fine negotiator.

Excepting on civil rights, Russell also enjoys a reputation for depth and openness of mind.

He also is farsighted. For example, as governor in the depression years, he somehow found the money for research in the utilization of pine trees—now a major crop in the state, replacing cotton on the Russell family farm and many others.

Russell has been boosting research ever since, particularly if it is located in Georgia.

But besides these mental capacities, parliamentary and leadership skills, plus seniority, there is another major source of Russell's influence. This is the club-like feeling among many in the Senate. Here, as in a Greek letter fraternity, there is a lot of importance placed on warmth, wit, personality and fairness.

As some men devote their lives and entire personalities to their college fraternities, Russell devotes his to the more serious and important Senate club. After the daily treatment he gives himself with a device that spreads a mist of medication through his lungs, he arrives for breakfast at the Capitol at 8:45 a.m. or so. Often, he'll still be working in his office 10 hours later. He likes to read all the mail from his constituents and check the replies his staff has made, or reply himself, occasionally in longhand.

He comes in on Saturdays too. "Sometimes I've wished he had a wife who would call him to come home to dinner, so I could get home to my wife," an aide says. But he married none of the Georgia girls he was linked to as a young man. He lives alone in a small apartment, reading history or watching a ballgame on television.

He is the perfect clubman, the friendly bachelor whose club is his family.

If the Senate club got out a yearbook, as the University of Georgia at Athens did in 1918, Russell would be called, once again, "a friendly and unassuming fellow . . . one of the most popular men we have." But there would have to be an addition: "And one of the most powerful."

Mr. PROXMIRE. First, Mr. President, I associate myself with the eloquent remarks of the distinguished Senator from West Virginia in his fine tribute to Senator RICHARD B. RUSSELL. He certainly is a giant in the Senate and has made magnificent contributions to the entire country.

ORDER OF BUSINESS

Mr. PROXMIRE. Mr. President, I ask unanimous consent that I may proceed for 10 minutes.

The PRESIDING OFFICER. (Mr. ALLEN in the chair). Is there objection? Without objection, it is so ordered.

LAW AND ORDER: A DIFFERENT STORY OF DISTRICT OF COLUMBIA CRIME

Mr. PROXMIRE. Mr. President, we hear a great deal these days about law and order, and the tremendous increase in the crime rate. Nationally, serious crimes increased by 17 percent in 1968, according to the latest FBI figures. Robbery was up 29 percent, murder and rape were up 14 percent each, and aggravated assaults rose by 12 percent.

The District of Columbia, unfortunately, contributed more than its share of this increase. Many readers of the Daily News Crime Clock and those reading of spectacular and frequent crimes have come to the ridiculous conclusion that the Nation's Capital consists largely of criminals and cowards who are afraid to do anything about it. Crime makes news. Citizens with the courage and compassion to do something about these incidents do not.

But the record is not all bleak. Residents of the city can go a long way toward fighting crime, and assisting fellow citizens in need of help. I think most people, when confronted by cries for help, will gladly offer whatever help they can.

A heartwarming example appeared on the "Letters to the Editor" page of last Sunday's Washington Post. A white woman, driving down North Capitol Street, stopped in traffic at Rhode Island Avenue. A black teenager opened the right-hand door of her car and snatched her purse. I suppose this is about all the newspaper reading public would know about, and that conclusion would be obvious. But that was the least significant part of this story. Consider what happened. Instead of finding herself alone and helpless in this strange neighborhood, as some might have expected, help immediately came from concerned black citizens on the street corner who had witnessed the theft. A man and a woman followed the thief down U Street and spotted the house into which he fled. A girl on the corner took the victim into a drugstore and gave her a dime to telephone the police. Another man in a car went into the house spotted by the first couple, located the thief, and persuaded him to return the purse. The police then arrived and took the boy into custody.

This kind of concerned citizen response can and should be an effective weapon against crime in the District of Columbia. I am convinced that most people would react the way these citizens did if confronted with similar circumstances.

Mr. President, I strongly commend this letter by Irene H. Wolgamot to my colleagues in the Senate, and I ask unanimous consent that her letter be inserted in the RECORD at this point.

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

A DIFFERENT STORY OF DISTRICT OF COLUMBIA CRIME

We hear frequently of the callous ignoring of people in trouble because men and women don't want to be "involved." I want to report on the concern of some black Washington men and women when I, a white woman, was the victim recently of a purse-snatching black teen-ager.

In the late afternoon of Feb. 25, I was driving toward town on North Capitol Street to pick up a dinner meeting speaker from out of town, who was waiting in the lobby of the DuPont Plaza Hotel. I had unlocked the right-hand door so that she could get in quickly and we could be on our way without loss of time—a mistake as it turned out shortly.

I pulled to the right off N. Capitol Street to drive toward the right turn on to Rhode Island Avenue. As I approached this turn and paused in the traffic at U Street nw., a young teen-age Negro boy opened the right-hand door, reached in and snatched my purse. He ran down U Street. I turned into U Street and parked my car. Immediately, I was surrounded by concerned black citizens, some from the neighborhood, others who were driving and had observed the incident. A man and woman in a car drove down U Street followed by another man driver. A girl offered to take me to a phone at the corner store. When I got there, the woman behind the counter gave me a dime to telephone police.

Two police, also black, arrived in a short time, with the boy and the purse in the patrol car. The couple in the car had spotted the house into which the boy had fled and the man in the other car found the boy on the third floor of the house and persuaded him to go to the empty garage where he had thrown the purse. Then the police arrived on the scene and took charge of the boy and purse.

While I waited, no less than seven or eight men and women in the neighborhood asked me what had happened, showed their concern by asking if they could help, and decried the fact that this was a common occurrence at that intersection.

We seldom hear of the Washington black people who, as law-abiding citizens, want their neghborhoods to be safe and pleasant places to live. Nor is the day-by-day work of the black policemen who carry out their duties well given publicity. And we don't hear of black citizens who gave a helping hand to a white stranger who had been wronged by a black child. The handling of this boy at the 13th Precinct Police Station by the two policemen who brought him in and by another who talked to him was exemplary in every respect.

Dannie P. West, 1669, and Elenst L. Ellison, 725, the two policemen in the cruiser, are to be commended. And I hope that R. D. Rose, the citizen who found the boy and the purse, can receive a citizen award. The couple who helped by following the boy returned to tell me that he had been apprehended. Their names I do not know but I am grateful to them.

Let us be more aware and appreciative of the many good black citizens in the District and the black police who are unholding law and order. Let us join them to work toward making the District the model city that it should be.

HUMAN RIGHTS CONVENTIONS: NEED FOR COMMITMENT TO THE U.N.—XXIV

Mr. PROXMIRE. Mr. President, the United Nations has been defined as "the last best hope of mankind." I agree with this definition. The last five American Presidents have pledged this Nation's assistance and support to the United Nations.

The United Nations was founded in the United States at San Francisco. The United States has provided the permanent home for the United Nations since 1950.

For 24 years the people of the United States have given generously of their energies and their resources to sustain this world organization. Most of the American people believe in the United Nations. Most Americans believe, and I am among them, that the United Nations serves the interest of the United States and all mankind, because the United Nations can serve the cause of world peace.

A strong and vital United Nations can be a determining factor in achieving world peace. A strong and vital United Nations is very much in our national interest.

The human rights conventions are among the great work of the U.N. Some nine nations have not ratified a single one of the more than 20 human rights conventions, and the United States ranks far, far down the list of those that have acted on human rights conventions. It is up to the Senate to act. They are on the door of the U.S. Senate. The President has repeatedly asked us to act, and we have refused to act except with regard to some conventions which are easy to act on, such as the Convention to Outlaw Slavery, but we have failed to act on those which are controversial.

For example, we failed to act on the Convention to Prevent Genocide, the Convention on the Political Rights of Women, and the convention with respect to forced labor.

By ratifying these three human rights conventions, the Senate can reaffirm the U.S. commitment to the United Nations. Our example may help to enforce the commitment of others. The United Nations today critically needs commitment from all of its members.

S. 1474—INTRODUCTION OF BILL RELATING TO RECREATION DEVELOPMENT

Mr. PROXMIRE. Mr. President, I introduce, for appropriate reference, a bill that would attract badly needed capital into the recreation industry in underdeveloped regions of the country. The bill would provide Federal loan guarantees for private investment in recreational facilities, similar to the guarantee program for new communities included under title IV of the Housing and Urban Development Act of 1968. The objectives of the bill are twofold:

One is to encourage added recreational investment in undeveloped regions, thereby spurring their rate of economic growth and development;

The second is to achieve an orderly and sensible growth of recreation facilities while preserving natural resources and avoiding haphazard or overcommercialized recreation developments.

The loan guarantees would be available at two levels:

First, up to $2 million in loans to any one private business could be guaranteed for periods of up to 30 years. The loans could be for building, expanding, or modernizing resorts, motels, camps, lodges, and other recreational facilities.

Second, up to $50 million in loans to a private recreation developer could be guaranteed for developing large-scale

recreational facilities. The developer would be required to follow an approved development plan for achieving sound and orderly growth. The guarantee would cover loans for land acquisition and land development including the construction of common facilities such as beaches, docks, marinas, and the like, as well as the construction of hotels, lodges, vacation homes and other recreational facilities.

The guarantees would be available in economic development areas designated by the Economic Development Administration and in multi-State economic development regions such as Appalachia, New England, the Ozarks, the Upper Great Lakes, the Coastal Plains regions which includes eastern North Carolina, South Carolina, and Georgia, and the Four Corners region which includes portions of Arizona, Colorado, Utah, and New Mexico. With the exception of Appalachia, these regions have been designated by the Secretary of Commerce under title V of the Public Works and Economic Development Act—Public Law 89–136.

Mr. President, although many regions of our country—such as the Upper Great Lakes—are richly endowed in scenic and recreational resources, they have not been able to participate fully in our country's economic development.

For example, in the Upper Great Lakes region which includes northern Minnesota, Wisconsin, and Michigan, median-family income is only 84 percent of the national average; the incidence of poverty is 25 percent greater than the national average; and the percentage of substandard housing is nearly double the national average.

I believe building up the recreation and tourism industry can help revitalize the economy of the Upper Great Lakes and other regions. American families now spend over $45 billion a year on recreation, and this figure is growing at least three times faster than the whole economy. Recreation is clearly a growth industry. The rise in personal incomes and leisure time are significant factors affecting recreation demand. The changing age composition of our population is another potent factor with disproportionate increases both among the young and those of retirement age. Today, half of our population is under 25 years and would be especially well served by outdoor recreational opportunities. Also, as millions of American families reach retirement age, they will constitute a vital new addition to the recreation market. At the present time, more than 1.2 million Americans retire each year. The increasing mobility of our population and the improvements in our highway systems are having and will have a tremendous impact on the recreation industry.

Estimates compiled by the Bureau of Outdoor Recreation show that Americans paid 6½ billion visits in the year 1965 to facilities for 19 kinds of popular outdoor recreation activities. The Bureau forecasts that this volume will increase to more than 10 billion visits by the year 1980, assuming that the facilities to handle this expansion exist.

All too often, however, underdeveloped regions such as the Upper Great Lakes have not been able to obtain their fair share of this growth. Adequate credit is frequently unavailable. It has also been difficult to attract the large-scale development necessary for an adequate return. For example, one recent study on the development of outdoor recreation in the Upper Midwest concluded that—

> The most pressing problem of the industry is the acquisition of the necessary long-term capital with which to build new tourist facilities and attractions or expand existing ones. Bank financing has not been available to some resort operators, primarily due to the difficulty of predicting the success of any given project and the large role which managerial ability plays in achieving success.

There are a number of reasons why the underdeveloped regions have not been able to utilize fully their comparative advantage in recreational resources:

First, there has been a lack of adequate capital—and particularly long-term capital. The recreation business in the past has been a risky business, and the bankers have often hesitated to supply new capital even though it is recognized that the market demand is rising and will continue to rise. In addition, restrictions on banks lending powers have prevented the flow of long-term investments in mortgages on recreational property. A study by the Northern Wisconsin Development Center concludes that recreation loans are not a significant factor in the average loan portfolio of commercial banks and that northern Wisconsin banking institutions do not have the resources to adequately finance the needs of the recreation industry.

Second, the Federal Government has not had sufficient tools to deal with the problem. The Farmers Home Administration has been extremely helpful in helping rural residents to finance recreational facilities, for the benefit of local residents, but it has lacked the authority to help finance the construction of larger scale developments. Other potential Government programs, such as SBA, have inadequate lending powers to be of major assistance.

Third, there has been a lack of sufficiently large-scale development and aggressive management. Today, recreation is a highly complex and competitive business. To survive, one must be constantly alert and responsive to changing tastes. Today's tourists demand a wide variety of recreational opportunities in a conveniently packaged form. Existing resorts must be expanded and modernized if they are to grow. New facilities must be constructed at a much faster rate if a region hopes to maintain its share of the market.

Fourth, there has not been sufficient long-term cooperation between Government and private enterprise. Both public and private investment need to be carefully planned and coordinated in order to achieve maximum economic growth.

The bill I have introduced would build upon the existing loan guarantee program of the Department of Housing and Urban Development. I realize that recreation is somewhat removed from HUD, but there are also substantial parallels. Loan guarantees for loan development projects is quite similar to title IX of the 1968 Housing Act, which is aimed at suburban land development or so-called new towns. I believe the same techniques can be extended to provide for comprehensive land development for recreational purposes in underdeveloped regions.

I am not, however, wedded to the administration of the program by HUD. If, in the course of hearings on the bill, it develops that better administrative arrangements can be provided, I would be glad to consider an amendment.

Under part I of the bill, a new program of loan guarantees for land development would be authorized. Up to $50 million in loans to recreation developers could be guaranteed by HUD. The guarantee would cover all types of financial instruments including bonds, notes, mortgages and bank loans. It is expected that the projects guaranteed would focus on well-planned recreation communities appealing to a wide variety of income levels and tastes. The developer would buy up land with development potential and construct the necessary public facilities such as access roads, water and sewage systems, docks, beaches, and so forth. The developer himself could also undertake the construction of recreational facilities and buildings such as resorts, hotels, motels, lodges, ski-lifts, golf courses, vacation homes, marinas, and the like, or he could sell the improved land to other investors who would construct such facilities.

In order to qualify for Federal guarantees, a developer would have to follow an adequate development plan which meets the criteria set forth in the bill. These include first, conformance to State and local planning requirements; second, economic viability; third, substantial impact on employment and economic activity; fourth, sound land-use patterns; fifth, adequacy of facilities; and, sixth, consistency with larger area planning.

By tying recreation development to sound planning, the bill seeks to prevent the kind of over-commercialized development which has characterized too much recreation investment in the past and which proves to be bad business in the long run. Moreover, the comprehensive and large scale development which the bill seeks to stimulate assures that the investment will have an appreciable economic effect upon the area. Finally, sound planning is expected to prevent the wasting or destruction of our scarce natural resources. We need to develop our resources so that they can be enjoyed by all, but we cannot afford to have them indiscriminately plundered by avaricious developers seeking quick profits. All too often, unplanned recreational investment has polluted our lakes and rivers and despoiled the countryside.

I do not mean to suggest that we should lock up all undeveloped areas forever. Our scenic and natural resources should be enjoyed and used by the public. But we should insist on sound and orderly development which preserves the natural beauty of the country rather than destroying it.

The problem of recreation development in underdeveloped regions is analogous to the problem of suburban devel-

opment. Both have been characterized by haphazard and sprawling growth which is wasteful of scarce land resources and which leads to a dull and unattractive environment. Both suburban and recreation development need better planning to preserve and maximize their natural amenities.

As the Douglas Commission on Urban Problems has recently pointed out—

> One answer to the problem of suburban sprawl is to provide for larger scale development, such as new communities, where an entire community serving a variety of income levels can be planned.

I believe the same approach holds true for recreational development in underdeveloped regions. A hundred small-scale developers can ruin a beautiful lake with a jumble of motels, gas stations, taverns, cottages, and overcrowded beaches. However, a single developer or a group of small developers working under a common overall plan has the resources and opportunity to construct a well-planned recreation community without destroying the inherent beauty of the area.

Just as the 1950's and the 1960's have seen spectacular growth in the suburbs, so I believe the 1970's and the 1980's will see a similar spectacular increase in recreational development, particularly in the underdeveloped regions of our country. With rising incomes and leisure time, more and more American families are investing in recreation—but not always too well. I hope that we have learned some lessons from unplanned suburban development so that we can more intelligently guide the development of our recreational resources which will inevitably take place over the next 20 years.

In addition to encouraging sound land-use planning, the bill also seeks to increase the rate of economic growth of underdeveloped regions. Each project requesting a Federal guarantee would have to demonstrate a substantial impact upon the local economy. A number of studies have shown the economic impact of recreation investment can be substantial.

For example, a 1959 report showed the average Wisconsin second homeowner put about $1,400 in the local economy. If this figure is adjusted for price changes and increases in income since 1959, and the multiplier effects, it is clear that one vacation home can generate close to $3,000 a year in spending in the local economy. Moreover the economic impact of seasonal homes is distributed more evenly through the year compared with other recreational enterprises. Some northern New England communities have been able to finance their local school systems and snow clearance operations during the winter months from taxes paid by second homeowners.

The PRESIDING OFFICER (Mr. HARTKE in the chair). The time of the Senator has expired.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that I may have an additional 2 minutes.

The PRESIDING OFFICER. If there is no objection, the Senator is recognized for 2 additional minutes.

Mr. PROXMIRE. Mr. President, in 1959, there were 48,469 seasonal homes in Wisconsin valued at $501,593,000. If we can assume a present total impact of $3,000 per home and a 5-percent annual growth rate in summer homes since 1959, the current total economic impact of second homes in Wisconsin adds $237 million per year to the Wisconsin economy. Thus an acceleration of the rate of growth of second homes can have an appreciable impact on the economy of a lagging region such as the Upper Great Lakes.

Under the bill, qualified developers would be able to obtain guarantees to finance up to 80 percent of the value of the project upon completion or 75 percent of the initial land costs plus 90 percent of development costs, whichever is less. As in any other large real estate venture, one of the most vital factors governing the success of the project is the amount of leverage the investor can obtain. A highly leveraged project—that is one with a high ratio of debt to equity financing—naturally offers a higher rate of return to the equity investors. To the extent the availability of Federal guarantees increases the percentage of debt financing for recreation development projects, such projects become more attractive to developers and replace other potential projects of a less profitable nature. Since the availability of the guarantee is conditioned upon: first, sound planning; and, second, an economic development payoff, investors' funds are accordingly diverted from projects where the planning is less sound and which involve lesser economic developments payoffs. Thus the availability of Federal guarantees provides an inducement to investors to give greater weight to sound land use planning and to economic development payoffs than they otherwise would. Compared to direct Government loans, the guarantee approach interferes the least with basic market mechanisms whereas the requirements for obtaining the guarantee help to achieve the public objectives which the market tends to ignore.

Part II of the bill provides loan guarantees to help finance the construction, expansion, or modernization of recreation facilities by individual enterprises. Up to $2 million can be guaranteed for periods of up to 30 years. Up to 90 percent of the costs of the project could be guaranteed by HUD. As in the case of guarantees for large scale recreation development projects, guarantees under part II would be available in underdeveloped areas, districts, and regions as designated by EDA or in Appalachia as defined in the Appalachian Redevelopment Act.

The availability of loan guarantees for individual recreational enterprises is expected to fill two needs:

First, to provide a source of funds to expand and modernize the existing recreation industry. According to numerous studies in northern Wisconsin and elsewhere, existing recreation facilities are rapidly growing obsolete and are losing out in the competition for the tourist dollar. While many of these businesses are intrinsically sound, they cannot obtain the financing needed to survive and grow in today's competitive market. A recent report prepared for the Upper Great Lakes Regional Commission estimated that the upgrading and improvement of the recreation industry in northern Michigan, Minnesota, and Wisconsin will require an expenditure of over a billion dollars in the next 10 years. Since commercial banks in Wisconsin have less than 1 percent of their loan funds in recreation loans, some outside assistance is urgently required if the required investment is to be forthcoming.

A second use of individual loan guarantees will be to finance the construction of recreation facilities on the large scale recreation development projects insured under part I. While the developers can also obtain guarantee assistance for constructing recreational facilities under part I, it is expected that most developers will concentrate on land assembly and development and resell the improved land to individual enterprises for the purpose of constructing recreational facilities. In such cases, the availability of loan guarantees under part II helps to insure the success of land development projects guaranteed under part I.

In addition to the foregoing, the bill would waive the various lending restrictions placed upon banks and savings and loan associations. This should provide for a readier flow of mortgage credit into the recreation and tourism industry.

I believe this bill will help the economy of northern Wisconsin and similar areas. And it will do so without Federal cost. By relying on Federal guarantees rather than Federal grants, it will put private capital to work in an area where it is most urgently needed.

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

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD, in accordance with the request of the Senator from Wisconsin.

The bill (S. 1474) to amend the Housing and Urban Development Act of 1968 to provide Federal guarantees for financing the development of land for recreational uses in order to contribute to the orderly economic development of underdeveloped areas and regions of the United States, introduced by Mr. PROXMIRE (for himself and other Senators), was received, read twice by its title, referred to the Committee on Banking and Currency, and ordered to be printed in the RECORD, as follows:

S. 1474

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Housing and Urban Development Act of 1968 is amended by adding at the end thereof a new title as follows:

"TITLE XVIII—GUARANTEES FOR FINANCING RECREATIONAL DEVELOPMENT

"PART I—LAND DEVELOPMENT

"PURPOSE

"SEC. 1801. It is the purpose of this part to assist in the acquisition and development of land situated in underdeveloped areas of the Nation to provide homesites and other facilities for recreational or related purposes in

accordance with, and in furtherance of, approved programs for the economic development of such areas.

"DEFINITIONS

"SEC. 1802. As used in this part—

"(1) The term 'underdeveloped area' means an area included within (A) a redevelopment area or economic development region, as designated pursuant to section 401 or 501 of the Public Works and Economic Development Act of 1965; or (b) the Appalachian region, as defined in section 403 of the Appalachian Regional Development Act of 1965, which, by reason of its natural state, scenic beauty, or other physical characteristics, is suitable in whole or in part for recreational development.

"(2) The term 'State' means any of the several States, the Commonwealth of Puerto Rico, and any territory of the United States.

"(3) The term 'actual costs' means the costs (exclusive of kickbacks, rebates, or trade discounts) to the recreation facility developer of the improvements involved. These costs may include amounts paid for labor, materials, construction contracts, land planning, engineers' and architect's fees, surveys, taxes, and interest during development, organizational and legal expenses, such allocation of general overhead expenses as are acceptable to the Secretary, and other items of expense incidental to development which may be approved by the Secretary. If the Secretary determines there is an identity of interest between the recreation facility development and the contractor, there may be included an allowance for contractor's profit in an amount deemed reasonable by the Secretary.

"(4) The term 'improvements' includes waterlines and water supply installations, sewage disposal installations, gas and electrict lines and installations, roads, streets, drainage facilities, beach and docking facilities, and such other installations or work, whether on or off the site, which the Secretary deems necessary or desirable to prepare land primarily for recreational and related uses, and buildings including seasonal homes, lodges, motels, or other facilities for the accommodations of vacationers including appropriate facilities for public or common use.

"(5) The term 'land development' means the process of making, installing, or constructing improvements.

"GUARANTEE AUTHORITY

"SEC. 1803. To carry out the purposes of this part the Secretary is authorized to guarantee, and enter into commitments to guarantee, the bonds debentures, notes, loans secured by mortgages and other obligations issued by recreational facility developers to help finance the development of land for new recreational facility projects in underdeveloped areas. The Secretary may make such guarantees and enter into such commitments, subject to the limitations contained in sections 1804 and 1805, upon such terms and conditions as he may prescribe, taking into account (1) the large initial capital investment required to finance sound recreational facilities, (2) the extended period before initial returns on this type of investment can be expected, (3) the irregular pattern of cash returns characteristic of such investment, and (4) the financial security interests of the United States in connection with guarantees made under this title.

"ELIGIBLE RECREATION FACILITY DEVELOPMENT

"SEC. 1804. No guarantee or commitment to guarantee may be made under this title unless the Secretary has determined that—

"(1) The proposed recreational facility (A) will be economically feasible in terms of economic base or potential for growth, and (B) will contribute to the orderly growth and development of the areas of which it is a part.

"(2) There is a practicable plan (including appropriate time schedules) for financing the land acquisition and land development costs of the proposed recreational facility and for improving and marketing the land and improvements which, giving due consideration to the public purposes of this title and the special problems involved in financing recreational facilities, represents an acceptable financial risk to the United States;

"(3) There is a sound internal development plan for the recreational facility appropriate to the scope and character of the undertaking, and which (A) has received all governmental approvals required by State or local law or by the Secretary; and (B) is acceptable to the Secretary as providing reasonable assurance that the area to be developed will (1) have a sound economic base and a long economic life, (2) be characterized by sound land-use patterns, (3) will substantially promote employment and economic activity in the area, and (4) will include or be served by such facilities as the Secretary deems adequate or necessary; and

"(4) The internal development plan is consistent with a comprehensive plan which covers, or with comprehensive planning being carried on for, the area in which the land is situated, and which meets criteria established by the Secretary for such comprehensive plans or planning.

"ELIGIBLE OBLIGATIONS

"SEC. 1805. (a) Any bond, debenture, note, mortgage loan, or other obligations guaranteed under this part shall—

"(1) be issued by a recreation facility developer, other than a public body, approved by the Secretary on the basis of financial, technical and administrative ability which demonstrates his capacity to carry out the proposed project;

"(2) be issued to and held by investors approved by, or meeting requirements prescribed by, the Secretary, or if an offering to the public is contemplated, be underwritten upon terms and conditions approved by the Secretary;

"(3) be issued to finance a program of land development (including acquisition or use of land) approved by the Secretary: *Provided*, That the Secretary shall, through cost certification procedures, escrow or trusteeship requirements, or other means, insure that all proceeds from the sale of obligations guaranteed under this title are expended pursuant to such program;

"(4) involve a principal obligation in an amount not to exceed the lesser of (A) 80 per centum of the Secretary's estimate of the value of the property upon completion of the land development or (B) the sum of 75 per centum of the Secretary's estimate of the value of the land before development and 90 per centum of his estimate of the actual cost of the land development;

"(5) bear interest at a rate satisfactory to the Secretary, such interest to be exclusive of any service charges and fees that may be approved by the Secretary;

"(6) contain repayment and maturity provisions satisfactory to the Secretary; and

"(7) contain provisions which the Secretary shall prescribe with respect to the protection of the security interests of the United States (including subrogation provisions), liens and releases of liens, payment of taxes, and such other matters as the Secretary may, in his discretion, prescribe.

"(b) The outstanding principal obligations guaranteed under this title with respect to a single new recreation facility project shall at no time exceed $50,000,000.

"AUDIT BY GENERAL ACCOUNTING OFFICE

"SEC. 1806. Insofar as they relate to any guarantees made pursuant to this part, the financial transactions of developers whose obligations are guaranteed by the United States pursuant to this part may be audited by the General Accounting Office under such rules and regulations as may be prescribed by the Comptroller General of the United States. The representatives of the General Accounting Office shall have access to all books, account, records, reports, files, and all other papers, things, or property belonging to or in use by such developers pertaining to such financial transactions and necessary to facilitate the audit.

"PART II—RECREATIONAL FACILITIES

"PURPOSE

"SEC. 1807. It is the purpose of this title to assure the availability of credit in underdeveloped areas of the Nation to assist in financing the construction or rehabilitation of facilities for recreational and related uses.

"DEFINITIONS

"SEC. 1808. As used in this part—

"(1) The term 'recreational facilities' includes homes, lodges, motels, and similar accommodations primarily for seasonal use, and such recreational, commercial, and community facilities as may be necessary or appropriate to serve the residents or occupants of such accommodations.

"(2) The terms 'underdeveloped areas', has the same meaning as in section 1802.

"GUARANTEE AUTHORITY

"SEC. 1809. To carry out the purposes of this title the Secretary is authorized to guarantee, and enter into commitments to guarantee, the bonds, debentures, notes, loans secured by mortgages, and other obligations issued to help finance the construction, modernization or expansion of recreational facilities. The Secretary may make such guarantees and enter into such commitments, subject to the limitations contained in section 1809, upon such terms and conditions as he may prescribe.

"ELIGIBLE OBLIGATIONS

"SEC. 1810. (a) Any bond, debenture, note, mortgage loan or other obligations guaranteed under this part shall—

"(1) be issued by a borrower approved by the Secretary;

"(2) be issued to and held by investors approved by, or meeting requirements prescribed by, the Secretary;

"(3) cover a property or project which is situated in an underdeveloped area, and is approved for guarantee assistance prior to the beginning of construction, expansion, or modernization;

"(4) involve a principal obligation not to exceed $2,000,000;

"(5) not exceed 90 per centum of the amount which the Secretary estimates will be the value of the property or project when the construction, expansion, or modernization is completed; the value of the property may include the land and the proposed physical improvements, architects fees, taxes, and interest accruing during construction, modernization or expansion, and other miscellaneous charges incident to construction, modernization or expansion which are approved by the Secretary;

"(6) have a maturity satisfactory to the Secretary but not to exceed thirty years and provide for complete amortization of the principal obligation by periodic payments within such terms as the Secretary shall prescribe;

"(7) bear interest at a rate satisfactory to the Secretary, such interest to be exclusive of any service charges and fees that may be approved by the Secretary;

"(b) No obligation shall be guaranteed under this part unless the Secretary determines that the project to be assisted is an acceptable risk, giving consideration to the expected contributions of the project to the economic growth of the area.

"PART III—GENERAL PROVISIONS

"GUARANTEED FUND

"SEC. 1811. (a) To provide for the payment of any liabilities incurred as a result

of guarantees made under this title, the Secretary is authorized to establish a revolving fund which shall be comprised of (1) receipts from fees and charges; (2) recoveries under security or subrogation rights or other rights, and any other receipts obtained in connection with such guarantees; and (3) such sums, which are hereby authorized to be appropriated, as may be required for program operations and nonadministrative expenses and to make any and all payments guaranteed under this title.

"(b) The full faith and credit of the United States is pledged to the payment of all guarantees made under this title with respect to both principal and interest, including (1) interest, as may be provided for in the guarantee, accruing between the date of default under a guaranteed obligation and the payment in full of the guarantee, and (2) principal and interest due under any debentures issued by the Secretary toward payment of guarantees made under this title.

"(c) Notwithstanding any other provision of law relating to the acquisition, handling, improvement, or disposal of real and other property by the United States, the Secretary shall have power, for the protection of the interests of the guarantee fund authorized under this section, to pay out of such fund all expenses or charges in connection with the acquisition, handling, improvement, or disposal of any property acquired by him under this title; and notwithstanding any other provision of law, the Secretary shall also have power to pursue to final collection by way of compromise or otherwise all claims acquired by him in connection with any security, subrogation, or other rights obtained by him in carrying out this title.

"(d) The aggregate of the outstanding principal obligations guaranteed under this title shall at no time exceed $250,000,000.

"RELEASES

"SEC. 1812. The Secretary may, on such terms and conditions as he may prescribe, consent to the release or subordination of a part or parts of property mortgaged under this title from the lien of the mortgage.

"PREMIUMS AND FEES

"SEC. 1813. The Secretary shall collect reasonable premiums for the guarantee of any obligation under this title and make such charges as he determines are reasonable for the analysis of land development plans and the appraisal and inspection of any property, project, or improvements.

"INSURANCE BENEFITS

"SEC. 1814. The provisions of subsections (e), (g), (h), (i), (j), (k), (l), and (n) of section 207 of the National Housing Act shall be applicable to mortgages insured under this title, except that as applied to such mortgages (1) any reference there is to section 207 shall be deemed to refer to this title, and (2) any reference to an annual premium shall be deemed to refer to such premiums as the Secretary may designate under this title.

"INCONTESTABILITY PROVISIONS

"SEC. 1815. Any guarantee made by the Secretary under this title shall be conclusive evidence of the eligibility of the obligations for such guarantee, and the validity of any guarantee so made shall be incontestable in the hands of a qualified holder of the guaranteed obligation, except for fraud or material misrepresentation on the part of such holder.

"RULES AND REGULATIONS

"SEC. 1816. The Secretary is authorized to make such rules and regulations and to require such agreements as he may deem necessary or desirable to carry out the provisions of this title.

"TAXATION PROVISIONS

"SEC. 1817. Nothing in this title shall be construed to exempt any real property acquired and held by the Secretary under this title from taxation by any State or political subdivision thereof to the same extent, according to its value, as other real property is taxed."

LOANS BY NATIONAL BANKS

SEC. 2. The next to the last sentence of the first paragraph of section 24 of the Federal Reserve Act is amended to read as follows: "Notwithstanding the foregoing limitations and restrictions in this section, any national banking association may make real estate loans which are secured by obligations guaranteed under title XVIII of the Housing and Urban Development Act of 1968."

LOANS BY FEDERAL SAVINGS AND LOAN ASSOCIATIONS

SEC. 3. The next to the last paragraph of section 5(c) of the Home Owners Loan Act of 1933 is amended by inserting "or title XVIII of the Housing and Urban Development Act of 1968" after "title X".

LABOR STANDARDS

SEC. 4. (a) The next to the last sentence of section 212(a) of the National Housing Act is amended to read as follows: "The provisions of this section shall also apply to guarantees under Part I of title XVIII of the Housing and Urban Development Act of 1968 with respect to laborers and mechanics employed in land development financed with the proceeds of any obligations guaranteed under such title or part."

(b) The last sentence of such section is amended—

(1) by inserting "or part II of title XVIII of the Housing and Urban Development Act of 1968" after "title XI"; and

(2) by inserting "or part" after "under such title".

COST CERTIFICATION

SEC. 5. Section 227(a) of the National Housing Act is amended by striking out "or" before "(VIII)", and by striking out the semicolon at the end and inserting in lieu thereof the following: ", or (IX) under part II of title XVIII of the Housing and Urban Development Act of 1968".

Mr. PROXMIRE. I might point out, Mr. President, that this bill will do the job without Federal cost. It will not be a burden on the budget. It will do it because the bill relies on guarantees and does not rely on appropriations.

I think this is a practical and effective way to provide development of areas which have suffered because they have not been able to take part in the great economic boom we have had in recent years.

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

Mr. PROXMIRE. I yield.

Mr. JAVITS. May I ask the Senator, is my name on the bill?

Mr. PROXMIRE It is. He is a cosponsor. The Senator from New York is one of the outstanding Members of the U.S. Senate, and a great champion in this area.

S. 1478—INTRODUCTION OF A BILL TO ESTABLISH A COMMISSION TO REVIEW U.S. ANTITRUST LAWS

Mr. JAVITS. Mr. President, on behalf of myself, the Senator from Illinois (Mr. DIRKSEN), the Senator from Maryland (Mr. MATHIAS), the Senator from Kentucky (Mr. COOPER), and the Senator from Indiana (Mr. HARTKE), I introduce, for appropriate reference, a bill to establish a Federal Commission to carry out a review of the antitrust laws of the United States. I ask that the bill be printed 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 New York.

The bill (S. 1478) for the establishment of a Commission on Revision of the Antitrust Laws of the United States, introduced by Mr. JAVITS (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. 1478

Whereas the antitrust statutes of the United States are in certain major areas of their application in need of revision; and

Whereas there exist under the antitrust statutes of the United States conflicts in policy as to the proper standards of conduct required to be observed by American business; and

Whereas a thorough examination is essential in order to determine the impact of such statutes upon the productivity and long-range economic growth of the United States and upon United States foreign trade, investment and economic policy; Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby established a Commission on Revision of the Antitrust Laws of the United States (hereinafter referred to as the "Commission") constituted in the manner hereinafter provided.

PURPOSE OF THE COMMISSION

SEC. 2. The purpose of the Commission shall be to study the effect upon competition (including competition between American business and foreign business), price levels, employment, profits, production, consumption, foreign trade, economic growth and the capability of the economy to best sustain the Nation at home and abroad of

(1) Existing antitrust statutes (including enforcement proceedings thereunder), as interpreted by judicial, executive and administrative decisions.

(2) Existing price systems and pricing policies of trade and industry in the United States and

(3) The extent and causes of concentration of economic power and financial control.

MEMBERSHIP OF THE COMMISSION

SEC. 3. (a) NUMBER AND APPOINTMENT.—The Commission shall be composed of twenty-four members as follows:

(1) Eight appointed by the President of the United States, four from the executive branch of the Government and four from private life.

(2) Eight appointed by the President of the Senate, four from the Senate and four from private life.

(3) Eight appointed by the Speaker of the House of Representatives, four from the House of Representatives and four from private life.

(b) POLITICAL AFFILIATION.—Of each class of four members mentioned in subsection (a), not more than two members shall be from each of the two major political parties.

(c) VACANCIES.—Vacancies in the Commission shall not affect its powers but shall be filled in the same manner in which the original appointment was made.

ORGANIZATION OF THE COMMISSION

SEC. 4. The Commission shall elect a Chairman and a Vice Chairman from among its members.

QUORUM

SEC. 5. Thirteen members of the Commission shall constitute a quorum.

COMPENSATION OF MEMBERS OF THE COMMISSION

SEC. 6. (a) MEMBERS OF CONGRESS.—Members of Congress who are members of the Commission, shall serve without compensation in addition to that received for their services as Members of Congress, but they shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of the duties vested in the Commission.

(b) MEMBERS FROM THE EXECUTIVE BRANCH.—Notwithstanding section 5533 of title 5, United States Code, any member of the Commission who is in the executive branch of the Government shall receive the compensation which he would receive if he were not a member of the Commission, plus such additional compensation, if any, as is necessary to make his aggregate salary not exceeding $30,000; and he shall be reimbursed for travel, subsistence, and other necessary expenses incurred by him in the performance of the duties vested in the Commission.

(c) MEMBERS FROM PRIVATE LIFE.—The members from private life shall each receive not exceeding $100 per diem when engaged in the performance of duties vested in the Commission, plus reimbursement for travel, subsistence, and other necessary expenses incurred by them in the performance of such duties.

POWERS OF THE COMMISSION

SEC. 7. (a) (1) HEARINGS.—The Commission or, on the authorization of the Commission, any subcommittee thereof, may, for the purpose of carrying out its functions and duties, hold such hearings and sit and act as such times and places, administer such oaths, and require, by subpena or otherwise, the attendance and testimony of such witnesses, and the production of such books, records, correspondence, memorandums, papers, and documents as the Commission or such subcommittee may deem advisable. Subpenas may be issued under the signature of the Chairman or Vice Chairman, or any duly designated member, and may be served by any person designated by the Chairman, the Vice Chairman, or such member.

(2) In case of contumacy or refusal to obey a subpena issued under paragraph (1) of this subsection, any district court of the United States or the United States court of any possession, or the District Court of the United States for the District of Columbia, within the jurisdiction of which the inquiry is being carried on or within the jurisdiction of which the person guilty of contumacy or refusal to obey is found or resides or transacts business, upon application by the Attorney General of the United States shall have jurisdiction to issue to such person an order requiring such person to appear before the Commission or a subcommittee thereof, there to produce evidence if so ordered, or there to give testimony touching the matter under inquiry; and any failure to obey such order of the court may be punished by the court as a contempt thereof.

(b) OFFICIAL DATA.—Each department, agency, and instrumentality of the executive branch of the Government, including independent agencies, is authorized and directed to furnish to the Commission, upon request made by the Chairman or Vice Chairman, such information as the Commission deems necessary to carry out its functions under this Act.

(c) Subject to such rules and regulations as may be adopted by the Commission, the Chairman shall have the power to—

(1) appoint and fix the compensation of an executive director, and such additional staff personnel as he deems necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, but at rates not in excess of the maximum rate for GS–18 of the General Schedule under section 5332 of such title, and

(2) procure temporary and intermittent services to the same extent as is authorized by section 3109 of title 5, United States Code, but at rates not to exceed $100 a day for individuals.

(d) The Commission is authorized to enter into contracts with Federal or State agencies, private firms, institutions, and individuals for the conduct of research or surveys, the preparation of reports, and other activities necessary to the discharge of its duties.

SEC. 9. The Commission shall transmit to the President and to the Congress not later than three years after the first meeting of the Commission a final report containing a detailed statement of the findings and conclusions of the Commission, together with such recommendations as it deems advisable. The Commission may also submit interim reports prior to submission of its final report.

EXPIRATION OF THE COMMISSION

SEC. 10. Sixty days after the submission to Congress of the final report provided for in section 9, the Commission shall cease to exist.

Mr. JAVITS. I have the honor to announce that the Senator from Illinois (Mr. DIRKSEN) has undertaken to manage this bill in the Judiciary Committee.

Mr. President, I believe that now, for the first time in a long while, we have an opportunity to revise the basic antitrust policy of the country, which may very well mean revising the basic economic policy of the country. The willingness of Senator DIRKSEN, who is the ranking minority member of the Committee on the Judiciary, to undertake this monumental task, is very deeply gratifying to me, for which I publicly express my gratification and thanks. I think it should be tremendously meaningful to the United States.

I know of no economic statute upon the books which is as much in need of revision, both in concept and in text, as the antitrust laws.

Our basic antitrust laws were written in the latter part of the 19th century and the early part of this century and with few exceptions have not been overhauled since.

The bill I have introduced today would establish a 24-member bipartisan Commission composed of eight Members of Congress, four members of the executive branch, and 12 experts from the private sector. The Commission would be charged with the duties of examining the antitrust laws and making recommendations for revising them. Among other matters which the Commission would specifically be asked to investigate are the effect upon competition—including competition between American business and foreign business—price levels, employment, profits, production, consumption, foreign trade, economic growth and the capability of the economy to best sustain the Nation at home and abroad of first, existing antitrust statutes—including enforcement proceedings thereunder—as interpreted by judicial, executive, and administrative decisions; second, existing price systems and pricing policies of trade and industry in the United States; and, third, the extent and causes of concentration of economic power and financial control.

Mr. President, in the 77 years since the Sherman Act was initially passed, vast changes have taken place in the economic structure of America, changes which could hardly have been foreseen at that time. The changes in our economy that have taken place during the past 77 years naturally have given rise to a whole host of specific questions, not resolved by the construction given the broad language in which our basic antitrust legislation is couched. I am particularly concerned that the manner in which the antitrust laws are now being applied may be having an adverse effect upon our domestic productivity, on our long-range economic growth, and on our foreign trade policy generally.

The role of antitrust legislation in the modern industrial economy has been the subject of endless debate in recent years. Though many academicians, businessmen and legislators are unhappy with various aspects of our current antitrust policy as formulated and administered by the courts, the Justice Department, and the Federal Trade Commission, antitrust has proven to be much like Mark Twain's aphorism on the weather—nobody has really done anything about it.

There is no question that something must be done about it. Our basic antitrust precepts were formulated three-quarters of a century ago to apply to a very different kind of economy than exists today. At that time the economy was not highly centralized and subject to practically no Government controls. The antitrust laws were necessary to insure at least a degree of regulation through the prevention of unreasonable restraints on competition.

I am not suggesting that we scrap our antitrust laws or that competition is an anachronism. But it is evident that the antitrust laws are only one of a whole series of devices presently available to Government to control excesses in our economic system. These controls include the amount and type of government procurement, lending and guarantees, government licensing, tax policy, money supply and interest rates, securities regulation, limitations on foreign private investment and lending and labor-management relations to name just a few.

I feel that many of the criticisms which have been made of the courts, the Federal Trade Commission, and the Justice Department for failing to take into account in the administration of the antitrust laws these fundamental changes in the nature of the economy are justifiable.

I particularly deplore the tendency to reply more and more on per se rules of illegality and the tacit abandonment in such cases of the rule of reason. But even if criticism of particular decisions may be merited, such criticism is not going to accomplish the needed reforms. The essence of the problem is that we have allowed the courts, the FTC, and the Justice Department to make our antitrust policy, whereas in my view this responsibility is in Congress.

That is why I believe it is necessary to establish a high-level Commission to study all aspects of our antitrust policy and make appropriate recommendations to Congress for amending the law. I be-

lieve that it is only on the basis of the recommendations of such a Commission that Congress is likely to be moved to action.

We need to rethink, from scratch, what it is we really want our antitrust laws to do—where they should lead us, if you will—at this point in our economic development. The courts and the FTC are not going to do this job of rethinking for us, and neither is Congress unless it gets some support for doing so from the kind of Commission I have proposed.

I am, of course, not so naive as to think that the Commission will resolve all the deeply held views about the role of antitrust policy into one broad consensus. Thus, whatever the Commission concludes about conglomerates and the current merger trend—and that will be one of its major subjects of inquiry—I have no doubt that there will continue to be sharp differences of opinion as to just what, if anything, the Federal Government should do about it.

However there are areas where I think the Commission might make recommendations that would find broad support in Congress.

For example, the Commission could perform a valuable service by clarifying the relationship between the Justice Department and the FTC in the enforcement scheme. At present, there is a good deal of overlap in their functions, particularly under the Clayton Act. Similarly the relationship between private antitrust actions and Government actions could be clarified.

Another extremely valuable contribution the Commission could make would be to determine if the Robinson-Patman Act forbidding price discrimination continues to serve any purpose and, if so, to rewrite the Act so that the courts which must interpret it, and the businessmen who must obey its abstruse commands, can make some sense out of it. For years now the courts have been extending pointed invitations to Congress to do something about this problem, and it is time the invitation was accepted.

Yet another area to which the Commission could profitably give its attention to is marketing techniques. With the growth of the economy a number of novel marketing techniques have evolved, and with them have come, inevitably, antitrust problems. These problems include resale price maintenance, fair trade laws, limitations on competition between distributors and a whole panoply of problems connected with franchising.

Another area in which the Commission clearly could make a most valuable contribution is in the application of our domestic antitrust laws to foreign trade and investment. For many years, experts have been pointing out how the rigid application of the antitrust laws has put our exporters at a serious disadvantage abroad. That is not a matter to be taken lightly in these days of concern with our balance of payments and our poor export showing last year.

No less pressing is the need to encourage the investment of private capital of the United States and other developed countries in the developing countries. Again it is widely felt that our antitrust laws are an inhibiting factor, particularly to the establishment of consortia of United States and other private companies from industrialized countries grouping to invest in less developed countries. In both instances, there is a deep conflict between our antitrust philosophy and other major national policies when there should be coordination and thoughtful accommodation between them.

The many experts who have called for reexamination of antitrust policy in the foreign field in recent years comprise an impressive array, including the Committee on International Trade Regulation of the Section of International and Comparative Law of the American Bar Association, 1953; the National Foreign Trade Council and the U.S. Council of the International Chamber of Commerce, 1955; the report of the Subcommittee on Subsidiaries in Foreign Trade of the Committee on Antitrust Problems in International Trade, Antitrust Section of the American Bar Association, 1955; the Special Committee on Antitrust Laws and Foreign Trade of the Association of the Bar of the City of New York, 1957; the President's Committee on World Economic Practices, 1959; former Gov. Thomas E. Dewey, 1961; former Attorney General Herbert Brownell, 1962; the White House Conference on Foreign Trade, 1963; and the Committee on International Trade Regulation of the Section of International and Comparative Law of the American Bar Association, 1963.

All these experts have concluded that uncertainty about enforcement of U.S. antitrust laws extraterritorially is the greatest single inhibitor to increased foreign trade and investment. The report of the ABA Committee on Trade Regulation in 1963, for example, highlighted the following principal specific areas of uncertainty in this field:

First, uncertainty as to the terms under which a U.S. business may enter into a joint venture with a competitor, either American or foreign, to engage in business abroad;

Second, uncertainty as to the extent to which U.S. business may cooperate in association with foreign competitors, even when the association is required or permitted by the laws of the foreign country where the activity takes place;

Third, uncertainty as to the extent to which a U.S. business may include territorial and other limitations in patents, trademarks, and know-how licenses;

Fourth, uncertainty due to conflicts between antitrust laws of the United States and the laws of foreign countries and most unfortunately, economic communities, such as the European Common Market; and

Fifth, protests by foreign governments due to extraterritorial application of U.S. antitrust laws to their nationals.

Other areas for study include first, the extraterritorial application of the antitrust laws where potential United States and European private enterprise cooperate for development of underdeveloped nations; second, the development of business organizations along the lines of the Communications Satellite Corp., including the possibility of wide-scale joint cooperative efforts by Government and business in partially public, partially private, corporations to undertake vast ventures in the realm of space and atomic technology. The size and complexity of the subject matter and the public interest involved in such undertakings may make wholly private ownership unfeasible and the productive capacity of private ownership and technological risks involved make wholly public ownership unsatisfactory. Numerous other potential applications of this novel and very hopeful technique make a thorough study of antitrust implications highly important.

The list of critical cases which the proposed Commission would be charged with studying could be elaborated at much greater length. But these are some of the major areas of concern.

In the last analysis the enormous job of studying, recommending, and enacting the antitrust laws is with the Congress. The tendency has been in recent years for a major part of the antitrust policy to be articulated by the enforcement agencies and the courts. The Commission I propose would hopefully enable the Congress again to establish basic antitrust policy; and such policy is basic to the economic future of the United States at home and abroad and to its leadership in world affairs.

It is interesting that an enormous complex of organizations, including bar associations, foreign trade councils, and many other organizations and authorities, have endorsed the concept of a revision of the antitrust laws to deal with the tremendous problems which are created for us by the changes in the economy of the United States and the entire world, some of which I have described.

Finally, Mr. President, we are entering into a new stage of American business development. This is the mixed private-government enterprise, such as that involved in the Communications Satellite Corp. This will pose for us enormous problems, which may make completely obsolescent the ideas of the antitrust laws, either in respect of unreasonable restraint of trade, or in the even more, in my judgment, hampering rule regarding the per se finding of illegality, at least of certain types of combinations or other arrangements between American industrial companies.

In short, the keystone to the American economy, if we are to give the business processes of the country any assistance, is a revision of the antitrust law. Our antitrust laws are obsolete after three-fourths of a century. Instead of allowing the law to be revised ad hoc—which on a guess is all the American people have had to go by—it is high time that Congress take the matter in hand and determine precisely what will be the policy of our Nation.

I know of no single piece of legislation which could more strengthen the American economy at home and abroad than a revision of the antitrust laws. If a business succeeds it is only because a man knows how to operate a business. Personally, I think this is far more revolutionary and far more radical than the whole concept of the Communist state which involves the state operation and ownership of everything. However, we

cannot prove it unless we unshackle ourselves from concepts which are three-fourths of a century old.

I shall do my utmost to assist the distinguished senior Senator from Illinois (Mr. DIRKSEN) to bring about this great reform of American economic life.

I hope our efforts will have the sympathetic consideration of the committee to which the measure is referred, and of Congress and the entire business community of the country.

IMPACT OF MOB TACTICS ON INSTITUTIONS OF HIGHER LEARNING

Mr. RUSSELL. Mr. President, a recent issue of Nation's Business contains a vivid description of the way a small group employing mob tactics can have a destructive impact on an institution of higher learning.

The article discusses the early stages of the Columbia University incident, the final result of which captured the headlines of every newspaper in the country. It points out that the incident was ignited by less than 1 percent of the entire student body.

But more incredible than the inconsequence of the representation of this group was the manner in which the administrators of this institution permitted themselves to be intimidated and browbeaten by this mob. These administrators do far more to fan the flames of anarchy on the American college campuses today than the misfits and vandals who participate in these demonstrations.

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:

RIGHT OR WRONG—WHAT ABOUT MAJORITY RIGHTS

(By Alden H. Sypher)

(NOTE.—Contributing columnist Alden Sypher is former editor and publisher of Nation's Business.)

Let's take a look at one incident in the persistent series that has brought violence to the campus at Columbia University for more than a year.

It's very much like incidents on other campuses in which malcontents with mob mentalities gain bravery in gangs to vent their hostility toward a system in which they have failed to achieve, or fit.

Frequently such rabble parades under the banner of the Students for a Democratic Society, which is a perversion of terms since the principal objective appears to be the overthrow of democratic processes by force. And many are not students.

Force is about the only way these malcontents can bring attention to themselves, which must be their intent rather than their stated objective. They constitute a very small, sad minority on America's campuses. While their ability to disrupt is demonstrated, their chance to prevail is limited to the degree of timidity of the authorities.

At Columbia the excuse for mob action was the presence of Army and Air Force representatives on the New York City campus.

The officers' purpose was recruitment—a term which conveys to some a much more compulsive activity than what actually takes place.

Representatives of the armed services offer college students only one thing—discussion of the opportunities in the services that may fit into the interests of the student, or otherwise appeal to him.

It is a voluntary offer. Students are informed by bulletin board or other means that representatives of the services will be there at a fixed date and time. Students who show up for interviews do so on their own initiative.

The process is about the same as that followed by company representatives who visit campuses to fill civilian jobs.

There is one exception. Campus mobs have found enough support for draft dodging among faculty and clergy that they feel fairly safe in attacking the armed services.

This gives them an opportunity to demonstrate their complete contempt for law, order and justice, for their country, for the system, and for the administration and faculties of their schools, excepting only those faculty members who are with them.

About 150 bearded boys and glamorless girls, stimulating one another to excitement and the loss of normal restraint and rational control, moved in a mob on a building at Columbia where service officers were answering questions of several dozen students, who were there on their own free choice.

Some of the mob were Columbia students. Others appeared to be off New York's streets.

In front of the building they met a line of 50 New York policemen. While 1,500 or more young people whipped into mob madness may readily take on 50 cops, 150 are more likely to back off from a three to one ratio, and seek less qualified adversaries.

That's what these did. But first they shouted at the police, and from their rear ranks were pitched two stench bombs which sailed over the policemen's heads.

One landed on the steps, doing no harm. The other crashed through a second story window and filled a library room housing important reference books with a horrible stench. It did no other damage.

At this the cops drove a wedge into the mob and extracted two of its members against whom the police filed minor charges. One was a student. The other was not, although he claimed to be.

After this bit of bravery the accumulation of square pegs marched off the campus and down a busy New York street five abreast, fists raised in a Castro-like salute, shouting:

"Ho Ho Ho Chi Minh," and

"Smash the military, the Viet Cong will win."

They returned to the campus but veered away from the police-guarded building in favor of a safer scene to continue demonstrating their version of student power.

Using stairs and elevators they swarmed onto the sixth floor of another building, this one unguarded. There they jammed into the placement offices, occupied only by women.

Demonstrating spirit and courage far beyond the call of duty, some drove their fists or elbows through glass door panels. Others tore company recruiting posters from bulletin boards. Some pushed into the academic placement office, which finds jobs for potential teachers.

Two secretaries blocked the door to a room where the files were stored. In the outer office members of the mob knocked over shelves of books, ripped out a telephone, overturned and smashed an electric typewriter, and spilled water on the floor.

They also frightened the daylights out of the women.

"I've never been through anything like this in my life before," said Yvonne Staples, assistant director of the office. "I was terribly frightened." After five minutes the vandals left the building and returned to their gathering point, the sundial at South Field.

There a young man who identified himself as Robbie Roth, a member of the steering committee of the Columbia chapter of the SDS, granted reporters an interview.

"We are showing the university that every time it helps the war in Viet Nam, we will exact reprisals," he said.

"They've got to be made to realize they will have to pay a price if they go on collaborating with the military."

What price vandalism at Columbia?

Listen to Dr. Andrew W. Cordier, acting president:

After inspecting the wreckage the malcontents had caused in the placement offices, he said the action was clearly "illegal."

However, he said, he would let the university's regular disciplinary procedures take their course, and added that he was "rather pleased by the way things went this morning, considering the size of the trouble last year."

Just what Dr. Cordier found pleasing was difficult to see, unless he referred to the fact that last year a somewhat less than stout-hearted board of trustees had canned the president in compliance with the demands of a small minority of the student body and some outside agitators, in the wake of campus violence—and the same fate has not yet descended on him.

(This method of buying peace works no better now than when Chamberlain tried it in 1938.)

It's otherwise difficult to find Dr. Cordier's source of pleasure in a situation in which 150 students out of more than 17,000—a minority of about .9 per cent—seek to force their will on the majority through violence and vandalism.

Nevertheless they've made a pretty good start.

Two years ago a referendum in Columbia College and the School of Engineering resulted in a 67.3 per cent approval of military recruiting on the campus.

A five-member faculty committee also approved it after a study directed by a vote of the faculty.

For several days before the armed services visits to the campus Dr. Cordier consulted with administrative and faculty leaders on whether the appearances should be canceled or postponed.

The day before the visits the acting president issued a statement defending Columbia's long standing policy of permitting recruiting on the campus.

Then came the mob's march, 150 strong.

These are not alert young Americans seeking to communicate to their elders a well-reasoned, well-founded criticism of the pattern and system of America's higher education and to express their desire to take part in updating that system, as some of our academic and social bleeding hearts would have us believe.

With few exceptions they are outright vandals, incredibly encouraged by their elders' incredible timidity about punishing them.

They are a tiny minority that should be removed from their present freedom to interfere with the great majority of students who are seriously taking advantage of an opportunity to become educated.

But the influence of this rabble, shouting for a defeat of America and crying for a victory of the Viet Cong, is as incredible as the authorities' timidity.

After this instance of vandalism Dr. Cordier issued an addendum to his statement supporting armed services recruiting at Columbia.

He and the executive committee of the faculty, he said, would appoint a committee to review that policy.

If you're going to stay at Columbia, Yvonne Staples, you may as well forget orderly procedures, and get used to unrestrained mob action.

BIG THICKET RIVERWAYS AS SOURCE OF NATURAL BEAUTY AND REFUGE, ARE DESCRIBED IN OUTDOOR AMERICA BY EDWARD C. FRITZ

Mr. YARBOROUGH. Mr. President, the Big Thicket area in southeast Texas contains regions of ecological development and growth that are both beautiful and unique. Botanists and biologists have recognized the inherent value of this wilderness area and have repeatedly called for the preservation of a significant portion of the Big Thicket. The remaining woodlands and forests, and the picturesque river bottoms are valuable not only for their biological significance, but for their sheer beauty as well.

The three streams and their tributaries that comprise the arterial systems of the Big Thicket are of particular interest to all who are concerned with the protection of this area. They frame the local culture, provide environmental corridors which, interconnected, can survive centuries of urbanization.

My bill, S. 4, to establish a Big Thicket National Park of not less than 100,000 acres, is designed to protect the valuable riverways in the Big Thicket. I believe that any attempt to preserve the Big Thicket should utilize these streams and river bottom areas to the fullest extent possible. We should act now to prevent the exploitation and pollution of these clean and beautiful waterways.

Mr. Edward C. Fritz, chairman of the Texas Committee on Natural Resources, has written an informative article for the Izaak Walton League publication, Outdoor America, which describes in detail the Big Thicket riverways and outlines a proposal for their protection.

I ask unanimous consent that this article, entitled "Big Thicket National Riverways," appearing on page 10 of the October 1968 edition of Outdoor America be printed in the RECORD.

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

BIG THICKET NATIONAL RIVERWAYS

(By Edward C. Fritz)

At the Denver Convention a resolution was adopted as follows:

"Be it resolved, by the Izaak Walton League of America in convention assembled at Denver, Colorado, this 12th day of July, 1968, that support is hereby expressed for establishment of a Big Thicket national preserve of approximately 100,000 acres, based upon a plan which will preserve the most ecologically significant natural areas; create public riverway and recreational interconnecting corridors between the nature preserves along the Neches River, Village Creek and Pine Island Bayou; and which would establish a national wildlife refuge in a selected area of the Big Thicket now operated by the Army Corps of Engineers."—Editor.

Three streams and their tributaries comprise the arterial systems of the Big Thicket, frame the local culture, and provide environmental corridors which, interconnected, can survive centuries of surrounding urbanization. The Big Thicket federal plan should utilize these streams as the basis for a riverways preserve, elaborating upon the Ozark National Scenic Riverways. Such a plan would provide a string for the ecological pearls which the National Park Service study team wisely suggests for preservation, but unwisely leaves scattered and unbuffered against urban sprawl and rural blight. By utilizing the distances up and down these unspoiled streams, the planners of the Big Thicket preserve can provide a true wilderness experience which will otherwise be severely restricted.

The clean, iron-colored waters of the Neches River, Village Creek, and Pine Island Bayou have penetrated the sandy loams of the Pliocene Age, have shaped up a rich base for the tall forests of the Big Thicket, and have continued to soak and to drain these forests for thousands of years.

Ducks, geese, hawks, wading birds, and exotic anhingas use the Neches as a flyway during migration. Herons abound here. Prothonotary warblers dart along the brushy banks, flashing brilliant yellow-orange. The endangered ivory-billed woodpecker courses the river bottoms, an occasional bear, panther and red wolves follow the streams because dreaded man seldom resides near the flood-prone and mosquito-infested sloughs along these streams.

These three watersheds have also nurtured the development of a special brand of human society—a proud and unconforming breed of men and women who boated up the Neches and San Jacinto and adapted the hill-folk culture of Kentucky and Tennessee to the lower, flatter, and more slough-riddled river bottoms. Some of these people along these Thicket streams still live in the old clapboard houses and wear sunbonnets and Mother Hubbard dresses as they weed their tomato patches.

Just as early settlers used the Neches and Village Creek for transportation, modern adventurers choose these seldom-bridged, smoothly-sliding currents for float trips, camping overnight on broad, clean sandbars far from civilization.

As a unique natural region, the Big Thicket has been reduced by development and timber-harvesting from three million acres to perhaps 100,000 acres of climax forest and two million acres of transition forest growth, owned mainly by lumber companies. The region still contains samples of the four main climax vegetative combinations: closed-canopy loblolly-pine-beech-oak-magnolia forest; longleaf pine savannas; sphagnum and pitcher-plant bogs; and gum-oak-cypress swamps. There is also a unique giant palmetto flat. To preserve these types, a National Park Service study team in 1967 recommended nine areas for a 35,500 acre National Monument. True to National Park and Monument standards, none of these areas includes any of the numerous pipelines, oil fields, highways or towns which spot the region. The areas are scattered around a huge circle seventy-two miles in diameter. By driving two hundred miles along existing roads, through towns and past lumber mills and junk yards, a tourist could get a glimpse of each of the nine areas. Only one elongated unit, labeled the Profile Unit, reflects the modern environmental-corridor concept of land-use planning.

In nature, the Big Thicket ecosystem is not that disconnected. All four main vegetative combinations occur on each of the major watercourses, in some instances along a twenty-mile transept. In selecting prime areas, the National Park Service study team sacrifices contiguity. And in selecting scattered areas, the study team substantially overlooks the potentiality which exists for long float trips and long scenic trails, as well as for comprehensive environmental planning.

In a better plan we can follow the study-team recommendations for prime areas, can add scenic trails and float trips, and can achieve contiguity of area, with the great advantages flowing therefrom. This will require use of more land and water than the study team has proposed. But not all this land and water need be purchased by the federal government.

The Neches River, Village Creek and the lower part of Pine Island Bayou are navigable and thus the riverbeds already belong to the public, and could be utilized in a Riverways plan without acquisition cost. Major lumber companies own a great deal of the land alongside these streams and might agree to federally-constructed hiking trails, under appropriate regulations as to fire-building. Even the Parks and Wildlife Commission of Texas, which thus far has shown little interest in state parks for the Big Thicket, might be influenced to participate in a comprehensive plan.

As a recreational area, the Big Thicket would afford a distinct supplement to other areas under National Park Service jurisdiction, in that the hiking, canoeing and camping would be comfortable in the winter, except during rainy days and rare cold snaps. In water, the bottomland forests, carpeted with oak and magnolia leaves, have a special beauty—the logs and soil abound in a tremendous variety of color-patterned fungi, mosses and Christmas ferns, while resurrection ferns and Spanish moss decorate many limbs. There are lilies which bloom in December. Wintering birds are numerous.

Spring comes earlier than in any national park except the Everglades, bringing trillium, azaleas, dogwood and some orchids in March and early April.

During floods, which generally occur in the spring, substantial areas along the streams are inundated. Roads become impassable to ordinary passenger automobiles, but hiking trails could be routed, by use of alternates, to remain traversable at virtually all times.

Thus a Big Thicket proposal which features recreation, as well as preservation, would draw out-of-state nature lovers during a season when northern parks are seldom visited, spreading time-wise our national recreation supply.

An area much larger than 35,500 acres will be necessary to service the winter rush to the Big Thicket. Such a plan has been proposed by more than ten conservation organizations in Texas, and nationally by the Citizens Committee on Natural Resources. Note that this plan does not cover the western extension of what was once the Big Thicket. The U.S. Forest Service runs some of this, and is preserving a Big Thicket Scenic Area in Sam Houston National Forest, about thirty miles west of the westernmost unit proposed below. The forest products industry has suggested that the federal government trade national forest lands for any lumber company lands to be taken for a Big Thicket preserve. Conservationists are agreed that such a trade would have no merit, and would merely be robbing Peter to pay Peter.

Here is the proposal of conservationists for a Big Thicket National Riverways:

1. Neches River, (from Dam B in Tyler and Jasper Counties to the confluence of Pine Island Bayou at the Jefferson County Line): Prohibit further construction, farming, grazing or timber-harvesting within a zone about 400 feet wide on each side of the river. Limit to highly selective forestry and to repair of existing structures all use and development in a zone up to three miles on each side of the river. Construct a foot-trail down one side of the river, with rest stops about every five miles along the trail, accessible also to boaters. Prohibit the use of motors on boats.

This unit would include for total preservation the Neches Bottom Unit and Beaumont Unit proposed by the National Park Service Study Team.

2. Village Creek (from headwaters, also known as Big Sandy Creek, in Polk County, to the Neches River in Hardin County): Prohibit further construction, farming, grazing or timber-harvesting within a zone about 400 feet wide on each side of creek. Erect campsites about every ten miles. Prohibit the use of motors on boats.

This unit would include the upper part of the NPS-proposed Profile Unit.

3. Pine Island Bayou (from headwaters in northwest Hardin County to confluence with Neches at Jefferson County line): Prohibit further construction, farming, grazing or timber-cutting within a zone about ¼ mile wide on each side. Construct a foot trail the entire length of stream.

This unit would include the lower part of the NPS-proposed Profile Unit, and would connect with the initially-proposed Lobolly Unit by the dirt road through that unit, and a half-mile of forest on both sides of such road.

5. Connecting Units: (Prohibit cutting or development for ¼ mile on each side of each trail):

a. Menard Creek: Construct a trail from upper end of Pine Island Bayou to Menard Creek, and across to Big Sandy-Village Creek at closest point.

b. Little Cypress Creek: Construct a trail from upper end of Village Creek Unit to Little Cypress Creek Unit, down Little Cypress and then Big Cypress Creek to a point nearest Theuvenin's Creek, and thence overland to Theuvenin's Creek. This unit includes NPS-proposed Little Cypress Creek longleaf pine forest.

c. Theuvenin's Creek: Construct a trail up Theuvenin's Creek and then overland to Beech Creek.

d. Beech Creek: Construct a trail down Beech Creek through NPS-proposed Beech Creek Unit, thence overland eastward to the Neches.

6. Little Pine Island Bayou Unit: In entire triangle between Roads 770, 105 and 326 in Hardin County north of Sour Lake, manage the 50,000 acres for preservation of all indigenous plant and animal species, through rigid selectivity of timber and game harvesting. Reintroduce panther, black bear and red wolf.

This plan would utilize more than 100,000 acres. Much of this acreage should be kept in private ownership under easement to the federal government for trail and scenic purposes. Hunting could be permitted on all areas except those set aside for ecological preservation such as the NPS-proposed units.

In addition, other units should be considered for the Big Thicket plan:

7. Other areas recommended by NPS study team: The Riverways approach would not connect Clear Fork Bog, Hickory Creek Savanna, and Tanner Bayou. These should be preserved even though unconnected.

8. Dam B: Transfer all U.S. Corps of Engineer lands to the U.S. Division of Wildlife Refuges. (Ivory-billed woodpeckers have repeatedly been sighted here).

9. Pioneer Community Historic Area (between Beech and Theuvenin's Creek off Road 1943 in Tyler County): Establish a state historic area encompassing communities of pioneer farms, dwellings, mills, adjoining the Beech Creek trail.

Any lesser program, although temporarily helpful, would fail to fulfill the long-range National Park Service objectives of resource management, including not only natural areas but also recreational and historical. Likewise, any program which fails to provide economic and political protection to long stretches of streams would result in deterioration of the ecosystem through pollution, manipulation, erosion, drainage, and silting.

Human pressure on the Big Thicket is escalating. Timber is being harvested at an ever-increasing rate, particularly for pulp. Local small businessmen are clear-cutting stand after stand of forest to construct commercial buildings with sprawling parking areas. Rice farmers are responding to U.S. Soil Conservation offers of vast drainage projects, including the Pine Island Bayou watershed. River authorities are proposing more dams. Week-enders from burgeoning Houston and Beaumont are pouring into the woods and buying the cabin sites which developers are pushing for homes away from home. There is no zoning, no plan. The backward local communities do not even have adequate city parks for their own populations, nor adequate pollution control programs to protect areas downstream.

Unless the federal government enters this area with a plan which is comprehensive enough to protect upstream and downstream areas, even the ecological pearls will be isolated from their sources of clean water or even any water, and their channels of roving animal life.

Since the NPS study team advanced report came out in May of 1967, the major lumber companies have admirably refrained from cutting into the NPS-proposed units. However, they have cut right up to the edges in some places, And they have cut some stands along the Neches River where the conservationist-proposed trailway would now have to pass through dead logs and stacks of dried-up slash.

In May of 1968 I inspected areas where lumber companies had almost clear-cut the timber as close as twenty feet from the west bank of the Neches. In at least one place, a major company had felled all the cypress along the shores of a once-beautiful ox-bow lake about a hundred yards from the Neches and had left large logs and piles of limbs and timber-tops stacked helter-skelter across the lake where hikers could have enjoyed a scenic view.

Even the areas which lumber companies have long preserved for hunting by guests and lessees are in danger. At least one lessee of a hundred thousand acres is advertising plans for housing developments on wild areas along the Neches.

Congress should move immediately toward enactment of a Big Thicket bill. The best vehicle is S. 4, by Sen. Ralph W. Yarborough, which would authorize an area of at least 100,000 acres, the exact location of which is not yet specified but would be described in an amendment to be filed after committee hearings. A National Riverways plan is the best approach, but if the disconnected pearls can be authorized before the Riverways can be planned, Congress should proceed with the pearls immediately, while continuing to develop the Riverways plan.

ESTIMATED COST OF LAST APRIL'S RIOTS IN WASHINGTON CONTINUES TO RISE

Mr. BYRD of West Virginia. Mr. President, the estimated cost of last April's riots in Washington continues to escalate. According to this afternoon's Washington Daily News, the overall cost has now soared to the shocking total of $55 million.

I have said, and I repeat, that the full cost of the tragedy that befell the Nation's Capital last spring may never be known. There were intangible losses as well as tangible.

Fifty-five million dollars is an enormous amount of money. It is sickening to any right-thinking person to know that this vast sum has been lost because mindless mobs went on a dreadful binge. Efforts to "excuse" or "explain" the criminal actions that laid waste vast areas of this city make a hollow mockery of the orderly processes upon which our society must exist.

Because I believe Senators will wish to read this story for themselves, 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:

DISTRICT OF COLUMBIA RIOT LOSS NOW SET AT $55 MILLION

(By Mark Schneider)

The riots in Washington last April did $24,750,400 in property damage, nearly double the original estimate of $13.3 million made by the city, according to a detailed survey released today.

Meanwhile, The Washington Daily News learned that the total actual business loss and business property damage will reach approximately $30,000,000 bringing the total to nearly $55 million.

The Washington Civil Disorder Survey, made under the direction of the National Capital Planning Commission jointly with the District Government, and the D.C. Redevelopment Agency, also showed that 97 per cent of the properties involved were owned by whites.

It discovered that of the 374 real estate agents or managers of properties, only 18 were Negroes.

The survey sorted out and checked all past estimates, reports and claims of property and business property damage to:

Assess the impact of the social disorder.

Aid in allocating money for business assistance.

Help plan the rebuilding of the riot-torn area.

Some bright spots could be found in the survey summary. For instance, 654 properties previously reported to have been damaged or destroyed in riots were found to be intact and unmolested. Also the majority of property owners (some 56 per cent) indicated their determination to repair or build anew and an additional number said they would retain ownership but lease the site.

The summary touched only on damage to real property; but a subsequent survey to be released in two weeks will review damage to business inventories and other property, according to Robert Gold, assistant director for social and economic research for the National Capital Planning Commission.

The survey was conducted by telephone, mail and personal interviews of owners of the 1853 properties cited in police, fire or insurance reports to have been damaged during the destruction that followed the assassination of Dr. Martin Luther King Jr. last April 4.

The final estimates released today were based on 1282 actual contacts with owners. The information from these inquiries was used to make estimates on the remaining 571 properties not contacted by the survey.

The survey estimates were obtained from owners who calculated their replacement costs, Mr. Gold reported, and added that this will differ from insurance companies loss statements which include depreciation.

Mr. Gold reported insurance companies had paid $22.3 million as of Dec. 1968 and expected to dole out another $1.7 million to cover property and business loss.

FILE $17.5 ADDITIONAL CLAIMS

Property owners said they had filed or anticipated filing $17.5 million claims to cover property damage. Mr. Gold said that the unreleased survey of business losses would boost the claims totals far above the insurance company estimates.

Mr. Gold said that, in addition to the unexpectedly high property and business costs from the riots, the survey surprised its makers with the "astounding degree of property damage scattered outside the main corridors."

Nearly 41.5 percent of the properties damaged, accounting for a loss of some $6.25 million, was located outside of the major riot areas, the study showed.

The corridors of concentrated destruction were along 14th-st nw, seventh st and Georgia-av nw., H-st and Benning Road ne and,

to a lesser degree, in portions of the downtown area.

The toll in human lives—eight men dead—and, 1,191 persons injured—also was highest in the corridors, and it was there that the National Guard became a common sight.

The corridors still exhibit the greatest problems for rebuilding. The studies show 168 buildings demolished, 126 with only the shell or ruins standing. Thirty per cent of the owners of corridor property expressed a desire to sell and move out. Six said they were abandoning their property.

Not surprisingly, the survey shows that 61.6 per cent of the property owners were absentee landlords with corporate ownership consisting of over 15 per cent.

STATISTICIANS DREAM

The report, a statistician's dream with two final tables of numbers and percentages spreading out like a map, did give some inklings of the upcoming data on business damage.

Owners said that 711 businesses previously operating on their properties prior to the riots were gone. Mr. Gold noted that the total number of enterprises damaged or put out of business by the riots is much higher since many businesses were damaged while the buildings they occupied were not. Of the 374 owner-operated businesses, 175 are no longer open, the survey also showed. The riots also closed 205 homes and apartments which were rented prior to April 4 as well as 15 residences in which the property owners had lived.

The survey provides the data which public and private agencies will use in determining how to rebuild the riot-torn area, and the portion released today—far above earlier estimates of damage—raises serious questions for that effort.

SENATOR MURPHY'S RECOMMENDATIONS ON INDIAN EDUCATION

Mr. MURPHY. Mr. President, this year I was appointed to the Subcommittee on Indian Education of the Committee on Labor and Public Welfare. Naturally, I welcome this assignment, and I am hopeful that as a result the subcommittee's activities and efforts, we will be able to improve and expand educational opportunities for the American Indian. On February 19, I testified on Indian education. I ask unanimous consent that my statement be printed in the RECORD.

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

STATEMENT OF SENATOR GEORGE MURPHY

I welcome this assignment to the Subcommittee on Indian Education. I first want to pay tribute to Senator Fannin whose initiative brought about the creation of this Subcommittee, and the late Senator Robert Kennedy, under whose leadership the Subcommittee has sparked a nationwide interest and gathered substantial evidence regarding the American Indian and the sorry condition of Indian education.

I look forward to working with the new Chairman, Senator Ted Kennedy, the ranking Republican, Senator Peter Dominick, and other Committee members. Also, I have been assured by Senator Fannin that although he is no longer on the Subcommittee, he does want us to understand that his interest in the activities of the Subcommittee will not in any way be lessened.

There are 600,000 Indians in America today, 400,000 of whom live on or near reservations in 25 states. The others have moved into our cities and communities.

While the statistics have been put on the record before, they have been so shocking that I think that it would be useful to again emphasize them. Educational statistics show:

Fifty per cent of Indian youngsters drop out before completing high school;

Among our largest tribes, the Navajos, there is a 30 per cent illiteracy rate; and

The overall educational achievement of the Indian is only five years.

Evidence continues to grow regarding the correlation between educational achievement and earning levels. Therefore, it is not surprising that economic statistics are similarly depressing. They reveal:

That the average Indian income is $1500, which is 75 per cent below the national average;

That his unemployment rate is 40 per cent, which is ten times the national average;

That the incidence of tuberculosis among Indians is seven times the national average; and

That his life span is considerably less than the national average.

These statistics are unfortunately true despite a doubling of appropriations for Indian programs during the last decade and the growth of a bureau that today has 16,000 employees to deal in Indian affairs. These statistics, coupled with the rapidity of the change in our technological society, make it clear that a continuance of stagnant, blundering, and inept administration cannot be tolerated. Because the record is so replete with failures and shortcomings and because I doubt seriously whether any federal agency could do a worse job, even if they tried, I believe the time is long past for a change. I, therefore, recommend that the education programs, and perhaps other health and welfare programs, for Indians be transferred from the Bureau of Indian Affairs to the Office of Education in the Department of Health, Education and Welfare. Such a transfer, accompanied by the proper recognition of an Indian affairs expert in the Office of Education, might give the program the same "lift" that the acquisition of Vince Lombardi and Ted Williams by the Redskins and the Senators, respectively, gave to the Washington area sports fans. Incidentally, like both the Senators and the Redskins who have tried to find the very best managers in their fields—if the transfer should take places—so should the search for an individual who is the very best in his field and who can lead and head the attack on the educational problems of the American Indians. In California, there are approximately 80,000 Indians, which gives California the second largest Indian population in the United States. Although I wish the statistics were not true in California, I regret that they, although better than the national average, nevertheless also reveal the depths of the Indian education problem. For example, a 1966 report by the State Advisory Commission on Indian Affairs found that high schools with large Indian enrollments had a dropout rate three times higher for Indians than non-Indians. Some schools reported dropout rates for Indians range from 30 per cent to 75 per cent.

The most pressing need in my state is for the restoration of Johnson-O'Malley funds. The Johnson-O'Malley program provides financial aid to states for educational programs for Indians. California's eligibility for the program was finally terminated in 1958. Although there were various reasons for the phasing out of the Johnson-O'Malley program in California, including the feeling that California would adequately fill the gap resulting from the loss of these federal funds and give the Indians an adequate education and the belief that the federal government would terminate the reservation policy nationwide, the statistics, experience and events since the phasing out of the Johnson-O'Malley program in California show neither has occurred.

In addition, my examination of the other arguments advanced in support of the ending of the Johnson-O'Malley funds in California convinced me that they are equally erroneous. That the Johnson-O'Malley funds are vitally needed in California is generally agreed. For as the State Advisory Commission on Indian Affairs in a June 1967 report noted, the Indians in California "have become lost in the 'big picture' of education in California . . . The solution to the above-stated problems and deficiencies encountered in the education of California Indian students can be found in a re-implementation of the Johnson-O'Malley program in California."

Since the phasing out of the Johnson-O'Malley program, the record indicates that the California Indian both educationally and economically was not only failing to hold his own with his contemporaries but is actually falling further and further behind. When the reason or rationale for a law no longer exists, the law itself should not exist either. This should also apply to the Johnson-O'Malley exclusion of California Indians.

It is estimated that since fiscal year 1953–54, the state of California and the California Indians have lost $3.5 million because of the ending of the Johnson-O'Malley program. In 1953, California's percentage of the nationwide Johnson-O'Malley funds of approximately $2.6 million was 12 per cent. With the total federal funds now reaching approximately $8 million, a 12 per cent share for California would come to $960,000. While California might not actually receive this amount, it is clear that substantial sums would be forthcoming which would help meet the great educational needs that do exist.

There is no question that the Johnson-O'Malley funds could be put to tremendous use in my state for there is a great need, for example, for an assignment within the State Department of Education of a person to be employed as an Indian education expert. With the restoration of this program, I am confident that the state would move ahead and create such a post.

The exclusion of California from Johnson-O'Malley funds has produced some real absurdities. Some Indians from other states who, for example, are located in California receive federal assistance, but native California Indians, who may be working alongside of the relocated Indians, will not receive such assistance.

Another absurdity of the federal program is discrepancies in the interpretation of the requirement that the "Indian live on or near trust lands." As Mr. Elgin, Assistant Secretary of the Inter-Tribal Friendship House, Oakland, California, said in his January 1968 testimony before this Subcommittee: "Does it take an act of Congress to get a reasonable explanation as to this apparent discrepancy?" Well, whatever it takes, I intend to get an explanation on this matter during my membership on this Subcommittee.

Mr. Brown, who accompanied Mr. Elgin, pointed out a similar absurdity in connection with the Indian federal scholarship program, and I quote from Mr. Brown's testimony:

"If I can give a personal example: I am a Creek Indian, I come from Muskogee, a town of 50,000 people, and the Bureau of Indian Affairs gives me a thousand dollars to go to college, and I have never lived on trust land or near trust land, to my knowledge, whereas the California Indians to qualify for any Bureau program have to live right on trust land, not near it but right on it."

To cite even another absurdity, I refer to the Sherman Institute at Riverside, California. At the present time, students from Arizona, New Mexico, and perhaps other states are attending the school, but California Indians are not admitted to the school.

American Indians, like all Americans, recognize the importance of education. Mr. Rupert Costo, President of the American In-

dian Historical Society, which is located in California, pointed this out in his testimony:

"In our contact with the whites, we have always and without fail asked for one thing. We wanted education. You can examine any treaty, any negotiations with the American whites. The first condition, specifically asked for by the Indian tribes, was education. What we got was third-rate, lefthanded, meager, miserly unqualified training, with the greatest expenditure of federal funds and the least amount of actual education for the Indian himself."

The federal government's performance record insofar as the American Indian is concerned should give pause to those who believe that solutions to our problems should be packaged in and dictated from Washington. The federal government can and must help, but however good its intentions, without local cooperation, initiative and commitment, chances for success are slim.

So, Mr. Chairman, the challenge has been laid before us. The great importance of education is recognized by the Indians. We must see to it that "this greatest expenditure of federal funds" produces the greatest amount of "actual education for the Indian himself." I intend to do whatever I can to bring about a substitution of results and performances for the rhetoric and promises that have been made to the American Indian for over a century. Thank you.

AWARD OF GEORGE WASHINGTON HONOR MEDAL TO REV. BOB MINNIS, GRAHAM, N.C.

Mr. JORDAN of North Carolina. Mr. President, it is a source of great satisfaction to me that this year's George Washington Honor Medal awarded by the Freedoms Foundation went to a North Carolinian, a man from my own home county, the Reverend Bobby Minnis, of Graham.

From my viewpoint, however, the really important thing is not where he is from but what he had to say in the letter which won him that high distinction.

The message he conveyed was clear, timely, and an eloquent commentary on what is wrong—and what is right—with today's society. It is one which I think any American would do well to read and ponder. I commend it to the attention of the Senate and ask unanimous consent that the text be printed in the RECORD.

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

To the Editor:

Today's ever echoing cry is freedom. We hear it so often, and called for so loosely, that the question is prompted: "Do we know what freedom really is?" Much is going on under the banner (disguise) of freedom, but freedom is not found in resentment or lust or hatred. By its very nature freedom is incompatible with such attitudes and actions.

In America we pride ourselves in a heritage of freedom that is unknown in many parts of the world. The opportunity for individual achievement and the level of that achievement have been magnets that have drawn people from many parts of the world to our shores. But if our understanding of freedom does not rise above the desire for personal gain at the loss of others, there is grave danger that the freedom which we enjoy will not long endure.

Freedom is a two-sided coin involving two concepts: liberty and equality. And the real foundation for this freedom is law. Freedom has always come through the establishment of law. Indeed, there is no liberty nor equality in anything without law.

A man may wish to become a master piano player, but with becoming a master of the keyboard comes a great deal of bondage (law, if you please)—a disciplined learning process, practicing. No legislative act can decree a man of good piano player. He must earn this right by facing up to the requirements.

Today, rights and privileges are demanded on the basis of justice, and genuine freedom includes justice (fairness); this we can't deny. But some rights and privileges can't be ordered. Again, they must be earned. Everyone has the right to go out for the team, but everyone doesn't have a right to play in the game. You have to be good enough. Measuring up to certain requirements (laws, if you please) warrant this.

One of the verses of "America, The Beautiful," ends with these words, "Confirm thy soul in self-control, Thy liberty in law." These words aptly bring together the principle of liberty through law and the individual responsibility we have for freedom.

Freedom will never be found through lawlessness, since the very basis of liberty is law. Today's disorder and chaos, resulting from extremists' activities, retards rather than advances freedom. In the cry for freedom the chains of requirements have been discarded, thus in place of a free for all policy we have a free-for-all.

To expect the privileges of freedom without the responsibilities is folly, because responsible freedom is the only kind that can endure. Freedom is earned, not bestowed. The crusaders of the past put their "cause" above self; today the reverse is true. Self comes first. Crusading (protesting) has become a luxurious game of self-indulgence.

If we can understand something of what freedom really is, then we can work together for the development of the sharing of both responsibilities and privileges that accompany it.

BOB MINNIS.

J. EDGAR HOOVER TO CONTINUE AS DIRECTOR OF FBI

Mr. MURPHY. Mr. President, last year I introduced an amendment which was adopted as part of the Omnibus Crime Control and Safe Streets Act of 1968 providing for the appointment of future Directors of the FBI by the President, by and with the advice and consent of the Senate. Thankfully, earlier this year, President Nixon asked J. Edgar Hoover, present Director of the FBI, to continue in the position. Since that time some of Mr. Hoover's critics have been busy spreading the word that the President had an understanding that Mr. Hoover would retire when he reaches age 75 on January 1, 1970. These reports had no basis in fact, and I hope they will be finally laid to rest by a statement issued recently by the Department of Justice declaring there is "absolutely no truth" to these persistent rumors.

Mr. President, I ask unanimous consent to have printed in the RECORD an article concerning the Department of Justice's statement regarding Mr. Hoover, published in the March 6, 1969, issue of the Evening Star.

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

HOOVER PLANS TO RETIRE ARE DENIED

FBI Director J. Edgar Hoover has not indicated any intention to President Nixon or to the attorney general of retiring or resigning next Jan. 1 when he will be 75 years old, a Justice Department spokesman said today.

Asked about persistent published reports and rumors that Hoover has made a deal to step down from leadership of the agency he has headed since 1924, the Justice Department spokesman said, "There is absolutely no truth to it."

"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."

Hoover's post is organizationally under the attorney general but the FBI's operations are largely independent. Relations between Hoover and attorneys general have varied from excellent to strained. Hoover and Ramsey Clark were often at odds. But Mitchell and Hoover reportedly get along well.

OIL AND INFLATION

Mr. PROXMIRE. Mr. President, the oil industry has unjustifiably raised the price of gasoline by 1 cent a gallon.

The New York Times has shown a keen editorial awareness of the realities of the situation and has presented in stark colors the disdain the oil industry and its friends have for the general welfare. I ask unanimous consent that the editorial from the Saturday New York Times be printed in the RECORD at the conclusion of my remarks.

The editorial is excellent, but I do have one criticism. In attempting to be fair, it understates the cost to the consumer of this callous action. The cost will be about $800,000,000, according to a letter I received last August from Arthur M. Okun, who was at that time Chairman of the Council of Economic Advisers.

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

OIL AND INFLATION

Most of the major oil companies have now followed Texaco's lead and raised their crude oil prices in amounts ranging from 5 to 20 cents a barrel. When those advances are fully reflected in higher retail prices, the American consumers' total bill for gasoline, heating oil and other petroleum products is likely to increase by some $400 million.

What makes the crude oil price rise unique in a period of generally rising prices is that unlike most commodities its price cannot be raised without the active cooperation of the Federal Government.

There is a great abundance of crude oil in the world; if there were no restrictions on its domestic production or importation from other countries, the United States consumers' annual bill for petroleum products would be lower by about $5 billion. Petroleum prices are maintained at artificially high levels in this country by restricting supply. Production from domestic oil wells is tightly controlled by state governments, and the Federal Government enforces these restrictions on output through an interstate oil compact. Oil imports are limited to a fixed percentage of current consumption by mandatory quotas.

The American oil industry is a kind of private government, an entity which has had sufficient political power to shape the petroleum policies of the Government in Washington, not only through its influence in key Congressional committees but by direct pressure on the White House. That private government has not been seriously challenged in the past. But now its power to raise prices is threatened by a coalition of New England and Southern interests that wish to establish "free trade zones," refining areas

into which cheap crude oil and other petroleum products can be imported without quota restrictions.

A bitter fight is being waged over a trade zone at Machiasport, Me., where the maverick Occidental Petroleum Company wants to operate a refinery and petrochemical complex using Libyan crude oil. Similar projects are planned for Wilmington, N.C., and Savannah, Ga. The success of any of them—especially Machiasport—would weaken the system of controls and confer great benefits upon American consumers.

Last-minute maneuvering by the Johnson Administration delayed a decision on Machiasport. But President Nixon, unencumbered by the same political obligations, has an opportunity to strike an anti-inflationary blow for the consumer. He can break the current deadlock by ordering the approval of the Machiasport trade zone or, better yet, moving to dismantle the quota system originally established by an Executive order in the Eisenhower administration.

NEED FOR CHANGE IN SOCIAL SECURITY SYSTEM

Mr. GURNEY. Mr. President, not a day goes by in which I do not receive a good number of letters from social security recipients in my State who point out the need for a change in our social security system.

These people are finding it more and more difficult to make ends meet in view of our present high cost of living and inflation. To meet their financial obligations, many social security recipients find it necessary to hold part-time jobs to supplement their social security pensions. Under the existing law, if they make over $140 a month, they will loose a portion of their benefits.

These retirees are not asking for a free ride. They merely want a chance to help themselves. By lifting the outside income limits on social security recipients, we can give them that chance.

In view of this important situation, I invite the attention of Senators to an article by the National Federation of Independent Business, Inc., and ask unanimous consent that it be printed in the RECORD.

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

AN ARTICLE FROM THE NATIONAL FEDERATION OF INDEPENDENT BUSINESS, INC.

An investigation of the apparent present juggling of funds may permit the new administration to carry out the principal reform in the Social Security system as pledged in the GOP platform, without any increase in payroll taxes.

This reform, backed by a heavy majority vote of the nation's independent businessmen, voting through the National Federation of Independent Business, is the raising of the limits, or their elimination altogether, of the restrictions placed on the amount persons between the ages of 65 and 72 can earn through employment without sacrificing Social Security benefits.

At the present time, $1680 is the limit anyone can earn without losing Social Security benefits. Previously it was $1500 per year, and in the 1967 Congress the Senate voted to raise this limit to $2400 per year, but the House voted to hold the limit down to $1680. The compromise of $1680 was reached in conference.

This limit only applies to those who splice out their Social Security benefits through working. There is no limit to the amount a senior citizen can earn through dividends, investments and property—which has resulted in the strange paradox of millionaires drawing full Social Security benefits while many who cannot subsist on the benefits must continue to work and forfeit their Social Security benefits.

Elimination of this restriction, adopted in depression days in response to labor pressure on the basis that it would encourage retirement and create more jobs for the younger unemployed, is consistently opposed by Social Security officials who claim that it would throw the system into a financial tailspin unless higher taxes were imposed.

But ever since the Social Security Administration has been under the aegis of the Department of Health, Education and Welfare, there has been an increasing siphoning off of Social Security funds to this department, according to the Federal budget publications.

On page 501 of the Appendix to the Budget for Fiscal Year 1969 it shows that out of the old age and survivors part of the Social Security Administration funds a total of $2,746,000 was diverted to the Office of the Secretary of Health, Education and Welfare in 1967; in 1968 an estimated $2,939,000 was diverted with an estimated $3,557,000 to be diverted in 1969.

Of the 1969 total of over 3½ million, $774,000 is scheduled for the Office of the HEW Secretary, $672,000 for the HEW Comptroller, $701,000 for the General Counsel of HEW, and $1,242,000 for the Field Coordination office of HEW. In addition to this total the 1969 budget also calls for the Office of Administration of HEW getting another $168,000 from Social Security funds which was not listed in 1967.

Other trust funds of Social Security such as Medicare are also tapped for lesser amounts for the Health, Education and Welfare Department.

In addition, on page 483 there is shown other costs from the fund totalling $1,738,000 for 1969. These items are broken down into headings such as "providing services related to civil rights activities, $78,000", "providing training and other services for foreign nationals for the Agency for International Development, $107,000," "providing earnings records, benefits, employer and related data to other Federal Agencies (including Internal Revenue), $409,000", "providing employment and employer information for private pension plans and unemployment compensation purposes, $721,000", "providing miscellaneous services $423,000".

While on this same page there are indications that the Social Security fund is reimbursed for these outlays, on the other hand on page 501 the capitulation of cash income fails to show any entries for this purpose.

In addition, further eroding the trust funds is the stepped up construction program embarked upon by Social Security. In 1967 it spent $1,171,000 on construction, an estimated $6,106,000 in 1968, jumping to $14,433,000 for 1969.

The 1969 budget further indicates that in 1969 Medicare will pay out $1,656,000,000 in benefits and $166,000,000 in administrative costs, or slightly more than 10 percent for administration. This compares with the 5 percent administrative costs of Blue Cross, a private hospital plan that pays out over 3 billions of dollars annually to policy holders.

It is possible that the new administration will set up a private business-oriented investigation of Social Security operations as long desired by the independent business community.

On several occasions Senator Everett Dirksen, Illinois, had expressed doubts about the present operation of the service, and many nationally known educators such as Dr. Colin Campbell of Dartmouth have raised serious questions.

One popular myth concerning Social Security was exploded earlier this year by Robert M. Ball, Commissioner of Social Security.

It has been generally assumed that the tax taken from an employee and the equal amount taken from his employer or employers was to set up a fund to provide for that employee's retirement benefits.

On this basis the National Federation of Independent Business published a study showing that the young person entering the working force today could not live long enough to receive back the taxes paid by himself and his employer, plus interest, over the years of his employment.

This study was published by the American Medical Association News and brought a protest from Commissioner Ball in a letter to the publication, in which he attacked the validity of the study.

"This is an invalid comparison" states Commissioner Ball, "because the employer's Social Security contribution is not earmarked for the benefit of the particular employee."

It is believed this is the first time an official admission has ever been made that the Social Security tax on employers is purely and simply a general tax, instead of such payments being employee "fringe benefits".

NECESSITY FOR MAINTAINING A STRONG AIR FORCE

Mr. MURPHY. Mr. President, defense readiness is an item of very serious interest to us all. Many have voiced concern about future plans for manned strategic and tactical aircraft in our "weapons mix."

It is well known that some feel further research and development on aircraft is of limited necessity in view of our great strategic missile capability and the pressing needs of the civil sector. Some say we have all the airplanes we need, yet we have had only one really new weapon system in this area since 1960.

I am convinced that manned aircraft have a most important role to play in our Nation's defense for as many years as we can see ahead. It is of most vital importance to this objective that our Air Force establish its strength and maintain its striking power. I have, many times, stressed the need for maintenance of a strong Air Force and, thus, it is with pleasure that I call attention to an article published in the December 1968 issue of Air Force & Space Digest magazine written by Edgar E. Ulsamer, that publication's associate editor.

Mr. Ulsamer reports on Air Force aircraft and avionics planning as articulated to him by Lt. Gen. Joseph R. Holzapple, the Air Force's Deputy Chief of Staff for Research and Development. General Holzapple has distinguished himself in the research and development field and I believe his words are worthy of attention.

Mr. President, I ask unanimous consent that this important article be printed in the RECORD.

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

HOW THE U.S. AIR FORCE IS LOOKING TOWARD THE FUTURE

(By Edgar E. Ulsamer, associate editor, Air Force/Space Digest)

The U.S. strategic posture, at the end of 1968, is "reasonably good," and, in spite of the Vietnam War effort, "fundamental R&D tasks" necessary to meet future strategic defense needs "have been performed." But

without the R&D budget restraints imposed by the Southeast Asian conflict, it "would have been possible to go further and faster in advancing and refining our strategic position." These are the views of Lt. Gen. Joseph R. Holzapple, USAF Deputy Chief of Staff for Research and Development.

But the Air Force's R&D chief attached a strong caveat to this relatively optimistic prognosis: In order to maintain the present strategic posture, a number of pressing Air Force programs need to be implemented or continued at presently scheduled levels.

By contrast, General Holzapple, in an interview with AF/SD, saw "problems" relative to the nation's tactical airpower status, especially in terms of numerical strength. A flareup elsewhere in the world requiring an intensity of tactical air effort similar to that mounted in Southeast Asia would "stretch our reserves and capabilities very hard and beyond a point which I consider comfortable," he said.

Premising his evaluation of the offensive segment of the U.S. strategic posture on the mix of steadily improving ICBMs and Polaris-type missiles, as well as a "significant" bomber force, General Holzapple stressed that work on Minuteman III, ABRES (Advanced Ballistic Reentry Systems), and the MIRV (Multiple Independently Targeted Reentry Vehicles) concept is being pursued hard and is "progressing well." The Air Force, he said, in addition is "looking well beyond current Minuteman technology in efforts to develop more advanced multiple reentry ICBMs with larger boosters to increase throw weight."

In phase with these efforts, General Holzapple said, are development plans to improve the accuracy of missile guidance systems, both for the Minuteman family and for possible larger missiles (such as Weapon System 120A) and to increase their "survivability" by protecting them against radiation effects produced by the detonation of nuclear warheads. The penetration survivability of ICBMs is being enhanced further, he said, by use of special materials to protect the warhead itself against damaging energy emissions (such as heat and X-rays) from enemy AMBs. Prelaunch survivability, according to General Holzapple, will be improved through use of the hard rock silos under development for the Minuteman III but also capable of accommodating more advanced missiles.

Also, the computer capability underlying the ICBM system is being expanded by the Air Force to permit faster and more flexible reprogramming. Over-all, emphasis in the strategic offensive sector has been directed at improving survivability and penetration capability, and is typified by the Minuteman's "growth program."

THE AMSA QUESTION

According to Defense Department officials, the Systems Analysis office of the Department of Defense remains unconvinced concerning the requirement for a new manned strategic bomber (AMSA) in the late 1970s on the basis of the so-called National Intelligence Estimate (which seeks to define and evaluate the probability and nature of future threats). The Defense Department's Directorate of Research and Engineering (DDR&E), the Joint Chiefs of Staff, and the Air Force, as well as as Systems Analysis, nevertheless are making progress toward a compromise solution concerning AMSA. Key elements of the AMSA problem are its acquisition cost, including R&D, of about $10 billion, and a lead time of about eight years from contract definition to initial operational capability.

Furthermore, the Department of Defense still sees AMSA only in the context of a single-purpose, assured-destruction role, whereas the Air Force, applying the B–52 lesson of Vietnam, views AMSA also in terms of conventional war needs. These factors, coupled with the absence of a "provable threat," have resulted in repeated postponement of contract definition. On the other hand, contract definition has been urged repeatedly and unequivocally by the Joint Chiefs of Staff as well as by both the Secretary and the Chief of Staff of the Air Force.

The Air Force rationale for AMSA pivots on the belief that such a manned system is essential for a proper strategic mix and that it is a cost-effective replacement for the aging, dwindling B–52 fleet and the FB–111, and interim airplane whose full-scale deployment might be blocked by Congress.

General Holzapple said current efforts regarding AMSA attempt to reconcile the absence of a provable threat eight or more years hence with the fact that "unless you start sometime you are never going to get AMSA." This, he said, requires a program that accomplishes "the beginning of the development phase; that is, a much more precise determination of the specific technological chores involved and much of the preliminary development work." This, General Holzapple predicted, would bring the program to a point where "you could actually achieve initial operational capability within four and a half or five years from the moment the go-ahead decision is made, instead of the eight years we face now. What we hope to achieve by this is, in effect, an insurance policy that would cost some money but not as much as the full development of the total system.

"We are hopeful that we will be able to start such a program soon and as a result have the option to develop AMSA with a much shorter lead time than is the case now." He added that "personally I cannot, in the foreseeable future, envision a situation where a manned strategic system is not essential."

In addition to the primary AMSA controversy, there is also the as yet unresolved question of whether AMSA should be a supersonic or subsonic aircraft. DoD's Systems Analysis Office is of the opinion that, if AMSA were indeed necessary, a subsonic capability is all that is called for. This is premised on a cost-effectiveness consideration involving AMSA only in a single-purpose nuclear mission where high attrition rates are considered acceptable.

The Air Force's counterargument is that in case of a nonnuclear role, requiring, of course, repetitive sorties, the increased survivability and productivity resulting from supersonic capability would pay for the increased development and production costs many times over. Under such circumstances even a one percent survivability increase could be "cost-effective." Stating that he felt "sure that the flexibility of supersonic performance is well worth the higher price," General Holzapple emphasized, "tactics rely on change and innovation, challenge and response. To develop such a system at great cost and not have the flexibility provided by supersonic capability might well turn out to be a very shortsighted approach."

Complementing AMSA will be several weapon systems currently under close Air Force study or development, according to General Holzapple. Paramount is the Short Range Attack Missile (SRAM) currently under development by the Boeing Co. for deployment in the B–52 and the FB–111. While most of its parameters are classified, SRAM will give the bomber force a "standoff" capability, meaning the launching bomber remains outside the air defense perimeter of the target areas. This presumably means a range in excess of 100 miles.

Other bomber-oriented weapons that the Air Force is "looking at very hard," according to General Holzapple, include bomber defense missiles, decoys to facilitate penetration, and several other techniques currently in an exploratory stage.

AMSA, as envisioned by Air Force planners at this time, would differ from the B–52 (the product of late 1940s and early 1950s technology) in a number of areas: It would feature improved cube space (interior volume) and good payload capability, yet weigh less than the B–52 (maximum gross takeoff weight 488,000 pounds). Interior volume is vital because about half the available space would be used by penetration aids. AMSA also would present a substantially lower radar reflection than the B–52 and would be capable of high speed at low altitudes, possibly in the low supersonic regime, as compared to 350 knots "on the deck" for the B–52.

Various wing designs, coupled with such other design features as advanced high-lift devices, are being considered to give AMSA shorter takeoff and landing capability than the B–52, while a special landing gear would furnish austere field capability. Both features would permit wide dispersal and reduced vulnerability for the aircraft, as would AMSA's advanced operational self-sufficiency and self-test characteristics. Overall, of course, AMSA would offer the myriad advantages of being based on a state of the art some twenty years ahead of that of the B–52. While the proposed supersonic speed of AMSA has not been revealed specifically, Air Force planners indicate that it could achieve between Mach 2 and Mach 3 and will take advantage of titanium technology where beneficial.

A possible AMSA feature, currently under consideration, according to Air Force planners, is the so-called supercritical wing, developed to a high degree of sophistication by the National Aeronautics and Space Administration. Simply stated, this concept permits an increase in long-range, economical cruise speed from the Mach 0.8 region to the Mach 0.9 region by delaying airflow separation through proper shaping of the airfoil.

The currently proposed detailed design phase of the AMSA program would involve design competitions by two avionics, two engine, and two airframe manufacturers, to be narrowed to one each in the final evaluation phase.

DEFENSIVE STRATEGIC SYSTEMS

The Air Force, according to General Holzapple, is "advocating a substantial increase in our air defense capability, involving a package program" consisting of OTH (over-the-horizon backscattar radar detection system), AWACS (Airborne Warning and Control System), and a modern interceptor/missile system with "look-down-shoot-down" capability.

At this time, he said, most of "our air defense equipment is oriented toward high-flying bombers and as a result our radar is 'looking up' when, in fact, the other side must be presumed to be doing the same things we are: achieving a high probability of penetration by coming in low, in the high-noise ground clutter."

The Air Force air defense package would furnish surveillance of the low-level environment and direct the interceptor toward the hostile penetrator.

The interceptor radar system would be capable of acquiring and tracking targets against the ground clutter. The same techniques would be applied to its missiles which would make the actual "kill" by "shooting down" at the target.

Critically important to the air defense package is the makeup of the interceptor force. The F–106, first flown in 1956, would be "modernized" for this role because, as General Holzapple put it, "it is certainly the least expensive way. You take something that you already have and give it this look-down capability quickly and economically." "Of course," he added, "this doesn't mean that the F–106 is best under all conditions. As a matter of fact, you can make a good case for the [Mach 3 plus] F–12 or a completely new design. But this runs up costs." Air Force analyses to date, he said, indicate that a mix of F–12s and F–106s "would certainly be better than just the F–106 by itself."

TACTICAL WEAPON SYSTEMS

The pivot for the successful employment of tactical airpower obviously is air superiority. With the Soviet Union having developed eighteen new fighter prototypes, including the Mach 3 Foxbat, since the F–4 (the principal US fighter) was designed, Soviet air-to-air capability, according to testimony before Congress by Air Force leaders, is "a most serious threat." Air Force Chief of Staff Gen. J. P. McConnell told Congress that it was "imperative that we proceed as fast as possible" with development of a new fighter aircraft, and the Senate Armed Services Preparedness Investigating Subcommittee rated this "vital and urgent."

At first designated the FX and now called the ZF–15A, the new fighter program is clearly one that has the highest Air Force priority and is well along in development, with basic concept formulation completed. Prototype engines are under development by both General Electric and Pratt & Whitney. The current source selection effort was launched with RFPs (requests for proposal) to eight airframe manufacturers on September 30, 1968.

Contracts were awarded to Westinghouse and Hughes on November 5, 1968, for the ZF–15A's radar system. As a result, General Holzapple predicted, "around the first of the year [1969], selection of two or more airframe contractors for further contract definition work" will take place and "eventually" one contractor in each category will be selected for actual construction of the Air Force's next air superiority fighter. The present schedule, he said, calls for first flight of the ZF–15A in 1972 and initial operational capability by the mid-1970s.

The ZF–15A, "as we have proposed it—and hope to develop it—will be able to cope with anything that we can see the Soviets coming up with," according to General Holzapple. He did not expect a design compromise concerning the F–15A through a commonality requirement with the Navy's next new fighter aircraft (the VFX), saying that this matter had been resolved satisfactorily and that "the Navy plane is really quite a different aircraft."

Considerable effort is being expended in parallel development programs of an advanced gun for the ZF–15A, most likely of 25-mm caliber, possibly utilizing so-called caseless ammunition. This means the propellant functions as the casing to eliminate the spent cartridge problem, according to General Holzapple. He added that another parallel development effort in support of the ZF–15A involves a new short-range, air-to-air missile. It is for close-in attacks where present generation air-to-air missiles, most meant primarily to cope with high-flying bombers, lack structural integrity to withstand the high G-forces needed for high-speed maneuvers, he said.

The over-all view of the ZF–15A is that of a totally uncompromised single-seat fighter, in the 40,000-pound weight class, of worldwide self-deployed ferry range and with full bad-weather capability. A two-seat trainer version is also under consideration. A titanium alloy airframe and variable-sweep wing design or a fixed wing with high-lift devices currently are under consideration. Procurement may be under a total package concept, with the airframe manufacturer bearing total system responsibility. Maneuverability, acceleration, and climb rate are considered more important than sheer cruise speed.

The ZF–15A powerplants, two advanced-technology turbofan engines with afterburner in the 25,000-pound-of-thrust range, are to give the aircraft a very high power-to-weight ratio to permit unequaled closing, climb, evasion, and other maneuver capabilities. Engine technology is to draw heavily on propulsion research conducted in conjunction with AMSA and V/STOL aircraft.

The ZF-15A's advanced radar detection system is to be capable of giving the pilot sufficient time to maneuver into the most advantageous attack position against enemy aircraft. Air Force planners point out, almost charily, that the ZF-15A, despite its uncompromised single-purpose orientation, will automatically include a "substantial air-to-ground" capability.

THE AX AND LIT PROGRAMS

Much of the close air support in the 1970 time period and beyond, if the Air Force has its way, will be furnished by a single-seat, twin-turboprop design bearing the designation AX. It would be a relatively inexpensive (about $1 million), heavily shielded aircraft that can provide effective aerial firepower in support of ground units engaged in close combat. The AX program, according to General Holzapple, is not clouded by the question of "whether it is needed, but rather by doubts over how soon."

In terms of timing, he said, "One of the big considerations is how the program impacts on the annual budgets over which it would extend, especially how it can be reconciled with the cost of whatever other programs are to be launched." One delaying factor, obviously, is the fact that the AX is to fill a tactical air spectrum currently covered in piecemeal fashion by existing aircraft. Close air support is being furnished presently by a range of aircraft from the A-1 to the F-4 and including the A-37, the F-100, F-105, and the new A-7D. The AX, in the view of Air Force planners, will be able to perform ground support in a permissive air environment "quickly, cheaply, and effectively." This is to be accomplished by virtue of its speed of more than 400 knots, heavy armor, large payload, STOL capability with takeoff in less than 1,000 feet when necessary, and optimized armament. It is to have worldwide self-deployable capability.

At this writing, the Air Staff was reviewing the concept formulation draft proposal for the Light Intratheater Transport (LIT). The Air Force, according to General Holzapple, "feels strongly that there is a high-priority requirement for LIT which is to replace the C–123s and C–7s and augment the C–130s." If the present schedule can be maintained, LIT contract definition may take place early in 1969.

For the time being, the aircraft's size, according to General Holzapple, is not yet agreed upon. While a larger aircraft, approaching the C–130, would offer at least theoretically improved cost-effectiveness, its cost and complexity, in view of the V/STOL or STOL requirement, also would be markedly increased over a smaller design. Concerning the tradeoffs between STOL and V/STOL capability, General Holzapple felt that "if contract definition indicates high risk to achieve a VTOL capability in the LIT, a decision might be made to follow a prototype approach to reduce the risk." V/STOL is a performance feature that is currently being considered "very seriously" by the Air Force. Such an approach, he said, would permit development of the Light Intratheater Transport without undue risk, while permitting full exploitation of the technological potential.

NEW MATERIALS

Whatever the mission or specific technology of future weapon systems, materials represent a crucial pacing factor. For that reason and because of the "fantastic" potential inherent in this R&D area, the Air Force is spending considerable effort and money on materials research, according to General Holzapple.

He singled out boron fibers and carbon phenolics as among the most promising advanced lightweight high-strength composites which "someday will furnish very dramatic payoffs" and revolutionize aerospace systems. "For the time being," he pointed out, however, "we don't know all the answers yet by any means. We don't know in what form they will emerge and to what kind of matrix they will be tied."

But, he emphasized, there isn't "any question that downstream, not in the next generation [of aerospace systems] but perhaps two generations from now, we will see dramatic advances as a result of the new materials technology we are currently working on."

PROTOTYPE DEMONSTRATION VERSUS STUDY APPROACH

Aerospace and defense technology historically has been characterized by two divergent approaches: prototype construction with all the attendant costs for the sake of "verification" of a given technology, as opposed to the less costly but less reliable study approach. General Holzapple pointed out that the Air Force at this time prefers to weigh each decision on its individual merits, with "the state of the art and the technical risk determining whether the prototype approach is warranted."

As for the possibility that the pendulum recently might have swung too far toward the study approach to the detriment of proving out advanced technologies, General Holzapple said in some instances this was the case. Further, the pitfalls attached to the study approach often are the fact that "you may discover [when production starts] that it costs a great deal more and takes a great deal more time than you had been led to believe."

He cited the C–5 as an example of a system that probably would not have benefited from a prototype program: "To have two or three contractors develop different prototypes probably would have amounted to a waste of time and money. The product we wanted was well enough known and within the state of the art; we knew that we could go to any qualified contractor and have him build us a good, reliable transport."

On the other hand, systems whose complexity and underlying advanced technology do not warrant such confidence, he said, suggest themselves for the prototype approach. He listed as examples certain elements of the Airborne Warning and Control System "where we intend to build bread-board models to demonstrate to our own satisfaction that a given technique really works. That way we can ascertain that certain components, which are the key to the over-all system, will give us a workable AWACS." In the case of LIT, another advanced-technology system, he said, a flyoff between the competing designs may also prove worthwhile.

This flexible approach, coupled with the range of weapon systems enumerated by General Holzapple, he said, permits the Air Force, at the end of 1968, to "look toward the future with justified and reasonable confidence," as far as the R&D sector is concerned.

NATIONAL CENTER WEST—GIRL SCOUT FACILITY IN WYOMING

Mr. McGEE. Mr. President, this is an important day in the history of the Girl Scouts of America—and a day in which the State of Wyoming is closely involved. This afternoon, in ceremonies at the Department of the Interior, the first tract of public domain to be included in the Girl Scouts' National Center West will be transferred from the Government to the Girl Scouts, represented by Mrs. Holton R. Price, Jr., the national president.

National Center West covers an area of some 15,000 acres in the Big Horn Mountains near the small town of Ten Sleep, Wyo. But its permanent facilities will be built on a 640-acre tract of land acquired from the Bureau of Land Management. It has been a pleasure for me

to be involved in the preliminaries leading up to today's transfer, and in earlier ceremonies at Worland, Wyo., where the plans for National Center West were announced. We in Wyoming are proud to have this fine facility, which will give Girl Scouts from the Nation over, and from abroad as well, an opportunity to enjoy our wide open spaces and to learn about themselves in the process.

Mr. President, the winter edition of Bureau of Land Management's publication, Our Public Lands, contains an excellent article. 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:

[From Our Public Lands, Winter 1969, Bureau of Land Management]

GIRL SCOUT NATIONAL CENTER WEST—FOR ENJOYMENT AND LEARNING IN THE OUTDOORS

Near the tiny town of Ten Sleep, Wyo., scene of the last of this Nation's great cattle wars, Girl Scouts of the U.S.A. has acquired some 15,000 acres in the Bighorn Mountains for the establishment of a national center.

The site will be called Girl Scout National Center West. Scouts from all over the country as well as Girl Guides from all over the world will gather there for large encampments, troop camping, training workshops, seminars and conferences for both girls and adults, and activities in arts, crafts, and sports of all kinds.

The Bureau of Land Management played a key role in making the site available for the Center. Permanent facilities of the Center will be built on a 640-acre tract to be acquired from BLM under the Recreation and Public Purposes Act. In addition, BLM issued the youth organization a special use permit covering nearly 6,000 acres. To round out their ownership to 15,000 acres, the Girl Scouts purchased a large ranch and a numer of smaller holdings. Cost of developing the Center is conservatively estimated at $3 million.

Acquisition of the site was announced at a dinner given by Wyoming Governor Stanley K. Hathaway and the Worland, Wyo., Chamber of Commerce in honor of the Girl Scouts. The event was attended by a delegation of Girl Scout officials headed by Mrs. Holton R. Price, Jr., National President; by political and civic dignitaries of Wyoming; and by BLM Director Boyd L. Rasmussen. Actress Debbie Reynolds, closely associated with scouting since her youth, was mistress of ceremonies.

Interior Secretary Stewart L. Udall wired that he was pleased that the Department, through BLM, was able to make public lands available for the Center. He added, "I know that the Girl Scouts who visit the Center in the years to come will enjoy their 'home' in this spacious countryside, and I wish you every success with this exciting new venture."

Girl Scout National Center West will be inaugurated in the summer of 1969 when 50 troops of Senior Scouts, one from each of the States, meet at Ten Sleep for 14 days of backpacking and trailblazing.

The new property offers countless program possibilities for Girl Scouts. There the girls can enjoy the beauty of nature and the outdoors, learn to conserve natural resources, and study the history and culture of the West. The rich archeological content of the area affords opportunity for digs under the supervision of professional archeologists. Many artifacts have been found on the surface of the land, and there are pictographs—ancient Indian rock paintings—in caves on the property. Geologically, the site is considered a treasure. It contains all but one of the major geological strata. The area abounds with elk, deer, and small game, and the climate allows both winter and summer sports. A further advantage of the site is its location adjacent to the Bighorn National Forest administered by the U.S. Department of Agriculture's Forest Service.

Many wonderful experiences are in store for Girl Scouts who go to the center, and the richest of all could be a deeper awareness of self. In 1968 the Girl Scouts held a trial run on the site during which troops backpacked and blazed trails. The poetic reaction of a Senior Scout may best sum up what the Center can mean to young adults:

"When I measure myself with the grasses,
I find I am very tall;
But when I measure myself with the mountains,
I do not exist at all."

HOUSING SHORTAGE WORST IN 20 YEARS

Mr. PERCY. Mr. President, in its semiannual survey of U.S. housing markets, Advance Mortgage Corp. reports that the United States is in the midst of its most severe housing shortage in 20 years.

Tight money, labor shortages, inflation, and transportation problems are preventing the housing gap from being closed. Today's home buyer will pay 25 percent more in monthly payments for the same house as a year ago, the survey estimates. With mortgage rates at a post World War II high and rising at the rate of one-fourth of a percentage point a month, the money market looks more serious than at any time since 1966.

These gloomy predictions emphasize the need for inflation to be brought under control so that interest rates can decline and for a renewed commitment on the part of the Congress to meet the housing needs of this Nation.

I ask unanimous consent that the March 7, 1969, article of the Wall Street Journal, reporting on the Advance Mortgage Corp. survey, be printed in the RECORD.

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

HOUSING SHORTAGE IS WORST IN 20 YEARS, SURVEY FINDS—MONEY DEARTH IS A FACTOR

DETROIT.—The effects of a money shortage on new housing this year will be more painful than the last big money crunch in 1966, Advance Mortgage Corp. said.

In its semiannual survey of U.S. housing markets, the company warned there might not be "enough mortgage money at any price in some markets" this spring. And, it noted, housing prices are soaring while available housing—particularly low-cost homes—is shrinking. As a result, the study warned, the nation is in the midst of its most severe housing shortage in 20 years.

And, it said, a pileup of other complexities—such as labor shortages, inflation and transportation problems—is preventing the housing gap from being closed.

The Advance Mortgage survey reported housing production last year was about the same as in 1965, but the household formation rate was nearly 30% higher. As a result, the inventory of vacant homes and apartments in metropolitan areas has declined to just over 1 million units from 1.5 million in 1965. The inventory of completed houses for sale at the end of 1968 was 42,000, compared with 94,000 at year-end in 1965.

The survey indicated New York's vacancy rate is less than 1% of total housing units, and in San Francisco only 1.5% of all housing is vacant. "These markets couldn't have been much, if any, tighter in World War II," said Irving Rose, president of Advance Mortgage.

Today's home buyer will "pay 25% more in monthly payments for the same house as a year ago," Mr. Rose said. He based his estimate on a 10% price increase, an increase of 1.5 percentage points in interest rates and a 5% climb in taxes and insurance.

That's assuming the buyer can find the same house. Builders are concentrating on larger, costlier homes to compensate for the shortage of labor and for higher land costs, Advance Mortgage said. "Depending on the market," Mr. Rose observed, "a medium-priced home costs from $30,000 to $50,000."

Apartment building currently is "the dynamic factor in the market," the company explained. Starts, which were a record 525,000 last year, "should show another substantial increase in 1969, even if money becomes scarce," Mr. Rose said. Money will continue to be available to apartment builders, he said, because they offer a better yield than is available on home mortgages and because of an increasing desire for investor participation.

However, with mortgage rates at a post-World War II high, and rising at the rate of ¼ of a percentage point a month, the money market "looks more serious than at any time since 1966," the company stated.

Relief provided the home mortgage market by an increase in Federal Housing Administration mortgage rate ceilings to 7½% will be short-lived, the survey asserted. "Another rate increase appears inevitable and may be much more difficult politically than the first," Hugh C. Ross, senior vice president, said.

The basic problem in the housing market today is transportation rather than "the usual explanations" of land cost or credit costs and availability, the survey concluded. "The near-in land is almost completely built up, and transportation over long distances is unreliable or frustrating. In the long run, our housing problems may be insoluble until our transportation problems are solved."

MAINTENANCE OF BEAUTY OF NORTH DAKOTA COUNTRYSIDE

Mr. BURDICK. Mr. President, much has been written lately about opposing viewpoints of industry and Government over use of our natural resources. Many times stories indicate that industry is interested only in the wealth of our natural resources, with no concern over the result from extracting such wealth from our lands and waters.

It is therefore pleasing to note an editorial in the February 22 edition of the Bismarck, N. Dak. Tribune congratulating a business organization for its foresight in maintaining the beauty of North Dakota's countryside. I ask unanimous consent that the editorial be printed in the RECORD.

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

BASIN RESTORES SPOIL PILES

It isn't often that any business organization asks for tougher regulatory legislation, at a greater cost to itself, than lawmakers are prone to give; but that's what Basin Electric is doing.

The Bismarck-based rural electric generating giant has urged that mine spoil bank reclamation be required on considerably stricter terms than those contemplated in a bill now before the Legislature.

Basin, of course, already is a leader in this area, and a voluntary one. What other coal producing companies operating in North Dakota don't want to be forced to do, Basin

has voluntarily required its own coal supplier to do.

Under the terms of its contract to supply lignite to the big Basin Electric plant at Stanton, Truax Traer must restore the land from which coal is strip-minded to the condition of "rolling countryside." The cost to Basin is about $18,000 per year at $100 to $150 per acre, which isn't much when balanced against royalty payments to landowners which, at 10 cents a ton, can run to $2,000 per acre, not to mention the many more thousands the mining company gets per acre for the coal.

Actually, under the present proposal being blasted through the Legislature by the coal mines lobby, Basin would be exempted completely from spoil bank rehabilitation. The only mandatory leveling required by the bill would apply to spoil banks within 660 feet of a road or other public facility. Basin has none such, and most other spoil banks would be equally immune.

Next, the mining company bill now in the Senate asks that banks be graded down only to a 25 per cent slope. Soil conservation Service experts have pointed out this would be too steep for any agricultural use and perhaps too steep to permit water retention for plant growth.

Other states far bigger in mining than North Dakota have far stricter requirements than are being proposed here. This includes states such as Illinois, Virginia, West Virginia and Pennsylvania.

The fact that Basin Electric has been able to absorb the cost of spoil bank reclamation, and require its coal supplier to do such restoration work should demonstrate that it is feasible for others.

When thousands of dollars of coal can be taken out of a single acre of ground—which, left alone, will never again support agriculture, wildlife or tax-provided services—it shouldn't be too much to put $100 to $150 back into its restoration. Surely it ought to be possible to work out a formula which will divide this cost equitably between the mining company, the landowner who collects the royalties and, perhaps, the buyer of the coal.

AIR AND WATER POLLUTION—ARTICLE BY DR. IRVING S. BENGELSDORF

Mr. MURPHY. Mr. President, on February 2, Dr. Irving S. Bengelsdorf, science writer for the Los Angeles Times, wrote an article entitled "Man Must Develop New Respect for His World." The article deals with pollution and its dangers.

As a former member of the Subcommittee on Air and Water Pollution of the Committee on Public Works, I have frequently labeled pollution, both air and water, as one of the most serious domestic problems facing our Nation.

Because of the critical nature of the problem, I ask unanimous consent that Dr. Bengelsdorf's article be printed in the RECORD.

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

[From the Los Angeles Times, Feb. 2, 1969]

POLLUTION: ON LAND, BY SEA AND IN THE AIR—MAN MUST DEVELOP NEW RESPECT FOR HIS WORLD—ENVIRONMENTAL CHANGE CAUSED BY OUR MISUSE OF TECHNOLOGY

(By Irving S. Bengelsdorf, Ph. D., science writer for the Times)

The handwriting is on the wall. And the message is clear. Either man controls his exploding population, his crowding into cities, and his industrial activities, or he faces disaster through his pollution and manipulation of our planetary environment.

It is the only environment we have.

More people in more cities demand more technology to provide more food, more water, more shelter, more transportation, more manufactured goods, more electricity, more services. All these activities give rise to pollution.

It is becoming more and more evident that modern technology—as used by society—permits us to change our environment on a vast global, national, statewide or local scale. And we often do not know the long-range consequences of such environmental changes.

In symposium after symposium at the 135th annual meeting of the American Assn. for the Advancement of Science, recently held in Dallas, scientists repeatedly warned of impending danger as we continue to pollute the air above us, the seas around us, and the land beneath us.

Consider air pollution. The burning of fuels—wood, coal, oil, gasoline or natural gas—in homes, automobiles and factories gives rise to a horrendous aerial garbage of sulfur oxides, carbon oxides, nitrogen oxides, hydrocarbons and lead.

POLLUTION CAN CHANGE HEAT OF ATMOSPHERE

These aerial pollutants can change the heat-content of the atmosphere, can kill trees, crops and flowers, can irritate eyes, noses and throats, can aggravate emphysema, place a stress on heart function and may contribute to lung cancer.

Or, consider the contamination of water. Sewage, detergents, pesticides, waste chemicals, and waste heat dumped into rivers, lakes and estauaries—and dams built or new waterways constructed—can change sparkling rivers into dirty, fetid streams, clear blue lakes into turbid pea-soup green bodies of water, and ocean coastlines once teeming with diverse plants and animals into submarine desert devoid of life.

Finfish and shellfish are killed or driven elsewhere. The catch of blue pike in Lake Erie dropped from 6.9 million pounds in 1956 to less than 200 pounds in 1963.

Land pollution boggles the mind. In our affluent, expanding urban population, each American, every day, must get rid of about five pounds of refuse—paper, grass and brush cuttings, garbage, ashes, metal, glass and ceramics. This amounts to about 1,800 pounds per person per year or 360 billion pounds of solid wastes annually for the country!

Where to put it? Paper cartons deteriorate with time and steel cans eventually rust away. But aluminum cans are longer-lived and plastic containers are nearly eternal in the pollution of our landscape. The number of cans, bottles, jars, bottle caps, and miscellaneous containers increases as the population increases.

As Dr. Roger Revelle, director of the Center for Population Studies, Harvard University, said, "What this country needs is a beer can that either we or the bacteria can eat."

Man-made pollution has three characteristics:

1—Pollution respects no political boundaries. There is no ordinance the city of Pasadena can pass that will prevent smog, generated in Los Angeles by automobiles driving in from Santa Monica, San Pedro or Van Nuys, from irritating the eyes of its residents.

Pollution even crosses international boundaries. Since the turn of the century, rain in Western Europe has become more and more acidic. The smokestacks of ever more coal-burning European factories belch ever-increasing amounts of sulfur dioxide into the air.

Sulfur dioxide slowly changes into sulfuric acid which then dissolves in raindrops and falls to earth. And sulfuric acid is not only corrosive, but by its chemical action it also can release toxic mercury compounds—used by farmers to protect seeds after planting—into nearby lakes.

Mercury in lakes means mercury in fish—and dead birds that eat the fish. Dr. Bengt Lundholm of the Swedish Natural Science Research Council pointed out that it now is forbidden to catch fish in many lakes in Sweden. For the fish are loaded with deadly mercury compounds.

What recourse does Sweden have if rain containing sulfuric acid, generated by a factory in northern Germany or elsewhere, drifts over and affects the fishing in Swedish lakes?

2—Pollution often arises from intentions that are good—to improve health, to increase food and fiber production, to make transportation more convenient, etc. The intentions are good; the results are potentially harmful.

USE OF POTENT INSECTICIDE HAS WORLDWIDE EFFECTS

When a swamp in Ceylon is sprayed with DDT to eliminate mosquitos that carry malaria, or a field in California's Central Valley is dusted with DDT to eliminate insect pests, we somehow affect the amount of DDT stored within the livers of snowy owls in the Arctic, penguins in the Antarctic and people everywhere.

There are more than 20 tons of DDT "on the hoof" in this country, "walking around" stored within the fatty tissues of 200 million Americans.

Dr. John L. Buckley of the U.S. Office of Science and Technology points out that about one-half of the pesticides that are sprayed end up in areas for which they were not intended and affect plants and animals that were not the original target. He estimates that here now are about 300 million to 500 million pounds of DDT "floating around" in our planetary biosphere.

3—Pollution problems are created by society's misuse of technology. Pollution problems are not technological but social

Attempts to eliminate pollution run counter to economic institutional and political interests. It is for these reasons that there is no indication that we have either the will or the social organization to solve any of the problems of pollution

For even when scientists or engineers identify the source of pollution and indicate what should be done there is no guarantee that society will do anything about it

Cigaret smoking and smog in Los Angeles are prime examples of personal and community pollution difficult to solve because of the tobacco, automobile and automobile-related industries What is good for the manufacturer of a product may not be good for that product's consumer or user. If invented today cigarets would not be approved by the Food and Drug Administration

We shall make little progress as long as committees appointed to study pollution and other social problems always contain some members from the very industries or institutions that are responsible for the pollution or problem.

The difficulty is that we cannot put price tags on pollution. How much is it worth to look through nonsmarting eyes and see the San Gabriel Mountains or Santa Catalina Island from downtown Los Angeles? How much is a redwood tree worth? And how much can we charge pesticide users and manufacturers for a dead bald eagle—particularly if it were the last bald eagle on earth?

This is our hangup. As Dr. Revelle added, "In this country, we are accustomed to solve problems by economic considerations. Yet, pollution problems cannot be solved on economic terms."

What to do? The National Commission on Urban Problems, headed by former Sen. Paul H. Douglas (D-Ill.), stated, "The commission firmly believes that, no matter what else the nation attempts to do to improve its cities, America will surely fail to build

a good urban society unless we begin to have a new respect—reverence is not too strong a word—for the natural environment that surrounds us."

And what should be the role of scientists and engineers? Dr. Gordon J. F. MacDonald, professor of physics and vice chancellor at UC Santa Barbara, told the AAAS meeting, "Up to now, science and technology have been used to increase wealth. We now have to use science and technology to preserve our environment."

Scientists and engineers must realize that their intensive research and development labors in the last few decades have not only changed society. They also have changed science and engineering.

With the global environment rapidly deteriorating, it sounds hollow for the scientist to insist that his only mission is to pursue truth in the cloistered laboratory, or for the engineer to proclaim his development of ever more improved means to ever more unimproved ends.

In his AAAS presidential address, Dr. Don K. Price, dean of the John Fitzgerald Kennedy School of Government at Harvard, concluded, "In an era which is beginning to be alert to the threats posed by modern technology to the human environment, the role of science in politics is no longer merely to destroy the irrational and superstitious beliefs which were once the foundation of oppressive authority.

"It is, rather, to help clarify our public values, define our policy options, and assist responsibile political leaders in the guidance and control of the powerful forces which have been let loose on this troubled planet."

Society may not listen to the scientist or the engineer, but our environmental peril is too great for either to remain quiet. Books on automobile safety should be written by automotive engineers, not by lawyers.

Rachel Carson was wrong. It is not the spring that is silent. It is the scientists and engineers—the one element in our society that really knows what is happening in the pollution of our environment. The silence from our universities has been deafening.

REPORTS OF THE NEW YORK COUNTY LAWYERS' ASSOCIATION, COMMITTEE ON FEDERAL LEGISLATION

Mr. JAVITS. Mr. President, the Committee on Federal Legislation of the New York County Lawyers' Association has just issued two timely reports on the American political process.

One report analyzes and disapproves Senate Joint Resolution 3, the joint resolution to change by constitutional amendment the method of appointing Justices to the Supreme Court of the United States

The other report analyzes some of the current proposals for electoral reform, including the method of electing the President by vote of electors.

I ask unanimous consent that the two reports be printed in the RECORD.

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

[From the New York County Lawyers' Association, New York]

REPORT F–1 CONCERNING SENATE JOINT RESOLUTION 3, FEBRUARY 23, 1969

Report of Committee on Federal Legislation on S.J. Res. 3 which proposes an amendment to the Constitution relating to the appointment of members of the Supreme Court of the United States.

RECOMMENDATION: DISAPPROVAL

The Constitutional amendment proposed by this bill would result in a major change in the method of appointing Justices of the Supreme Court. It would mandate the President, whenever there is a vacancy in the office of Chief Justice or Associate Justice of the Supreme Court, to convene a conference consisting of (a) the presiding judge of the highest appellate court of each state and (b) the chief judge of each judicial circuit of the United States. The presiding officer would be the senior chief judge of the judicial circuits of the United States. The conference would designate by majority vote the names of five or more persons "deemed by the conference" to be qualified to fill the Supreme Court vacancy.

The President would be mandated to nominate one of the persons designated by the aforesaid conference to fill the vacancy and, if the Senate advises and consents, such person would be appointed. If the Senate did not advise and consent to the appointment of any person so nominated, the President would have to nominate another person from the list so designated by the conference.

COMMENTS

As to the composition of the conference, no provision is made for membership of non-lawyers, practicing attorneys or representatives of bar associations. It is limited to members of the judiciary. As a practical matter, this would probably result in limiting nominees for appointment to the Supreme Court to members of the judiciary. While judicial experience has been and should of course continue to be one of the most important considerations for appointment to the highest Court in the land, the history of the Court demonstrates that it should not be a prerequisite in all cases. Some of the most respected Justices of the Supreme Court with the most profound influence on the historical development of our constitutional law had no judicial experience prior to their appointment to office. The prime examples are John Marshall, Story, Brandeis, Hughes, Stone and Frankfurter.

The composition of the conference is also subject to objection because of its size, which would probably be unwieldy for its purpose, and because the membership would numerically favor members of the State Judiciary over members of the Federal Judiciary. There would be 11 members from the 11 Federal Judicial Circuits and 50 members from the States, making a total of 61.

The proposal is also objectionable because it would tend as a practical matter to shift control of the ultimate appointment from the President to the Judiciary. This would remove the functions of the judiciary further from the people and create an element of self-perpetuation within the process of selecting the judiciary.

Only in rare instances has the Senate ever refused to advise and consent to a Presidential appointment and, even where it has, the President has been free to make another appointment of his own choice. Under the present proposal, however, the Senate could control the ultimate appointment by refusing to advise and consent to the appointment of anyone on the list of five or more designated by the conference, except its own choice on the list. This would result from requirement that the President would have to pick another name from the same list if his nomination was not consented to by the Senate.

The application of the present proposal solely to the Supreme Court suggests the possibility that, as was the case in the Court packing plan of the nineteen thirties, the motivation of the present bill is disagreement with the opinions of the current Court rather than a desire to improve the process of selection.

While the federal judiciary as a whole commands high respect in most legal circles, past proposals for changes in judicial selection have mainly been aimed at eliminating the local political pressures on the President in the appointment of district judges. These local pressures are not present in the case of Supreme Court appointments where the President is free politically to choose, if he deems fit, the ablest nominee he can find. Furthermore, the facts that Supreme Court appointments receive national attention and that the particular President making a nomination knows that his name will be linked historically with the calibre of service subsequently rendered by the nominee are strong inducements for making such a choice.

While it is not claimed that the present method for selecting justices of the Supreme Court is necessarily the best or that it cannot be improved, it is the opinion of this Committee that the method proposed by the present bill would decrease rather than increase the chances of obtaining the best possible appointments to the Supreme Court of the United States.

Respectfully submitted,

Committee on Federal Legislation, Vincent L. Broderick, chairman; Richard A. Givens, secretary; Alan Appelbaum; Robert Beshar; Arthur Brooks; Gideon Cashman; Arthur K. Garfinkel; Vito T. Giordano; Herman A. Gray; Robert M. Kaufman; Melvin Kimmel; Bowie K. Kuhn; Jerome J. Londin; J. Edward Meyer III; Robert S. Persky; Henry Stone; Anita Streep; John E. Tobin; Stanley Wolder; Bruce McM. Wright; James V. Hayes, ex-officio; Thomas Keogh, ex-officio.

[From the New York County Lawyers' Association, New York]

REPORT F–10 OF COMMITTEE ON FEDERAL LEGISLATION ON PROPOSED LEGISLATION CONCERNING THE STRUCTURE OF OUR POLITICAL PROCESSES, JANUARY 1969

INTRODUCTION

Much legislation has been introduced in the 90th Congress [1] and prior Congresses concerning the political processes of the United States. These proposals are certain to be considered further in the 91st. The structure of those processes assumes particular importance because they must bear the load of adjustment to the continually changing conditions of the last third of the twentieth century.

The closeness of the election of 1968 and the risk that the choice could have been thrown into the House adds to our concern.

The question also assumes special importance because of the tendency of some to bypass our political processes to seek to obtain change by other methods. When such efforts violate the rights of others, problems of law enforcement arise which are beyond the scope of this report.[2] But to the extent that our processes for peaceful change can command maximum respect, this problem can be lessened.

According to public opinion polls, 81% of the public favor reforms in the Presidential voting system. N.Y. Times, Nov. 24, 1968, p. 38, col. 1.

Any discussion of our political processes today must begin with the impact of the one-man one-vote decisions of the Supreme Court [3] which have survived intensive challenges and will create a new political background in the country. In this report we treat those decisions as irreversible and we likewise treat proposals before the 90th Congress as continuing since like issues will arise before the 91st.

Footnotes at end of article.

COUNTERBALANCING FORCES IN THE POLITICAL SYSTEM

The Declaration of Independence stated that the just powers of government rest on the consent of the governed. Under our Constitution that consent is exercised through free debate protected by the First Amendment, and elections at which all of our officials are chosen either directly or through voter choice of officials who appoint the others.

Nevertheless, our system of checks and balances has never represented—and in view of the size and complexity of the nation undoubtedly could never represent—"pure" democracy. Many interlocking and counterbalancing forces are at work.

The Congress.—Under the Supreme Court's one-man one-vote decisions, Members of the House of Representatives are or will be elected in districts based on the principle of equal population.[3] The committee structure of course gives greater influence to Members with greater seniority, many of them coming from districts with less interparty competition for seats. Also the House Rules Committee can delay and in some cases sidetrack legislation approved by the pertinent standing committee. And in the Senate, the procedures for ending debate only by two-thirds vote of those voting, likewise represent an element differing from pure majority rule.

The Electoral College.—In the Electoral College each State now gives all its electoral votes to the winner of a plurality in the state, which gives added leverage to large states with close voting. At the same time, each State receives two electoral votes on account of its Senators in addition to those based on population as expressed in the number of its Representatives in the House. Further, a State casts the entire electoral vote based on its population even though some of its residents may be discouraged from voting. These features of the system tend to offset each other.

At times, individual electors have also acted independently rather than following the votes in their States, which could affect the result in a future election. If no one receives a majority in the Electoral College, the House must choose the President, the delegation from each State, no matter what its size, having one vote.

Campaigns.—The cost of campaigns has rapidly increased, in part because of the expensiveness of television coverage. As a result, the dependence of candidates upon large contributors has a further effect upon the political process.

These are only a few of the many interlocking features of our political system, each of which must be kept in mind when contemplating the effect of changes in any aspect of the system. To remove a weight from one side of a seesaw has a different effect depending upon what is on the other side of its axis.

ANALYSIS OF PENDING PROPOSALS

Proposals which deserve attention have been made in each of the areas mentioned.

Election of the President.—The American Bar Association has proposed that direct election of the President of the United States be substituted for the electoral college system. Other proposals include dividing the electoral votes of each State in accordance with the popular vote within the State, election of electors by congressional districts, and retention of the electoral college but abolition of the office of elector.

A congressional district system would merely move the "winner take all" feature to the district rather than state level and perpetuate the casting of the full vote of a district by is voters even where some residents are discouraged from voting. We see no advantage to such a system.

The elimination of the "winner take all" feature of the present electoral college system is desirable in our view but only if the offsetting features of two electoral votes for each State not based on population and the casting of electoral votes representing nonvoters are likewise eliminated. Thus we would oppose the dividing of electoral votes of each State in accordance with the popular vote within the State unless these other aspects of the present electoral college system were also changed.[4] Such changes could only be accomplished by substituting a direct popular election as proposed by the American Bar Association. Consequently, we regard that proposal as the only acceptable alternative to the present procedure.

Direct popular election is consistent with the founding notions of the Declaration of Independence, with the one-man one-vote concept, and with the realities of an ever more interdependent nation in the twentieth century. Under the proposals for direct election, there would also be a runoff between the two candidates with the largest number of votes if no candidate received 40% or more of the total vote, thus preventing the choice of a President from going into the House. We therefore join with the American Bar Association and the Association of the Bar of the City of New York[5] in endorsing this basic concept.

However, under the electoral college system, fraud in the vote in any single State can only affect the electoral vote of that State. It cannot affect the selection of the President unless the electoral vote of that State turns out to be pivotal in the Electoral College. Under a popular vote system, fraud in any locality could, if massive enough, affect the overall totals and hence the election itself.

Under the electoral college system, it was reasonable to leave the policing of presidential voting to each State, its local election officers and its courts.

Under a popular vote system, federal supervision of presidential voting would be necessary.[6] In our view the constitutional power to effect this already exists, but it should be made clear in any amendment providing for direct popular election. This should not involve authority for any federal interference with voting for local officers not already contained in the Fourteenth and Fifteenth Amendments which are designed to prevent discrimination or under other constitutional provisions.

With this addition, we endorse the proposal for direct popular election of the President. As a lesser step, we would also endorse abolition of the office of individual elector were the electoral vote system retained. We oppose the other proposals for keeping the electoral vote system but changing its structure, which we believe would unbalance the present system.

The Congress.—We support proposals to limit the power of the House Rules Committee to bottle up legislation after it is approved by standing committees of the House. We also favor further study of additional means which would enable the leadership, if supported by a majority of either House, to avoid the bottling up of legislation in a committee which may at a particular time be hostile to the desires of a majority. In the Senate, a precedent exists for reference of House-passed bills to particular committees with instructions to report back within a fixed period of time. The Senate privilege of unlimited debate (unless cut off by two-thirds vote) is an important safeguard against hasty action, but we recommend consideration of an ultimate time limit as to how long such debate may last where a majority wishes to proceed to a vote on a matter.

Campaigns.—To lessen dependence of candidates on large contributions, we approve the proposal of the Committees on Federal Legislation of the New York State Bar Association[7] and of the Association of the Bar of the City of New York[8] for a tax credit up to a specified maximum for political contributions by citizens.

Unlike direct federal funding of campaign costs, this would leave to the people making contribution decisions as to how the money is to be divided among candidates. We oppose any proposals to enforce equal funding for candidates by making it criminal for citizen groups not sanctioned by candidates to spend money to advocate their political views.[9] In our view, any such criminal statute would offend the founding principles of our country and be a step toward suppression of free debate.

Another possibility deserving study would be federal financing for free television time for major party candidates and minor party candidates amassing a specified number of signatures to indicate their status as serious contenders.[10]

CONCLUSIONS

With the qualification that federal safeguards against fraud be provided, we endorse the American Bar Association's proposal for direct election of the President. We oppose other proposals to unbalance the electoral college without adopting direct popular election. We would support abolishing the post of individual elector, however, if electoral voting by states is retained.

As part of an overall effort to strengthen our political processes, we recommend study of ways to limit the power of the House Rules Committee and the power of other committees to block legislation if desired by a majority of the House in question; we likewise favor study of ways to permit a majority to vote after suitably long debate in the Senate if it wishes to do so.

To expand participation by small contributors in meeting campaign costs, we approve Bar proposals for a credit against income tax for contributions up to a fixed maximum. We also approve study of federal action to provide free television coverage for major candidates and minor candidates who can show sufficient support.

Respectfully submitted,

Committee on Federal Legislation: Vincent L. Broderick, chairman; Richard A. Givens, Secretary; Alan Appelbaum; Robert Beshar; Arthur Brooks; Gideon Cashman; Arthur K. Garfinkel; Vito T. Giordano; Herman A. Gray; Robert M. Kaufman; Melvin Kimmel; Bowie K. Kuhn; Jerome J. Londin; J. Edward Meyer, III; Robert S. Persky; Henry Stone; Anita Streep; John E. Tobin; [11] Stanley Wolder; Bruce McM. Wright; James V. Hayes, ex-officio; Thomas Keogh, ex-officio.

FOOTNOTES

[1] E.g., S.J. Res. 200, 90th Cong., 2d Sess. (1968); S.J. Res. 179, 90th Cong, 2d Sess. (1968); H.J. Res. 469, 90th Cong., 1st Sess. (1967); H.J. Res. 490, 90th Cong., 1st Sess. (1967); H.J. Res. 7, 90th Cong., 1st Sess. (1967); H.J. Res. 1444, 90th Cong., 2d Sess. (1968); H.J. Res. 1112, 90th Cong., 2d Sess. (1968); H.J. Res. 1406, 90th Cong., 2d Sess. (1968); H.J. Res. 1086, 90th Cong., 2d Sess. (1968).

[2] See Report No. F–9 of this Committee.

[3] See Wesberry v. Sanders, 376 U.S. 1 (1964).

[4] See Committee on Federal Legislation, "A Report on the Method of Electing the President and Vice President," 17 Record of N.Y.C. B.A. 92 (Feb. 1962); "Proposed Constitutional Amendment Abolishing Electoral College and Making Other Changes in Election of President and Vice President," 4 Reports of Committees of N.Y.C.B.A. Concerned With Federal Legislation No. 3, p. 121 (July 1965), also in 20 Record of N.Y.C.B.A. 503 (Oct. 1965).

[5] See American Bar Association, Electing the President (1967); Hearings were held by a Senate Subcommittee under the chairmanship of Hon. Birch Bayh of Indiana. See Committee on Federal Legislation, "Proposed Constitutional Amendment Providing for Direct Election of President and Vice President," 6 Reports of Committees of N.Y.C.B.A.

Concerned with Federal Legislation No. 1, p. 9 (Nov. 1967) and see resolution at p. 16.

[6] Mr. Wolder dissents from this aspect of this report.

[7] N.Y.L.J. March 11, 1968 p. 1. cf. Alexander, Financing the 1964 (Citizens Research Foundation 1966).

[8] Committee on Federal Legislation, "Proposed Campaign Reform Legislation," 7 Reports of Committees of N.Y.C.B.A. Concerned With Federal Legislation No. 1, p. 1 (July 1968).

[9] S. Rep. No. 714, 90th Cong., 1st Sess. (1967).

[10] Suggestions along these lines have been made by Newton Minow, former Chairman of the Federal Communications Commission.

[11] Dissenting in part, see note 6.

NOMINATION OF JAMES R. SMITH TO BE ASSISTANT SECRETARY OF THE INTERIOR

Mr. METCALF. Mr. President, I am told that Mr. James R. Smith, of Omaha, Nebr., has just been nominated as Assistant Secretary of the Interior for Water and Power.

This morning, I received a copy of a letter to the President from a major consumers' group which raised serious questions about Mr. Smith's qualifications for the job.

I ask unanimous consent that the letter be printed in the RECORD.

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

AMERICAN PUBLIC POWER ASSOCIATION,
Washington, D.C., March 10, 1969.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: Newspaper reports have indicated that Mr. James R. Smith of Omaha is expected to be named Assistant Secretary of the Interior for Water and Power, but to date his name has not been submitted to the Senate.

In view of the vital interest of our organization in the policies and programs of the Department of the Interior, particularly those under the jurisdiction of the Assistant Secretary for Water and Power, I have attempted to examine Mr. Smith's record on the issues in which we have an interest.

My examination raises some serious questions which I believe should be considered in depth before Mr. Smith's name is submitted to the Senate.

More specifically, it appears that the policies advocated by an organization with which Mr. Smith has been intimately associated since 1953 are directly contrary to long-standing laws and programs which Mr. Smith would be sworn to uphold and carry out, were he to be named Assistant Secretary for Water and Power.

Mr. Smith was a member of the staff of the Mississippi Valley Association from 1953 to 1966, serving as manager of the Association's Missouri River Division and later as Vice President. He left the Association in March, 1966 to become Manager of Marketing Relations of the Northern Natural Gas Company in Omaha, but apparently has continued to maintain close ties with the Mississippi Valley Association, as evidenced by the fact that he was elected a Director of that Association in 1966 and was elevated to the Executive Committee at the Association's last annual meeting, which I believe was held in February of this year.

Because of Mr. Smith's long and close association with the Mississippi Valley Association, I believe it can be assumed that he is in substantial agreement with the policies of that organization, and consequently it is pertinent to examine those policies which would have a bearing on the programs Mr. Smith would administer at the Department of the Interior.

The 1968 Platform of the Mississippi Valley Association—the most recent available to us—indicates that many if not most of its policies relating to hydroelectric power development are diametrically opposed to existing laws and/or long-standing policies enunciated both by the Congress and the Executive Branch of the Government.

1. The Platform states (page 6):

"That energy produced at Federal multiple purpose dams be sold at the bus bar to existing agencies, both public and private, engaged in the production and distribution of electricity in the contiguous area, for resale by them to their customers, without discrimination or preference.

"We recommend and will support amendments to federal statutes (U.S. Code Title 43, Paragraph 485–H) to make possible fair and equitable distribution of publicly created hydroelectric power so that the benefits shall be available to all communities, citizens and taxpayers without preference."

Ever since passage of the Reclamation Act of 1902, Congress has provided for preference in marketing of Federally-produced power to local public agencies, and subsequently rural electric cooperatives also were accorded such preference in availability of Federal power. For more than half a century, the so-called "preference clause" has been a keystone of Federal power marketing programs. It has had bi-partisan support and has been incorporated in various laws adopted by Congress on at least 20 occasions since 1902. The "preference clause" is based on the sound principle that public resources, developed through public funds, should be made available first to non-profit local public agencies and rural electric cooperatives.

Because most of the local public agencies are small and have little opportunity to purchase power at the "bus bar" (or dam site), the "preference clause" has made it possible for these smaller agencies to purchase a fair share of publicly generated electric power. In the absence of this provision it is likely that most of the Federal power would have been monopolized by large private power companies which have the resources to build transmission lines to dam sites and buy power at that point.

The policy advocated by the Mississippi Valley Association would renounce the time-honored "preference" provision, thereby reversing a policy that has been in existence for more than 60 years.

2. The Platform states (page 6): "That wholesale rates for such sales be set by the Federal Power Commission."

Again, the policy advocated by the Mississippi Valley Association is contrary to existing policy which provides that the rates of most Federal agencies are not subject to regulation by the Federal Power Commission, on the theory that it is unnecessary for one Government agency to regulate another.

3. The Platform states (page 6): "That the federal agencies building and operating hydro-electric facilities (Corps of Engineers and Bureau of Reclamation) be responsible for the sale and accounting of energy produced."

If carried out, this recommendation would result in the dismantling of the Bonneville Power Administration, Southwestern Power Administration and Southeastern Power Administration—all of which have been established to market power produced by the Corps of Engineers and Bureau of Reclamation. In the main, these power administrations have done an effective job of marketing Federally produced power, and we know of no reason why they should be abolished.

To follow the policy advocated by the Mississippi Valley Association also would give the Corps of Engineers responsibility for marketing power it produces—contrary to a law enacted by Congress about 35 years ago providing that power produced by the Army Corps of Engineers should be marketed by the Department of the Interior. We know of no reason why the Corps of Engineers, a construction agency, should be placed in the power marketing business, when this responsibility is now being handled satisfactorily by the Department of the Interior and its agencies.

4. The Platform states (page 6): "That Congress favor the continued development of hydro-electric power facilities by private enterprise where private enterprise is ready and willing to undertake such development without impairment of other beneficial uses of water."

We would not quarrel with the concept of private development of hydroelectric facilities; in fact, private companies have developed more than one-third of the Nation's hydroelectric power. However, the statement quoted above has a negative cast which downgrades the important and positive role which the Federal government has traditionally followed in developing the Nation's water resources. The Platform statement also fails to take cognizance of the fact that the Federal Power Act, adopted by Congress in 1935, provides for a preference to local public agencies in the licensing of non-Federal hydroelectric facilities.

5. The Platform states (page 6): "That the government not construct power transmission facilities where reasonable wheeling service is available."

Again, this statement is cast in negative terms. Experience has shown that the Government in many cases has had to build transmission lines in order to interconnect its own facilities for their most efficient operation. Equally if not more important, a reliance on other utilities for wheeling service to the extent indicated in the Platform would place the Federal government at a serious disadvantage in negotiating suitable wheeling contracts. In many cases, the Government's construction of transmission lines—or threat of such construction—has been the only means by which the Government has been able to provide its power to smaller municipalities and rural electric cooperatives.

Certainly the policy advocated by the Mississippi Valley Association is not in accord with either the spirit or the letter of many Acts of Congress which have authorized transmission lines associated with Federal hydroelectric projects.

6. The Platform states (page 6): "That the Federal Government not construct interregional power transmission facilities where existing utilities now provide such ties and/or where such utilities are willing and able to construct adequate transmission lines to increase the capacity of the ties when need arises."

If the policy enunciated above were followed, it is highly doubtful whether the Pacific Northwest-Southwest interties would have been constructed. The policy advocated by the MVA is a negative one, placing the Federal government in a virtually supine position, and giving it little if no latitude to exercise the type of leadership which has already proven useful in many areas.

7. The Platform states (page 6): "That pumped power capabilities in Federal multiple purpose reservoirs be made available on a first priority basis to privately owned electric utilities for development . . ."

This policy is really a reverse twist. It seems inconceivable that the Federal government, after making a tremendous investment in building a reservoir, should then be required to give "first priority" to a private party to make full use of that reservoir, rather than be permitted itself to maximize the Government's investment.

On the basis of the foregoing, it would seem that if Mr. Smith were to carry out

faithfully the spirit as well as the letter of the laws enacted by the Congress, he would have to renounce the policies with which he has been associated for many years.

The Federal power program has been a vital part of our national life since the beginning of this century. In many areas it has stimulated industrial development by the private sector, and brought about lower electric rates to residential, commercial, industrial and rural users of electricity. I am sure you do not wish to impair this important program, and I applaud the statement you made when, in introducing Interior Secretary-designate Walter Hickel, you said that one of the reasons for his selection was that he was not involved in the public versus private power controversy.

It is in this spirit, and because of the care with which you are selecting officials of your Administration, that I am bringing the foregoing information to your attention. I am also taking the liberty of sending copies of this letter to Secretary of the Interior Hickel and members of the Senate Interior Committee, because of their obvious interest in this matter. Should you desire, I would be most happy to discuss this matter more fully with you or a member of your staff.

Sincerely,

ALEX RADIN,
General Manager.

SENATOR MURPHY THANKED FOR BILINGUAL EFFORTS

Mr. MURPHY. Mr. President, recently, while I was in San Diego, I was presented with a token gift which has perhaps given me more pleasure than any type of commendation I have ever received. A group of residents in the area, all of whom are interested in the Federal bilingual education program, gave me a 16-foot-long letter signed by 400 parents, educators, and citizens. Needless to say, it is the largest, as well as the longest, memento now hanging in my Senate office.

Everette M. Thorne, a bilingual instructor at Nestor Elementary School, presented the letter to me complete with a green ribbon tie in tribute to my Irish ancestry. Since the Bilingual Education Act, of which I am a coauthor, is of so much interest to more than 5 million Mexican Americans in our Southwest, I ask unanimous consent that a recent letter to me from Mr. Thorne and an article published in the Chula Vista Star News be printed in the RECORD.

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

CHULA VISTA, CALIF.,
March 1, 1969.

U.S. Senator GEORGE MURPHY,
Senate Office Building,
Washington, D.C.

ESTIMADO SEÑOR GEORGE MURPHY: I am enclosing the news stories and picture of your recent visit to our beautiful and hospitable San Diego area. The entire population in our city and county was thrilled by the sixteen-foot letter and your wonderful attitude and actions on accepting it.

Not only the Mexican-American population but the non-Mexican people in the area have written and called me to say how grateful they are for your enthusiastic involvement in the Bilingual Education Act.

I sincerely feel that this attitude of appreciation will be demonstrated at the polls in the next election. Senator Murphy . . . you have won the hearts of the people in this high-populated Southern California area with your forsight and sensitive actions.

I am totally involved in the field of education as well as being very active in community services. After twenty three years of teaching I am finally getting the complete satisfaction that one so desperately desires. The satisfaction you must be getting in your work today . . . is exactly what I mean.

If there is any way that I and the community can express our thanks to you for your efforts in behalf of better education . . . for everybody . . . Estamos a sus ordenes.

Sinceramente,

TIO EDDIE THORNE.

[From the Chula Vista Star News]

MORE THAN 400 SIGN 16-FOOT LETTER OF THANKS TO SENATOR

"Tio" Eddie Thorne, an Imperial Beach language teacher, yesterday presented a 16-foot thank you letter to Sen. George Murphy (R-Calif.) commending his dedicated efforts in co-authoring the Bilingual Education Act.

More than 400 South Bay parents, educators and citizens signed the colorful scroll which was presented at a morning press conference at the Bahia Hotel on Mission Bay.

The commendation bore the signatures of Chula Vista Mayor Dan McCorquodale; Dr. Robert Burress, superintendent of the South Bay Union School District; Dr. A. W. Autio, assistant to the superintendent, and Dr. Willard Snyder, principal of Nestor Elementary School in Imperial Beach.

The Bilingual Educational Act provides supplementary classroom instruction in Spanish for children with a limited knowledge of English.

The letter to Murphy states, "We the parents, educators and interested citizens of San Diego County wish to thank you most sincerely for your sensitive and dedicated efforts in behalf of the Bilingual Education Act.

"As co-author of this important education measure, you have won the heartfelt gratitude of more than five million children and parents in their struggle to become effective citizens of the United States of America."

Murphy has urged full funding of the bill which originally was set at $30 million but was cut to $7.5 million by the Johnson administration.

The senator cited statistics that "one million of the 1.6 million Mexican-American children entering elementary grades will drop out before the eighth grade due to frustrations in not being able to comprehend sufficiently classroom English in every subject."

Murphy stated that Mexican-Americans in the Southwest average 7.1 years of education compared to 12.1 years for Anglo-Americans.

Thorne, who is affectionately called "Tio," which means uncle in Spanish, by his students, sponsored the thank you letter to Murphy.

A bilingual teacher at Nestor Elementary School and English-as-a-Second-Language (ESL) consultant in the South Bay Union School District, Thorne is dedicated to helping Mexican-American students overcome the language barrier.

"Spanish is the mother tongue for these students," Thorne said, "and English is a foreign language to them. Yet they must struggle in the classroom to learn math, history and science in a language which they barely understand."

"Failure to understand brings failing grades, frustration, and eventually causes many of these students to drop out at the high school level," Thorne said.

Thorne enthusiastically supports the Bilingual Education Act which will provide funds and bilingual teachers who will give instruction in Spanish paralleled with English instruction.

A graduate of the University of Mexico, Thorne spent 17 years traveling and teaching in Bolivia, Chile, Argentina, Peru and Mexico.

A native of Washington, D.C., he has lived and taught in the South Bay for five years.

"I came back to this country to share my knowledge of the language and problems of Spanish-speaking people," Thorne said.

He noted that he had "switched from teaching at the high school and college level where language deficiencies caused the most frustration to the elementary level where I hope to eliminate these frustrations through bilingual instruction."

Active in Mexican-American relations, Thorne directed "a really unique student exchange program between students in San Diego and Guadalajara, Mexico.

"It was a monthly exchange program," Thorne explained, "where an American student would spend a month living with the family of a Mexican student in Guadalajara, and the next month the Mexican student would live with his American friend's family in San Diego."

Thorne directed the program for three years and sponsored 242 exchange students.

"The results are spectacular," he said. "Half of them have gone into teaching and most of these are teaching Spanish or English as a second language. More than 20 of them received scholarships due to their new language efficiency."

"Bilingual and ESL instruction is the key to educating Mexican-Americans in the South Bay," Thorne concluded.

DOES THE NLRB HAVE AN ANTI-UNION BIAS?

Mr. ERVIN. Mr. President, during the recent hearings which the Subcommittee on Separation of Powers held on the National Labor Relations Board, the agency came in for some very severe criticism from representatives of management. Some critics suggested that the Board was not familiar with the practical problems management must face in labor relations and in operating a business. "The Board," it was said, "does not understand the management's point of view."

I am obliged to report that this charge has now been shown to be completely unfounded. The Board does have a management outlook. Indeed, in its relations with its own employees, the Board exhibits a zealous concern for its own management prerogatives which rivals that of the most unreconstructed of management.

The Wall Street Journal of March 10, 1969, recounts the troubles the professional association of Washington-based NLRB attorneys has had in getting the management of the agency to observe the terms of the collective bargaining agreement it has made with them. This agreement obligates the Board to "bargain in good faith" about matters affecting the career development of agency lawyers, including the transfer of attorneys between different agency offices.

The Board recently decided to assign 10 attorneys from the Board members' legal staffs to work in the appellate enforcement division of the General Counsel's office. This program appears to violate the "separation of powers" principle in the Taft-Hartley Act which draws a line between the prosecuting functions of the General Counsel's office and the adjudicating functions of the Board members.

Oblivious to its bargaining agreement

with the professional association no less than to the statute itself, the Board has refused to discuss the exchange program with the lawyers' group. The explanation from the Board management was that this was an emergency caused by high workload and increasing case backlog. "You do not talk indefinitely when you have a job to do," says the Board.

This is a peculiar justification. The Board has had this backlog for years. Why, after all this time, the backlog suddenly has become an "emergency" which justifies violation of the contractual rights of these employees, no one at the Board has explained. And apparently the "crisis" has not prevented the transfer of lawyers from the overworked enforcement division to the Baltimore regional office for "field experience."

Whatever the true explanation for this transfer program, one may well speculate on the amount of sympathy the Board would have displayed for a management official who excused his failure to observe a collective-bargaining agreement on the grounds he was "in a hurry."

The provisions of the Taft-Hartley Act do not apply to the Board or to other Government agencies. But honesty and fair play do apply, even to them. I cherish the hope that the NLRB will set an example for other Government offices in its dealing with Government employees. As of now, unfortunately, it seems to be behaving like the employers of yesteryear. Perhaps we need a Government Employees' Taft-Hartley Act to keep "union-busting" Federal agencies in line.

Mr. President, I ask unanimous consent that the article entitled "Labor Troubles Hit Embarrassed Target: It's the NLRB Itself," published in the Wall Street Journal and the letter from the NLRB Professional Association to the Civil Service Commission protesting this violation of its collective-bargaining contract, be printed in the RECORD.

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

[From the Wall Street Journal, Mar. 10, 1969]

LABOR TROUBLES HIT EMBARRASSED TARGET: IT'S THE NLRB ITSELF—UNIONLIKE GROUP, BARGAINER FOR STAFF LAWYERS, ASSAILS TEMPORARY DUTY TRANSFERS

WASHINGTON.—Guess who's got labor trouble?

None other than the National Labor Relations Board.

The Federal agency, which enforces the law governing dealing between unions and employers, finds itself embroiled in an embarrassing dispute with a union-like association that bargains for more than 250 NLRB staff lawyers in Washington.

According to officials of the attorneys' association, the labor board has "run roughshod" over the bargaining rights of the group, the NLRB Professional Association. The dispute involves temporary transfers of 10 staff lawyers to different duties in the agency's Washington headquarters. NLRB officials, who are reluctant to discuss their union troubles, concede the transfers were made without the association's approval but contend they were within their rights in ordering the moves.

In a letter to the U.S. Civil Service Commission, guardian of Federal employes' job rights, the attorneys' association protested "the authoritarian manner in which this agency has handled its labor problems." It asked for establishment of machinery to remedy such "abuses" as the transfers.

"It is ironic that an agency, which has been publicly criticized for requiring employers in the private sector to bargain with representatives of their employes before making changes in their working conditions, would run roughshod over the bargaining authority of an association representing its employes," said the letter, which was signed by Charles J. McKelvey, president of the association, and seven other officers. "Nor is this the first time that management of this agency has defied the very code of labor-management conduct it is entrusted to administer in the private sector," the association officials charged.

The letter complained that when the association sought to "discuss procedures and criteria" for making the temporary job transfers, "agency officials declined to discuss the matter further" and "unilaterally implemented the program without further consultation with our representatives and without their approval."

When asked for the NLRB's position in the dispute, Clarence Wright, director of administration, responded, "I was hoping I'd never be asked." Pressed for an explanation, he said, "If we thought we were doing something wrong, we would stop."

The NLRB official said the transfers of 10 attorneys from the staff of the five board members to the general counsel's staff were required by a high case load and high turnover. "We're having a problem keeping up with our appellate court work," he said. "We felt a need to immediately assign some people" to the appellate case backlog, he explained.

Mr. Wright said agency officials "tried to talk with" the association about the transfers, but he indicated that the bargaining didn't go fast enough to suit the management. "You don't talk indefinitely when you have a job to do," Mr. Wright said. He agreed that the agency was required to "consult" with the association on the transfers, and said further negotiations were scheduled for this week.

NLRB PROFESSIONAL ASSOCIATION,
Washington, D.C., February 28, 1969.

Hon. ROBERT HAMPTON,
Chairman, U.S. Civil Service Commission, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to a unanimously-passed motion at our last general membership meeting, we, the Executive Committee of the National Labor Relations Board Professional Association, wish to register our united protest against the high-handed manner in which the officials of our Agency have derogated the bargaining authority of our Association and have breached with impunity "contracts" which are presently in effect.

The NLRB Professional Association represents all of the nonsupervisory attorneys in the Washington, D.C. office of the Agency. Subsequent to the issuance of Executive Order 10988, the NLRB Professional Association was chosen as the exclusive representative of all the nonsupervisory attorneys in the Washington, D.C. office of the Agency, and we have been recognized as such, and have entered into separate collective-bargaining agreements with the General Counsel and the Board. Though we have commenced negotiations for new agreements, those contracts have been extended by mutual consent.

Under our existing contracts, a Career Development Committee, with representation thereon by the Association, is recognized and is "responsible for the overall guidance and review of the Exchange Program," whereby professional employees may broaden their experience by assignment to the Board's Regional Offices or to different offices within Washington, D.C. The duty on the part of Agency management to confer with the Association concerning the Exchange Program is explicit and expansion of the existing program was discussed at length in our first bargaining session.

Nevertheless, our representatives were contacted by Agency officials, after our first session, and advised that within the structure of the existing career development program, both the Board and the General Counsel were desirous of obtaining our cooperation in effecting a temporary assignment of ten attorneys from the Board Members' staffs to the staff of the General Counsel. These temporary assignments affect, in varying degrees, our entire membership. But when we sought to discuss procedures and criteria to be employed in making the assignments, Agency officials declined to discuss the matter further. Indeed, the responsible officials unilaterally implemented the program without further consultation with our representatives and without their approval.

It is ironic that an Agency, which has been publicly criticized for requiring employers in the private sector to bargain with representatives of their employees before making changes in their working conditions, would run roughshod over the bargaining authority of an Association representing its employees. Nor is this the first time that management of this Agency has defied the very code of labor-management conduct it is entrusted to administer in the private sector. The long list of contract breaches and instances of derogation of our bargaining authority need not be detailed here. We wish to go on record protesting the authoritarian manner in which this Agency has handled its labor problems, to enlist your aid in our present crisis, and to plead for the establishment of machinery whereby these abuses can be remedied, if not prevented.

THE EXECUTIVE COMMITTEE.

COMMENDATION OF PRESIDENT NIXON AND VICE PRESIDENT AGNEW BY NATIONAL GOVERNORS CONFERENCE

Mr. MURPHY. Mr. President, at the recent National Governors Conference, California's Governor, Hon. Ronald Reagan, proposed to his fellow Governors a resolution commending President Nixon and Vice President AGNEW for the leadership they have shown in establishing cooperation between the Federal Government and the State and local governments.

The resolution was unanimously adopted by the Governors. I ask unanimous consent that it be printed in the RECORD.

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

RESOLUTION COMMENDING PRESIDENT NIXON AND VICE PRESIDENT AGNEW

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.

THE PROPOSED ALL-VOLUNTEER ARMED FORCES

Mr. SAXBE. Mr. President, I have been very much impressed by the enthusiasm which has been generated behind the thought that the Nation very soon, and in most circumstances, can rely for its defense on an all-volunteer force. America has become the powerful and progressive Nation it is because we are a people who throughout our history have, over and over again, scored great advances in technology, production, innovation, self-government, in every area of endeavor, because individuals, alone or with others of like persuasion have had freedom and initiative to determine their courses and to pursue them. The concept that each of us should almost always be free to order his own life and endeavors insures the vigor of our society. It is a concept that truly is an American tradition in a most fundamental sense.

But we are deeply in error if in our justified devotion to the principle of individual voluntary action, we fail to distinguish between those affairs where this principle must guide us, and those affairs and endeavors to which few Americans would devote their lives on their own initiative. I mean specifically the pursuit of the military service as a career, honorable as it is, and despite the fact that no other service is so wholly dedicated to the welfare of one's nation.

We are profoundly not a militaristic people. We are not a society whose values have ever given great prestige to a military career for itself. Our aspirations as a nation have never been those of warfare and conquest which would have necessarily required that the military profession be the surest path to honor and other rewards.

Mr. President, it seems to me that we are not making the necessary distinction between those endeavors where voluntary individual initiative has served America so well and those where it cannot be expected to do so. It is perhaps understandable that having enjoyed the great benefits individual voluntary initiative has brought us, we tend to believe it can serve us equally well in the performance of the inescapable responsibility of all of us to insure an adequate national defense. Our tradition is not one of relying on volunteers to defend us. Our tradition is, rather, one of a self-imposed individual obligation to generally share military service as exemplified in more than 600 colonial enactment militia laws and our national selective service legislation.

This Nation will always have men who so well understand their responsibility as citizens that they will volunteer for military service—not for pay, but from sense of duty. Many more, but still not enough will do so when the threat is manifest. But under world conditions such as have persisted since World War II, and which few would predict will swiftly and dramatically change for the better, the necessity to voluntarily perform military service will not be clear to enough of our citizens to insure volunteer forces even approaching the size we need.

I have not seen, alongside the steps which have been advocated to attract more volunteers and the numbers such steps are expected to attract, a tabulation of our worldwide commitments, of the military forces disposed and those necessary in reserve as evidence of our intentions and our capacity to carry out those commitments.

I have not seen either, ranged opposite the precepts of a volunteer force, any estimates of the force requirements we might face were one or more world tension spots to erupt and with respect to which we have no formal or only vague commitments.

I support fully every reasonable effort to more amply compensate our servicemen, and to improve recruiting and retention of military personnel. I do not take this position because I am convinced it will produce and maintain armed services adequate to our needs. I take this position simply because the Nation should amply recognize service in the Armed Forces. I do not believe that the steps in this direction which are practical will do away with the need to keep the Selective Service System. I expect, as is now the case, that the greatest inducement to voluntary entry into the Armed Forces will continue to be the size of the monthly calls for induction. A greater number of men by far volunteer today because they expect induction than are actually inducted. This is not a deplorable condition. The monthly draft calls are the clearest way in which most of us are made aware of the threats we face. The diplomatic, military, and political portents around the globe, which to our own experts in diplomacy and world affairs sometimes signal correctly the danger posed for this Nation, do not make the ordinary citizen aware of his country's need for his service. The monthly draft call does.

In efforts to increase volunteers and to improve retention, Mr. President, I think we do a disservice to encourage the belief that we will be able to end the draft or halt inductions. The realities of our commitments and world conditions must be recognized.

I enthusiastically support all efforts to reduce our worldwide military manpower commitments. I do so with the hope that our demands for military manpower would be low enough to permit a volunteer service and further permit the Selective Service System to assume a standby posture. But a desire for this volunteer force must face the immediate hard fact that we do have worldwide commitments for almost 4 million men; and much as I wish otherwise, a reduction in this number can only proceed in step with the demand for and growth of world peace.

Mr. President, for the time being, not only should our people frankly face the need to retain the draft, but they should not be encouraged to believe that by some tinkering with the way it operated, we can sugar-coat the hard fact that some young men must serve while others need not, and a great many others are not qualified to do so.

Among those who are found available for service through classification—a thankless task carried out by thousands of unpaid patriotic local citizens—and, may I say, with a collective wisdom for which there is no substitute—proposals are made that the order in which these young men are selected for service should be determined by a lottery. This somehow is supposed to be fairer. I am unable to understand how an order of selection which is determined by the sequence in which birthdays occur can be improved upon. It is a random order not subject to any kind of manipulation.

The incapability of devising a fairer or more "random" method is underscored for me when the most practical lottery plan put forward, I understand, is one which merely shuffles birth dates, rearranging the natural order in which the days of the year occur. To illustrate my reservations about a lottery, suppose in a drawing of dates they should be drawn by some impossible chance in the same sequence in which they actually occur? No change would have occurred because the oldest man would be called first. Yet if a lottery is to be fairer than the present method it should insure a different order of call than is now in effect.

No Government program that I know of is perfect. I think any number of them might be improved, including the operation of selective service.

However, basically I am convinced that the Nation's program for military manpower procurement should be capable of rapid change and adaptation to meet changing requirements. Selective service legislation should leave to the President broad authority so that he can alter its operation in response to need. The present law, by and large, gives the President broad authority so that he can alter its operation in response to need. The present law, by and large, gives the President that authority. He is presently precluded from a lottery selection system, but nothing precludes him from providing that inductions shall first be made from any age group he may wish to designate.

The Congress in 1967 expressed its readiness to be convinced that lottery selection is workable, necessary and an improvement.

But a number of proposals to destroy the local operation of selective service;

to go in the direction of group or class deferment; to abandon the principle that each State and community should furnish only its fair share of men for military service; to let each individual decide in which war he will or will not serve; and other proposals which have been made, are in my view highly dangerous to our ability to maintain adequate armed forces. A great many such proposals ignore some of the most painfully learned lessons of experience and would return to principles and practices which in prior times of stress gravely threatened the capacity of the Nation to survive. It is my intention to in the future submit suggestions based on these lessons, suggestions which I believe will insure equity and fairness at times of low manpower demands by the military.

No graver matter faces the Nation than that of assessing clearly the threats world conditions pose and of insuring that the methods by which we provide an adequate defense, are fair, proven, workable, and effective as are those on which we now rely—those evolved literally out of our experiences in survival, first as colonies, and during the nearly 200 years we have grown into the world's most powerful bastion of freedom.

THE SENTINEL ABM SYSTEM

Mr. BURDICK. Mr. President, Sentinel is the name that has been given to a proposed system of defense for the Nation's ballistic missile system. The ABM system has been the subject of considerable controversy and discussion during the past several months. I wish to share with Senators an editorial published in the February 7 edition of the Fargo Forum which questions whether or not the Sentinel would be an effective guardian of all. The writer asks that we take a serious look at its effectiveness and desirability, and I would hope that this body would do so.

I ask unanimous consent that the editorial be printed in the RECORD.

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

IT MIGHT BE GOOD IDEA TO PLACE ABM PROJECT ON BACK BURNER FOR A WHILE

Although North Dakota is the site of one of the "thin" anti-ballistic missile defense systems, there seems to be relatively little concern here over whether the nation should go ahead with this expensive experiment.

President Richard M. Nixon will probably decide shortly whether the possible dividends from this $5 billion project would benefit the nation, or just the Pentagon military overlords and defense industry. Critics fear that a "thick" ABM system which could cost $50 billion or $500 billion, will follow automatically if the "thin" system is installed.

Secretary of Defense Melvin Laird indicates that he wants to go ahead. To the surprise of quite a few people, former Vice President Humphrey suggests that the United States should stop spending money on this system. He had no public criticism of the project when he was vice president under Lyndon B. Johnson, the man who gave the go-ahead in the first place.

The $5 billion start on the project had all kinds of plausible explanations in the Johnson administration, and the least believable was the proposal that it would protect the United States against Red China when the day comes that that nation would have intercontinental missiles. At the same time, it was generally agreed that whatever defensive missiles are installed in the first step could not protect the United States against Russia.

Generally speaking, there seems to be a feeling in Congress and throughout the nation that if a nuclear war starts, then any defense systems against missiles and nuclear warheads will be only partially effective. No matter how many missiles might be destroyed in the air, enough would get through to wipe out most of our population centers. So what are we buying?

The critics say there is no point in spending $5 billion or whatever amount it costs for a system that probably would not protect. In addition the more populous cities are concerned about the location of anti-missile installations nearby. Their residents figure that such installations would draw some unwanted missiles should the United States be attacked and thereby some cities would become prime targets which otherwise might not be affected by the first missiles launched.

If we are going to have any faith in our ability to reach peace throughout the world, certainly it seems foolish to be spending the amounts of money involved on theoretical programs which probably would be quite ineffective. As has been pointed out by various critics, all of the discussion revolves around projects that have no proven worth, and the Congress and the President have to make their decision on the basis of what might happen.

It would be a good idea to set this project on the back burner for a considerable period of time.

PLIGHT OF LAW AND ORDER IN THE NATION

Mr. MURPHY. Mr. President, Mr. Charles Gould, publisher of the San Francisco Examiner, has written a thoughtful and penetrating "Opinion" column on the current plight of law and order in this Nation. In clear terms and plain words Mr. Gould penetrates to the heart of this issue.

I ask unanimous consent that his column be printed in the RECORD.

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

OPINION: AN ARGUMENT FOR LAW-ORDER-JUSTICE

(By Charles L. Gould)

Politics makes strange bedfellows. So, too, does skillful propaganda.

As a result of the latter, we today find some clergy, communicators, educators, students and social workers joined with punks, thugs and revolutionaries in denouncing the police.

The police are called pigs and storm troopers and racists.

They are stoned and clubbed and jeered and spat upon.

They are charged with brutality if they raise their clubs against those who riot and create disorder.

They are charged with condoning violence if they fail to raise their clubs against the disrupters.

They are damned if they do. They are damned if they don't.

This is wrong. This is unfair. This is unjust.

This is damaging to the police. Most of all, though, it is damaging to our way of life.

It is a devastating and insidious way of undermining and undercutting three basic cornerstones of a free society: (1) Law, (2) Order, (3) Justice.

Through skillful propagandizing, "law and order" has been made an evil term. First in whispers and then in shouts it has been charged with being a racist term. It has been charged as having an anti-black connotation.

This is preposterous.

Probably no group in our society is more anxious for law and order than are Negro citizens.

These people want, need, and have a right to expect law and order and justice.

Certainly no group in our society is more the victim of lawlessness than are the blacks. A higher percentage of them are mauled, attacked, raped, robbed and intimidated than is true of any other minority—or majority—in our communities.

The vast majority of our black citizens hunger for responsible restraints to lawlessness that will permit them to walk the streets, raise their children and sleep at night without fear of violence.

They want and deserve—and must have—the same protections that are essential to the peace of mind and progress of all elements of the community.

None should be misled into believing the black extremists who shout epithets at the police and incite their followers to violence are representative of the black communities.

They are no more typical of the vast majority of the blacks than are the white gangsters and anarchists representative of the white community.

They are no more typical of the black community than are the few bully boys and bad actors among the police representative of the force as a whole.

There are sick, vicious, evil people in all the families of man.

Unfortunately, though, because most responsible blacks live in the ghettos side-by-side with the extremists they dare not speak out for fear of swift reprisals against their persons, property and loved ones.

They are in an untenable position. They are criticized if they remain silent. They may be dead if they don't.

Let the police understand these truths. Let them have compassion and consideration for the honest citizens of all races and colors who are sometimes trapped into silence by circumstances beyond their control.

At the same time, let all responsible citizens seek to understand the problems of our law enforcement agencies. No one claims that the police are perfect. None should excuse the excesses of a few. Neither should those few be used to categorize the many.

Every effort should be made to weed out those who are not emotionally qualified for these trying tasks in these trying times. Steps should be taken to improve screening systems and training systems to upgrade and improve the calibre, character and capabilities of the members of the force.

At the same time none should be blind to the great and good done by the vast majority of these men under the most intolerable circumstances.

Give thought to the reign of death and terror and tragedy that would mark our city if they were not on the job.

We should seek to understand and recognize the new forces of evil that now attack the foundations of society. They come from the far left. And from the far right.

They use our laws and freedoms to destroy our laws and freedoms. They seek to divide and weaken. They attack our educational system. They attack our military. They undermine our churches. They pit black against white, rich against poor, race against race. They attempt to revive the ugly ghost of Hitlerism with smears against Jews, Catholics and other minorities.

Most of all, though, they strive to destroy law and order and justice. This is the path to anarchy, insurrection and revolution.

Apathy and gullibility by the public are the strongest allies of these evil forces.

Where do you stand?

GUNS, WOMEN, AND REGISTRATION

Mr. TYDINGS. Mr. President, in an article published in the December 27, 1968, issue of the Texas Observer, Bill Helmer discussed with great wit the controversy surrounding proposals to register firearms. While I do not agree with Mr. Helmer's proposal that we "Register Females, Not Firearms," I do feel that his article puts the problem in better focus.

I ask 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:

REGISTER FEMALES, NOT FIREARMS

(By Bill Helmer)

(NOTE.—Mr. Helmer is an Observer contributing editor who, until recently, lived in Austin. His master's thesis at the University of Texas at Austin on the history of the Thompson submachine gun will form the basis of a book to be published in the spring of 1969 by Macmillan.)

WASHINGTON, D.C.—Like a lot of people, I reject the use of violence myself and oppose it in principle. But I also try to make the best of a bad situation. Like a dedicated dentist who abhors tooth decay, I figure that so long as we have violence anyway I might as well make some money out of it.

So last September I accepted a staff position on the National Commission on the Causes and Prevention of Violence, and I am pleased to report that the situation is steadily improving. Armed robberies, homicides and aggravated assaults while at an all-time high, show no signs of falling off and throwing me out of a job. The summer riots of 1968 were something of a disappointment, but our special task force on civil disorders has a real dilly scheduled for next July. My bag, however, is firearms.

We on the firearms task force are hard at work presently documenting our chilling discovery (this is not for attribution) that there is a relationship not only between firearms and violence, but also between the *use* of firearms in violence and the *severity* of the violence. How does that grab ya?

I cannot yet leak to the press our astonishing statistics on the role of firearms in crime, except to hint that "the pistol is the curse of the nation," as it was in 1910, 1921, 1934 and periodically since then. My own unofficial findings indicate that the "gun problem" in America today is no worse than it ever was, and in fact has improved, at least in homicides per capita. The real problem is that Americans are getting soft and are not so tolerant of violence as they used to be. At the commission I find myself surrounded by bleeding heart do-gooders who can't sleep at night because some 20,000 people in this country got their heads shot off last year in homicides, accidents and suicides with firearms. I try to point out that this is only one citizen out of 10,000, but still they gripe and worry.

The trouble with anti-gun people is that they refuse to view the matter in proper perspective, to look for the silver lining. I have examined hundreds of homicide reports in the last couple of months, and it is quite clear to me that firearms generally and handguns in particular should be regarded as our most convenient and effective means of improving the national breed. Contrary to the popular notion, the chances of a respectable white middle-class American getting himself shot are extremely low; meteorites constitute almost as great a danger. The fact is the vast majority of gunshot deaths occur in slum neighborhoods, in certain types of taverns and among certain classes of people. Without promiscuous pistol-packing and shooting to maintain our sociological balance of nature, this country soon would find itself overrun by drunks, faithless wives, paramours and other undesireables.

If the United States has any real gun problem today, it is the rather exciting arms race currently going on between right wing extremists, black nationalists, and a few left-wing radicals. As usual, only the liberals lag behind in their military build-up.

The bad thing about the current arms race is that it has run the price of machine guns up to the point where they are virtually out of the reach of middle-income moderates and low-budget liberals. A couple of years ago anybody who knew somebody could pick up a good Thompson for under $300, and Sten guns and M3's were selling briskly for as little as $75. Since then prices have doubled or tripled, and the $5 hand grenade now belongs in a class with nickel beer. Now and then you find somebody running a special on full-automatic carbines for $150, but in 1966 you could still get M2 conversion kits for an even $25.

Contributing to the problem is the current machine gun drain into Mexico. The big market there is not, curiously enough, the aging revolutionaries, but Mexican policemen who have taken a romantic fancy to automatic weapons and are willing to pay premium prices. This has resulted in an unfavorable balance of machine gun trade between Mexico and the States, and Texas has been hardest hit.

And all this on top of spiraling ammunition costs. Penny-a-round surplus ammunition is a thing of the past; today the cheapest .45 (French corrosive) goes for about seven cents a round, and surplus .30 carbine and 9mm are unobtainable. Machine guns get such terrible mileage that only a rich right-winger can afford to maintain one anymore.

Typically and traditionally, right-wing extremists have more money than left-wing extremists; also they usually can shoot a lot better. With a good scope rifle properly sighted in, your serious Klansman can "put one in his ear" at 200 yards. But your average Che Guevara radical leftist might be dangerous up to 10 or 15 yards, and the typical liberal would probably shot himself in the foot. (This is the only thing tactically wrong with confrontation politics. It counts too heavily on the willingness of the opposition to act with some measure of restraint. Confrontation politics did not work well in Mexico City, where the bodies went into a mass grave uncounted and unidentified.)

Considering his potential, the native American redneck has been remarkably nonviolent. The Newark North Ward Citizen's Committee may be armed to the teeth, but hasn't shot a soul. The only shots fired so far have been at NWCC leader Tony Imperiale at the Newark police station and naturally they missed everybody. But then a bomb liked to obliterated the local black nationalist headquarters and several people in it.

At the same time, however, the black nationalists are spending their Saturday afternoons at the rifle range, and may be catching up. In terms of firepower, shooting skill, weaponry and willingness, the black man has never been a match for the Klansman. But the soul brother who uses an M–16 in Vietnam may soon be coming home, and he probably won't go back to using anything as Uncle Tom as a straight-edge razor.

The President's Commission on Violence would like to avert a bloodbath, and of course I try to do my job. Noting that the vast majority of homicides result from a dispute with a woman or over a woman, I proposed at first that we register females, not firearms. Discouraged by the reception given this idea. I have suggested that the Firearms Task Force negotiate a profitable sell-out to the National Rifle Association. In return for booze, broads and a few shares of Smith & Wesson stock, we would recommend in our final report: "To arms! To arms! It's every man for himself!"

Unfortunately, the Chicago attorney directing the Firearms Task Force has permitted himself to become the unwitting tool of the life insurance lobby, and refuses to view the gun problem realistically. (Until the Pope approves the Pill, we've got to make do with the pistol.)

The trouble is, everyone else on the commission has a good-paying job to go back to: they can afford to be against violence. But my situation is different. Whenever I hear people on our staff putting down violence. I have to remind them: "Don't knock it, it's a living."

HAWAII: A DECADE OF STATEHOOD

Mr. FONG. Mr. President, 10 years ago this week, Hawaii rejoiced over a historic event in the 86th Congress. After nearly 60 long years, legislation to make Hawaii a State was finally approved.

On March 11, 1959, the Senate passed the Hawaii statehood bill by an overwhelming vote, 76 to 15. The following day, the House approved the bill by an impressive vote of 323 to 89.

Five thousand miles away in Hawaii, the joyous news erupted into the most jubilant celebration since VJ Day of World War II. The emotional explosion came from years of pentup feelings, years of waiting, working, disappointment and disillusionment.

Newspaper extras flashed the dramatic announcement in huge headlines. Civil defense sirens sounded the news; church bells chimed in; ships in the harbor blew their whistles. Government and business offices quickly closed; schools dismissed classes. And dancing began in the streets. At long last, the end of the struggle had come and now only the formalities remained.

A week later, in a ceremony at the White House, President Eisenhower signed the bill, S. 50, into public law. The climax came with refreshing speed once the logjam was broken. Only a few weeks earlier, President Eisenhower had said in his state of the Union message:

> May I voice the hope that before my term of office is ended, I shall have the opportunity and great satisfaction of seeing the 50th star in our national flag.

The swiftness of the climax was in sharp contrast with the extremely prolonged struggle preceding it. For the question of admitting Hawaii to statehood was, as one observer put it:

> Almost studied to death.

It was certainly investigated more intensively and longer than any other statehood proposal to come before Congress.

Beginning in 1903—5 years after Hawaii's annexation to the United States and 3 years after the islands became an incorporated territory—Hawaii, through its legislature, had petitioned Congress for statehood on at least 17 different occasions. Since 1920, at least 66 bills had been introduced in successive Congresses providing for statehood.

Twenty-four hearings had been held, seven of them in Hawaii and the re-

mainder in Washington. Hundreds of witnesses had been heard, a majority of them traveling to Washington from Hawaii at the Hawaii taxpayers' expense. Thirty-four printed House and Senate hearings produced nearly 7,000 pages of testimony and exhibits.

In June 1947, the House of Representatives passed a Hawaii statehood bill, the first time either House of the Congress had acted on this legislation. The House subsequently passed a Hawaii bill two more times before the final, successsful vote in 1959.

In the Senate, the first breakthrough came in 1950, when the Senate Committee on Interior and Insular Affairs reported favorably on the measure, after public hearings and careful deliberation. But the bill failed to reach the floor of the Senate before adjournment.

In the intervening years until 1959, both Houses of Congress tried but could not move in step to clear the Hawaii bill, until they had first approved legislation to make Alaska the 49th State in 1958.

By this time, pro-statehood forces for Hawaii had marshaled almost unbeatable strength for the final push. There was general sentiment that the time for Hawaiian statehood was long overdue.

Hawaii, said the last Senate committee report on the statehood question in 1959, "is in all ways exceptionally well prepared for statehood." The committee found Hawaii had met the requirements applied in each of the 37 States previously admitted into the Union; namely, that the inhabitants of the proposed new State are imbued with and sympathetic toward the principles of democracy as exemplified in the American form of government; that a majority of the electorate desire statehood; and that the proposed new State has sufficient population and resources to support State government and to provide its share of the cost of the Federal Government.

The Senate committee concluded its report with this call for action:

> Now is the time to prove to all the world that self-determination applies in the United States just as it must apply wherever in the world human nature can be free to follow its course.

And so, on March 11, 1959, with little debate and wholly unprecedented speed, the Senate overwhelmingly passed the Hawaii statehood bill. The next day, the House approved the Senate-passed bill with similar speed and decisiveness.

To win the ultimate victory, Hawaii invested heavily in money, manpower, energy, patience, and determination. What was the reward?

In 1955, a report of the House Interior and Insular Affairs Committee summarized the rights which statehood would accord Americans in Hawaii:

First. The right to full voting representation in both the U.S. Senate and House of Representatives;

Second. The right to vote for the President and Vice President of the United States;

Third. The right to choose their own Governor and to carry on functions of government by their own elected officials instead of Federal administrators;

Fourth. The right to determine the extent of the powers to be exercised by their own legislature;

Fifth. The right to have justice administered by judges selected under local authority rather than by Federal appointees;

Sixth. The right to freedom from overlapping of Federal local authority;

Seventh. The right to an equal share on a per capita basis in Federal grants for education, health, highways, and other public improvements; and

Eighth. The right to a voice in any proposed amendment of the Federal Constitution, as well as on the taxes which the people of the territory must pay.

Looking back now, it is hard to believe that these basic rights were yielded so slowly and almost grudgingly to the people of Hawaii. The people themselves long ago believed they had already earned that right—the right to first-class citizenship on the same footing as Americans of the rest of the country.

The political benefits of statehood are many and vital. But equally as important is the psychological uplift—what one statehood advocate called "the spiritual gain of becoming first-class citizens and achieving that equality which is inherent in our faith and in our time-honored professions that we shall have no colonies, and that in the words of the Founding Fathers, all men were born free and equal." This is a truth easily savored and appreciated by those who endured second-class status as long as Hawaii's people did.

Belated though it was, statehood renewed Hawaii's faith in the democratic process. It demonstrated that this Nation is still firmly dedicated to the principles of self-determination and self-government and that citizens—regardless of their race, color, or creed—who live in an incorporated territory shall be accorded all the privileges of citizenship when they are politically and economically mature.

Statehood also brought tangible, material benefits to the new State. It gave Hawaii an economic boost exceeding the expectations of even the most optimistic observers. Record numbers of visitors were attracted to the islands. They quickly expanded the burgeoning tourist industry. Among them were entrepreneurs with an eye to the tremendous commercial potentials of Hawaii. Their investments broadened the islands' economic base. Some from the continental United States came to stay.

Evidence of the decade of Hawaii's economic growth is seen everywhere—the pace of construction, the growth of the visitor industry, the volume of retail business, employment statistics, the expansion of manufacturing, the growth in Federal expenditures.

Hawaii's economic expansion was even more dramatic than that of the Nation. Moreover, this expansion was shared in some degree by all sectors of the island economy.

Between the last census, in 1960, and mid-1968, civilian population expanded by 24 percent, exactly twice the national rate. At mid-year, the resident population stood at 778,000; by year's end, it was approximately 800,000.

During the same period, the civilian workforce grew by 26 percent, to 295,-300 by mid-1968. Employment increased by 25 percent, and unemployment was well below 3 percent.

In 1968 personal incomes in the State reached approximately $2.7 billion, or $3,470 per capita. Expressed in 1961 prices, this was a 21-percent increase in real per capita income over the 7-year period.

Federal spending, by far the largest source of income in Hawaii, reached $838 million in 1967, an increase of $285 million over 1961. Further substantial increase in both Federal expenditures and grants was estimated for 1968.

The visitor industry grew dramatically in the post-World War II years, the average annual rate of increase being 20 percent compounded annually. Visitor spending in 1968 is estimated at approximately half a billion dollars. This growth accounted for the 47-percent rise in tourist-related employment since 1961, compared with a 14-percent expansion in the rest of the private economy.

Inauguration of direct mainland-Hilo flights and common air fares, which permit the tourist to visit all the major islands at $5 an island, have given a tremendous boost to the visitor industries on the neighbor islands. Additional air service provided in the pending trans-Pacific route case should sharply increase the tourist influx.

Substantial as the employment increase has been in tourist-related businesses, employment in scientific research and technology organizations, including computer services, has been growing even faster, an amazing 75 percent from the end of 1964 till mid-1968.

Sugar and pineapple continue to be the agricultural mainstays. Diversified manufacturing has been growing steadily.

Economists see continued rapid expansion of Hawaii's economy in 1969 and beyond.

Statehood has stimulated new trade and commercial opportunities not only within the young State but beyond, to the countries bordering the vast Pacific basin and the many island groups scattered in this largest ocean on the globe.

Hawaii has a large role to play in the future of Asia and the Pacific. The young State has already demonstrated its capabilities, real and potential, in several areas. To name a few, they include: subtropical agriculture, oceanography, education, health, finance and insurance, business and manufacturing, marketing, transportation, communications, and public administration.

As the only island State, Hawaii is strategically located in the middle of the Pacific Ocean which gives a common boundary to five continents and more than 20 countries with over half the world's population. This ocean and its bordering lands hold enormous natural resources which have barely been tapped. Developing countries of this vast area must be helped to use these resources. As for trade with the more advanced Pacific countries, opportunities abound.

For a long time, forward-looking

thinkers and planners have envisioned a Pacific community to promote the common interests of the nations and peoples bordering the shores of the Pacific. At various times and in their own ways, men with such a vision have taken the first, tentative steps toward creating such a Pacific community.

The new era of the Pacific today impels us to take a fresh look at the possibilities for mutual cooperation in the Asian-Pacific region. Fortunately, Hawaii has already moved ahead to implement the idea in a number of ways. The East-West Center for Cultural and Technical Interchange, located on the University of Hawaii campus, is demonstrating how these links between Americans and Asian-Pacific peoples can be forged. The center was established by Congress a decade ago and its operations are supported by Federal funds; therefore, Congress can be credited with foresight in launching and maintaining this unique national institution.

The Hawaii Legislature has created the State's own international services agency to expand services in Asia and the Pacific. The University of Hawaii is conducting extensive training programs for the Peace Corps and the Agency for International Development. The Pacific Science Association, with headquarters in Honolulu, and the East-West Philosophers Conference represent other forms of interchange which have a long and successful history.

While Hawaii will continue to serve as a major military base for our Nation's defense in the Pacific, the 50th State is conscious of her role in insisting that the United States keep a balanced view of the world. This means building the foundation of an Asian-Pacific community in which the United States will help promote the future peace and progress of this vast region.

America must not forget the reality that our national interests are closely entwined with those of the Asian-Pacific world. America must not turn her back on a region whose impact—for better or for worse—is bound to involve our country to some degree.

How much better for the United States to help develop a stable Asian-Pacific world than to forfeit this chance for constructive action. How much better to help Asians and Pacific islanders to build anew as our contribution to a better world for all.

Thanks to statehood, Hawaii stands ready for a larger role in the establishment of a Pacific community dedicated to peace and progress. One of the strongest arguments made in behalf of Hawaiian statehood was the expectation that the people of Hawaii would enhance America's place in that part of the world. Endowed with a multiracial population with close ties to Asian and Pacific peoples, Hawaii has been contributing the talents, ideas, and energies of her people to their Asian and Pacific neighbors. The 50th State has done much already; we will do even more to carry out our mission as good neighbors.

Hawaii has indeed come a long way since her admission to statehood. The 50th State is deeply grateful to her friends in Congress for making it possible for the islands to achieve this goal and thereby play a larger part in national and international affairs.

Our gratitude is extended also to the countless organizations and individuals who helped us in our struggle for statehood. Without their unfailing encouragement and assistance through the long and arduous campaign, Hawaii could not have progressed to the high point she has reached since statehood.

Our destiny as the crossroads of the Pacific is to serve the Nation in building bridges of understanding, to represent America at her best to the peoples of that far-flung region, and to be a shining example always of democracy at work to peoples everywhere.

In thus serving the United States, we shall keep faith with those who kept faith with us on the long road to statehood.

In closing my remarks, I wish to recall the words of a young Hawaiian minister who delivered a memorable sermon the day after Congress approved the Hawaii statehood bill 10 years ago. The Reverend Abraham K. Akaka spoke of the meaning of "aloha" and of statehood, saying in part:

> We need to see statehood as the lifting of the clouds of smoke, as the opportunity to affirm positively the basic Gospel of the fatherhood of God and the brotherhood of man. We need to see that Hawaii has potential moral and spiritual contributions to make to our nation and to our world. The fears Hawaii may have are to be met by men and women who are living witnesses of what we really are in Hawaii, of the spirit of Aloha, men and women who can help unlock the doors of the future by the guidance and grace of God.
>
> This kind of self-affirmation is the need of the hour. And we can affirm our being, as the Aloha State, by full participation in our nation and in our world. . . .
>
> I feel especially grateful that the discovery and development of our islands long ago was not couched in the context of an imperialistic and exploitive national power, but in this context of Aloha. There is a correlation between the charter under which the missionaries came—namely, "to preach the Gospel of Jesus Christ, to cover these islands with productive green fields, and to lift the people to a high state of civilization"—a correlation between this and the fact that Hawaii is not one of the trouble spots in the world today but one of the spots of great hope. Aloha does not exploit a people or keep them in ignorance and subservience. Rather, it shares the sorrows and joys of people; it seeks to promote the true good of others.
>
> Today, one of the deepest needs of mankind is the need to feel a sense of kinship one with another. Truly all mankind belongs together; from the beginning all mankind has been called into being, nourished, watched over by the love of God. So that the real Golden Rule is Aloha. This is the way of life we shall affirm.
>
> Let us affirm ever what we really are—for Aloha is the spirit of God at work in you and in me and in the world, uniting what is separated, overcoming darkness and death, bringing new light and life to all who sit in the darkness of fear, guiding the feet of mankind into the way of peace.
>
> Thus, may our becoming a State mean to our nation and the world, and may it reaffirm that which was planted in us one hundred and thirty-nine years ago: "Fear not, for behold I bring you good tidings of great joy, which shall be to all people."

This is the Aloha State of Hawaii.

SENTINEL ANTI-BALLISTIC-MISSILE SYSTEM

Mr. SPARKMAN. Mr. President, I have spoken here on several occasions in support of the continued deployment of the Sentinel anti-ballistic-missile system. I have also followed closely the continuing debate on this subject. Let me say in preface to my remarks today that we have seen great Americans speak out on both sides of this debate. As was pointed out by the distinguished majority leader on Friday of last week, this is not a partisan issue that we seek to resolve. It is an issue that has faced both a Democratic and now a Republican administration, and it is one which finds distinguished advocates of both political parties on each side. It is also an issue which vitally affects the security of our country. My judgment remains in favor of the deployment of the Sentinel system.

Opponents of Sentinel appear to center their arguments around the belief that America stands at a crucial crossroad in the path toward arms control and disarmament, and that declining to deploy Sentinel is the only step available to exhibit to the world that America is sincere in its willingness to enter upon meaningful talks with the Soviet Union on this subject.

I believe that we do stand at a critical junction in the road. I think we need to be careful how we proceed, and I think we should seize every opportunity to take those steps that will bring about an effective accord on arms reduction. I just simply do not believe that the deployment of Sentinel violates our need to proceed with caution, nor would it constitute a missed opportunity in our search for arms control.

I find it impossible in my consideration of this matter to overlook, or explain away, the fact that the Soviet Union has already deployed an ABM system. I realize that the Soviet system is reported to be unsophisticated and geographically limited, but the fact remains that it has been deployed—it exists. The Soviet experience, the Soviet technological know-how, the Soviet ability to add to and update an in-place system are accomplished facts.

It is argued that the proper response for the United States to this Soviet-created imbalance in defensive arms would be a further offensive build-up by the United States. As the distinguished Senator from Maryland (Mr. MATHIAS) stated it:

> The proper response should be to: continue to develop techniques for countering the limited ABM system deployed around Moscow, and any other system the Russians, in ignorance or defiance of its futility, should choose to build. These techniques will be effective, and will give our offensive missiles effective superiority over their defenses. For us to continue with the development of these techniques is an important part of our overall national security policy.

The majority leader stated it this way:

> It is argued, for example, that since the Soviet Union is deploying an ABM system around Moscow, we must respond with the Sentinel ABM system. However, the relevant reaction to the deployment of a Soviet ABM is not necessarily an identical action on our part but rather a balancing action. We have,

in fact, already responded to the Soviet ABM system. In the fully developed MIRV system we will have assured that whatever defense the Soviet Union might build in the way of an ABM structure, let alone what has actually been deployed, our capacity to penetrate it will be more than sufficient.

When I spoke on this matter last year, I tried to weigh the relative wisdom of an offensive response as opposed to the defensive response presented by Sentinel. I felt then, and I remain convinced, that a response in kind, that is, a defensive response, is the wisest course. It is the only course that will effectively restore the precarious arms balance between this country and the Soviet Union in both defensive and offensive weaponry.

Is it to be our decision that when Russia "thickens" her ABM system, we should beef up our ICBM arsenal? This kind of defensive-offensive, action-reaction spiral could go on and on, and, at some point, the United States will wake up to the fact that, while we have accomplished nothing in the way of arms reduction, we have permitted ourselves to lag far behind in defensive technology and capability.

Opponents of Sentinel all seem to recognize that it was the Soviet Union that embarked upon the provocative course of defensive weapons deployment. They seem also to agree that a response on the part of the United States is appropriate. I cannot understand the logic that will support an offensive response to this new Soviet threat—an increase in the overall destructive capability that exists in our world today—as an appropriate step for us to take, while, at the same time, condemning the defensive response that Sentinel offers as some kind of aggressive refusal to step back from the tragedy of nuclear overkill.

I realize that the United States must have the courage to take that first step toward a more peaceful world. We must be ready to seize any appropriate opportunity to offer leadership in this direction and to contribute to a climate in the world that will enable us to reassemble the priorities that control our Federal budget. I think the opportunity to show that courage, to offer that leadership, and to make that contribution, is open to us in the Nuclear Nonproliferation Treaty. We are all familiar with the provisions of article VI of this treaty. Under article VI, the United States has assumed the commitment to pursue with good faith and urgency new agreements with signatory nuclear weapons states that will hopefully lead to effective arms limitations. This is a meaningful commitment on the part of the United States, and it is one that I hope will receive the ratification of this body. The meaning and significance of this commitment are hardly enhanced by gratuitous retreats from our insistence upon a balance of armament. A failure to deploy the Sentinel system would be just such a gratuitous retreat.

There are other reasons that justify the deployment of Sentinel. They have all been treated extensively in the debate. The possibility of saving 22 million American lives in the event of a Chinese ICBM attack has been repeated time and time again. The protection against an accidental ICBM launch has been covered. I have no desire unduly to prolong the discussion. Let me only say that, in this matter, we deal in ultimates. If the dangers that Sentinel is designed to lessen become a reality—whether they be Russian superiority, Chinese insanity, or tragic accident, there will be no room for a second chance. We deal in ultimates, and our strength and safety lies in at least meeting the military threat that we face.

With all due respect to the distinguished chairman of the Committee on Foreign Relations, I cannot agree with the reasoning of his statement here last Friday wherein he said:

> It seems to me that the whole experience of the human race negates the prospect that peace can be attained by military means. Since the beginning of recorded history that is one proposition which has been tested time after time and been found wanting.

Indeed, history may show that military might in the hands of some has brought the miseries of war upon the peoples of the world. But history will also show that military might in the hands of the United States of America has been the most effective force for peace in two decades of opportunism, harassment, and aggression by an enemy who sought to achieve its purpose through conflict.

Mr. President, it is reported that the new administration will make known its position on this matter in the very near future. I urge the President to express the support of his administration for the continued deployment of the ABM system.

THE INDIAN CLAIMS COMMISSION: ADDRESS BY HON. THEODORE R. McKELDIN

Mr. MATHIAS. Mr. President, the American commitment to justice is expressed and advanced in many ways. One important agency of justice which has not received enough public notice or understanding is the Indian Claims Commission. This body, created by Congress in 1946, is charged with passing on the validity of claims against the United States by Indians, whether individually or as tribes. The Commission should not be confused with the Bureau of Indian Affairs, for the Commission's work is legal—investigatory, mediatory, and judicial—but in no way involved with the day-to-day administration of current American policy toward American Indians.

In a recent address to the Maryland Sportsmen's Luncheon Club, Hon. Theodore R. McKeldin, a member of the Commission, and a former Governor of Maryland—outlined cogently the panel's mandate and the challenges it faces in attempting to resolve claims which may date back many generations and require difficult legal, historical and even archeological research. As Governor McKeldin summarized, the Commission's work is an attempt to "do the decent thing" and to promote, in this particular area, our national commitment to justice and fairplay.

Mr. President, Governor McKeldin is uniquely well qualified for this exacting and important work. He brings to the Commission a long and outstanding record of public service, including two terms as Governor of Maryland and two terms as mayor of Baltimore. His legal ability and attention to detail are noteworthy. Above all else, he has expressed in word and deed, throughout his career as a public servant, a deep commitment to justice and a compassionate understanding of the need for Government to aid those citizens who have been denied equal justice and their full rights.

Because Governor McKeldin's address deserves wide attention, I ask unanimous consent that it be printed in the RECORD.

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

ADDRESS BY THEODORE R. MCKELDIN, MARYLAND SPORTSMEN'S LUNCHEON CLUB, EMERSON HOTEL, TUESDAY, FEBRUARY 25, 1969

One of my reasons for accepting your invitation to appear here today is to try to clear up the confusion that appears to exist in many otherwise well-informed minds between the Indian Claims Commission and the Bureau of Indian Affairs.

The Bureau of Indian Affairs is an administrative organization of the Department of the Interior, responsible to the Secretary of that Department for the management of relations of the United States government and the Indians.

The Indian Claims Commission is an independent agency, responsible, not to the Secretary of the Interior, but directly to Congress. Its function is to pass upon the validity of claims against the government of the United States by Indians, whether individually or as tribes. Although it has been in existence for 23 years, it is technically a temporary organization, not a permanent agency of the government. Its work is in part judicial, in part mediatory, but not at all administrative.

It came into existence in 1946 because Indian claims had been piling up ever since 1775, when the Continental Congress assumed jurisdiction over Indian affairs. After 171 years there were more than 600 still not adjudicated and their existence had become a scandal. An Indian could not sue in the Court of Claims without special permission of Congress, which meant that the plainest justice was often interminably delayed—and it is more than an adage, it is dismal truth, that justice delayed is justice denied.

It was to reduce this crying scandal that Congress set up an independent agency, giving it some of the powers of a court of law, some of a court of arbitration, and very wide powers as to the admission of evidence, but none of the powers of the Bureau of Indian Affairs to deal with the daily life of contemporary Indians. If some present-day successor of Chief Black Hawk, or Chief Sitting Bull is treating his fellow-tribesmen shockingly, that is no affair of the Indian Claims Commission, which is concerned only with possible frauds prepetrated before 1946.

That is to say, it is primarily a legal agency. That is why the law provides that three of its five members must be attorneys who are not merely qualified, but have been admitted to practice before the Supreme Court. Its decisions, unless reversed or modified on appeal, have the force of a decision of the Court of Claims, but it sits rather as a court of equity than strictly as a court of law. In establishing the Commission, Congress was not establishing another court for the rigid application of law, but an instrument for doing substantive justice to claimants who might have been betrayed, either by their own ignorance of the white man's law, or by shrewd crooks seeking to line their own pockets.

It was believed that the fact that the original victims and the crooks may both have been dead and gone these many years did not absolve the United States from responsibility. In an important sense the business of the Commission is not so much to benefit the Indians as to clear the skirts of the republic of the stains of ancient wrong.

With this in mind Congress went to extraordinary lengths to prevent the Commission from becoming a political football. No more than three of the five members may belong to the same political party. No member of the Commission may, during his term of office, practice any other profession or gainful occupation. No former member may plead before the Commission, either for or against any claimant, until the expiration of two years after he has left office. No member of either House of Congress shall appear before the Commission during his term of office, no matter whether he supports the claimant or the government.

On the other hand, the Commission is given unusual latitude in seeking to establish substantial justice rather than technically correct legality. As much valuable property was known to be involved, it was assumed that some bold impostors would seek to establish fraudulent claims, and so it proved. By the end of the last fiscal year, out of the 600-odd cases dumped upon it in 1946, the Commission has found 133 entirely without merit and had dismissed them. That dismissal, unless reversed on appeal, bars any further legal action in those cases.

But in 123 cases, a slightly smaller number, the Commission has found that the claims had some justification and has so certified to the Court of Claims, naming a settlement that it deems fair to both claimant and government. Without further action that certification is legal authorization for Congress to appropriate the necessary money to make the payment.

That leaves rather more than half the cases still unsettled. The reasons for the slow progress are various, but the great one is simply the age of many of the claims. No claim arising since 1946 is considered and, of those that date earlier, none that was not filed before 1951 can be brought before the Commission, which means that no claim can be less than 18 years before it. If this sounds a bit like Dickens' fictional lawsuit of *Jarndyce & Jarndyce*, that dragged interminably through the court of Chancery, there is one tremendous difference—in the novel, the whole estate was consumed by the costs of litigation, but the American Indian, if he can establish even a fair color of right, will have it carefully and thoroughly investigated by the Commission, and even if he employs counsel on his own, the Commission will restrict the counsel's fees to a small proportion of the sum recovered.

But when a claim goes back a hundred years the task of establishing the truth about it is almost incredibly difficult. All the witnesses are long dead, the records are always scanty and often unreliable, and the establishment of a clear title is often flatly impossible. In such cases the Commisison must decide on the weight of evidence drawn from innumerable sources, not merely written history, but the findings of archaeology, anthropology, languages, and a dozen other sciences. In veiw of the sums involved—over 250 millions in cases already adjudicated—all this must be examined with great care.

Of course it is slow work and legal training is only the first of the necessary qualifications. Success in it requires also much experience in weighing evidence, not merely documentary evidence, but also the testimony, often contradictory, of equally distinguished experts in many fields of learning.

But slow as it is, difficult as it is, expensive as it is, the work is worth doing because it is an honest effort to vindicate the good name of our country. We require our children to salute it as a country "with liberty and justice for all". We know that that is not absolutely true, and we know that in this imperfect world it can never be made absolutely true. But if we omit no effort to make it as nearly true as it is humanly possible to make it, we shall have done our part, and have nothing for which to apologize.

This effort to do justice, however belated, to the descendants of the population we displaced and very nearly wiped out is, I believe, an exceptionally pure demonstration of the reverence for abstract justice which I choose to believe is a part of the American character. Nothing compelled us to do it except the driving power of our own consciences. We know that this race—in which, by the way, the law includes the Eskimos and Aleuts of Alaska—in its primitive days had the misfortune to come into collision with a far more advanced and more powerful civilization. When two civilizations crash, the weaker inevitably goes down, and so did the Indian population of America. Estimated at about 800,000 in 1492, by 1899 it had sunk to hardly more than 250,000.

But the white man, while overwhelmingly more powerful, was not utterly ruthless. The evidence is the fact that today there are half a million Indians living in this country.

I don't claim that the record is anything like perfect. Long before I became a member of the Commission I had visited many Indian communities some, but not all, on reservations, and I have seen with my own eyes how hard life is in many such places. But it is being slowly, but steadily bettered, not through the efforts of our Commission, but through those of the Bureau of Indian Affairs. However, settlement of the just claims of the Indians will speed up the work of the Bureau.

I maintain, therefore, that you who are American citizens and taxpayers can take just pride in it. I am not here to make the eagle scream with foolish boasts about how high and noble we Americans are. You would be right to laugh at me if I tried it, for the faults and failing of our government are many and very conspicuous. So, indeed, are those of every other government. All I wish to do is to put a thought in your minds that you may recall some day when you are really down-in-the-mouth, when you are outraged by some governmental activity that you thoroughly disapprove, half persuaded that the whole thing is rotten to the core, and that the beacon to mankind that we lighted in 1776 is sputtering out in smoke and an evil smell.

Then bring to your mind this proof that it isn't all bad. Here is at least one small effort—and I assure you, there are many others that we seldom think of—to do the decent thing by a group of people far too small and weak to compel us to do anything. We are doing it, not because anybody can make us, but simply because it is right. These, too, are human beings and are entitled to be so treated.

Think of that when you are feeling low, and I think your spirits will rise, for you will know that we are doing at least a little something to realize the prayer for America in the old song:

"And crown thy good with brotherhood
From sea to shining sea."

EXECUTIVE SESSION

The Senate resumed the consideration of executive business.

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.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I believe I have already touched all the bases, but I ask unanimous consent that the vote on the pending Ervin reservation occur at 2:30 this afternoon and that 10 minutes previous to that time be divided equally between the distinguished Senator from Arkansas (Mr. FULBRIGHT) and the distinguished Senator from North Carolina (Mr. ERVIN).

Mr. JAVITS. Mr. President, I have no objection. However, I wonder whether I might have a couple of minutes time to talk on the matter. I was not present yesterday. I would prefer to have the time before then.

Mr. MANSFIELD. Surely.

The PRESIDING OFFICER. Is there any objection? The Chair hears none, and it is so ordered.

Mr. MANSFIELD. Mr. President, it is the assumption of the leadership, and I hope it will be done—and I see no reason why it cannot be done—that the distinguished senior Senator from Arkansas (Mr. MCCLELLAN), who will shortly speak on another subject, as in legislative session, will not exceed 1 hour. He will be followed by the Senator from Tennessee (Mr. GORE), also as in legislative session.

Mr. MCCLELLAN. That is correct.

Mr. TYDINGS. Mr. President, I wish to speak in support of immediate Senate ratification of the Treaty on the Nonproliferation of Nuclear Weapons. It has been more than 8 months since President Johnson signed the treaty in Washington. Twice during this period the Senate Foreign Relations Committee has held extensive hearings on the merits of this pact, and twice it has recommended that the Senate give its advice and consent to ratification. Surely, with the political uncertainties of the presidential elections past and President Nixon's recent endorsement of the treaty, there is no reason to delay action on this pressing matter any longer.

The Nonproliferation Treaty contains four major provisions: First, nations currently possessing nuclear weapons are prohibited from transferring nuclear weapons or weapons capability to nations not now in possession of them; second, nations without nuclear arms are bound not to acquire or manufacture their own nuclear weapons in the future; third, nuclear nations are pledged to facilitate the exchange of information, materials, and equipment for the peaceful uses of nuclear power, and to assure the nonnuclear states access to the benefits of the peaceful applications of nuclear explosive devices; and, fourth, article VI of the treaty commits all parties to pursue negotiations in good faith to put an end to the arms race and work toward eventual nuclear disarmament.

In the view of the Joint Chiefs of Staff, the past and present Secretaries of State, the past and present Secretaries of Defense, and numerous other experts from the fields of diplomacy and defense who testified during the Senate hearings on the treaty, none of these provisions would endanger U.S. security in any way. Commenting on the treaty and its effect

on American security, General Wheeler, Chairman of the Joint Chiefs of Staff, explained during last fall's hearings:

> At the initiation of treaty discussions, the Joint Chiefs of Staff formulated certain principles relating to national security that should not be violated by such a treaty. First, we believe that any international agreement on the control of nuclear weapons must not operate to the disadvantage of the United States and our allies. Secondly, it must 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. These principles have been observed.

It is estimated that 20 or more countries will have the capacity to produce nuclear weapons within the next decade. One need only contemplate a world in which many of these countries possess nuclear bombs or warheads and the means to deliver them to recognize the enormous dangers that will confront us if we fail to halt the spread of nuclear weapons now.

Each nation to join the circle of those possessing nuclear weapons will increase international instability and add to the possibilities of nuclear exchange. Volatile regional rivalries will acquire the terrible new dimension of being able to move the world toward nuclear holocaust. There will be no stability anywhere when nuclear weapons might be used between Egyptians and Israelis over Suez, between Greeks and Turks over Cyprus, between Indians and Pakistanis over Kashmir.

Some opponents of the treaty have argued that the spread of nuclear weapons would not significantly increase international instability. They contend that the relative stability of the current United States-Soviet "balance of terror" could be preserved through a multination system of mutual deterrence.

What they fail to understand is that the stability present in the United States-Soviet nuclear confrontation is conditional upon the fact neither country has a first-strike capability—that is, neither country can launch a nuclear attack without the certainty that it will be devastated by the second strike capability of the other.

The nations likely to acquire nuclear weapons in the coming decade in the absence of an effective nonproliferation agreement will not invest the enormous sums of money in the hardened missile sites and missile-launching submarines required for a credible second-strike capability. In situations in which one of these nations feels threatened, the temptation will be strong to employ its nuclear weapons preemptively and destroy a potential enemy before it can strike. For against each other, these second-generation nuclear nations will possess a first-strike capability.

Thus, the end result of failure to stem the spread of nuclear weapons will be a vastly increased probability of nuclear exchange and the outbreak of world war III.

In addition, nuclear proliferation will make the task of arms control and nuclear disarmament incomparably more difficult and complex—perhaps impossible.

Mr. President, when we ratified the Nuclear Test-Ban Treaty in 1963, we hailed it not only for its specific benefits but as "the first step in a journey of a thousand miles." Six years have passed and it is time for a second step, the ratification of the Nonproliferation Treaty.

This treaty represents a major milestone in our efforts to bring the atom under control—efforts which the United States initiated at the birth of the atomic age. Ratification will permit the nations of the world to intensify their efforts to tap the enormous power of the peaceful atom without fear that this power will be diverted to destructive purposes.

In his last book, "To Seek a Newer World," Robert Kennedy wrote:

> This generation has unlocked the mystery of nature, henceforth all men must live with the power of complete self-destruction. This is the power of choice, the tragedy and the glory of man.

It falls to us to make sure mankind chooses survival. Ratification of the Nuclear Nonproliferation Treaty is a meaningful step in that direction.

ORDER OF BUSINESS

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

ORGANIZED CRIME IN THE UNITED STATES

Mr. McCLELLAN. Mr. President, on January 15, 1969, I introduced S. 30, the "Organized Crime Control Act of 1969," which was cosponsored by the Senator from Nebraska (Mr. HRUSKA) and the Senator from North Carolina (Mr. ERVIN). At that time, I indicated that I would at a later date discuss the subject of the growth of organized crime in the United States and explain in greater detail the provisions of S. 30.

At this point, Mr. President, I ask unanimous consent that, at the next printing of the bill, the name of the distinguished Senator from Alabama (Mr. ALLEN) be added as a cosponsor.

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

I. DEVELOPMENT OF ORGANIZED CRIME

Mr. McCLELLAN. Mr. President, Americans have had to contend with some form of organized crime since the founding of our Republic. We tend to forget, or perhaps romanticize, the early pirates, the revolutionary smugglers, the 19th-century frontier marauders, and the mobs of our fledgling cities, but we must not forget that these groups were the frontrunners of today's sprawling criminal cartels.

The late 19th and early 20th centuries, moreover, saw the rise of the great city-wide gang combinations and the intense rivalry of these groups which led to open gang wars in the era of prohibition. As important as these early beginnings were, nevertheless, it remained for Charles "Lucky" Luciano, the great consolidator, to bring the various factions together, and, through the unique strength of La Cosa Nostra's familylike structure, forge the confederation that today is dominant in organized crime everywhere. And it is this confederation, which today epitomizes, if it does not exhaust, the concept of organized crime, that must be understood if organized crime in the United States is to be understood.

II. INTERNAL STRUCTURE OF ORGANIZED CRIME

The most influential core groups of organized crime, the "families" of La Cosa Nostra, operate in New York, New Jersey, Illinois, Louisiana, Michigan, Pennsylvania, and Rhode Island. Director of the Federal Bureau of Investigation, J. Edgar Hoover, has estimated overall strength of these groups at 5,000, of which 2,000 are in the New York area alone. These groups, coupled with their allies and employees, constitute the heart of organized crime in the United States at this time.

Mr. President, I ask unanimous consent that a chart, listing the principal "families" by the name of the leader and area of activity, be printed as exhibit 1 in the RECORD following my remarks.

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

(See exhibit 1.)

Mr. McCLELLAN. Each of these 22 core groups is known as a "family." Membership varies from 700 down to 20. Most cities have only one family; New York City has five. Family organization is rationally designed with an integrated set of positions geared to maximize profits and to protect its members—particularly its leadership—from law enforcement activity. Unlike the criminal gangs of the past, the organization functions regardless of individual personnel changes; no one individual is indispensable. The killing of Jesse, for example, virtually ended the James gang; the deportation of Luciano merely resulted in the leadership of his New York family passing to Vito Genovese, who only recently died in a Federal prison.

The hierarchical structure of the families closely parallels that of Mafia groups that operated for almost a century on the island of Sicily. Each family is headed by a "boss," whose primary functions are the maintenance of order and the maximization of profit. Beneath each boss is an "underboss." He collects information for the boss; he relays messages to him and passes his instructions to underlings. On the same level with the underboss is the "consigliere," who is often an elder member of the family, partially retired, whose judgment is valued. Below him are the "caporegime," who serve either as buffers between top men and lower level personnel or as chiefs of operating units. As buffers, they are used to maintain insulation from the investigative procedures of the police. To maintain their insulation, the leaders avoid direct communication with the workers. All commands, information, complaints, and money flow back and forth through buffers.

The need to be able to intercept or

overhear these otherwise inaccessible communications, as it is now permitted under title III of the Omnibus Crime Control Act of 1968, is abundantly clear, for the leaders perform no criminal overt acts that can be witnessed by the police or citizens, who are not involved themselves. Live testimony from insiders is rare and incriminating documents are seldom kept or rarely accessible. Therefore, some substitute, such as the product of electronic surveillance, is crucial. I am thus heartened that the new Attorney General has promised to reverse the policy of his predecessor and to use this anticrime weapon that Congress enacted last year.

I am concerned, however, that the decision of the Supreme Court yesterday, in Alderisio against the United States, may have the tendency—if not the effect—to destroy the efficacy of this method of detection and of gathering evidence. I hope that is not the purpose and the intent of the Court. I hope, too, that title III of the omnibus crime bill of last year will be held valid and that this instrumentality will be made available to our law enforcement officials, particularly for use in combating organized and syndicated crime. I shall on a later occasion discuss what, if any, legislative action is open to use to mitigate the possible harmful effects of the case.

Below the caporegime are the "soldati" or the "button" men. They actually operate the particular illicit enterprise, using as their employees the street-level personnel of organized crime. These employees, however, have little insulation from the traditional police operations of patrol and detection. They are those who are most often arrested, for, as the President's Crime Commission noted, they "take bets, drive trucks, answer telephones, sell narcotics, tend the stills, work in the stills, or operate legitimate businesses."

There is a tendency to view organized crime as embracing only those groups engaged in gambling, narcotics, loan sharking, or other illegal businesses. This is useful since it distinguishes ad hoc youth gangs, groups of pickpockets, and professional criminals generally. Nevertheless, there are at least two aspects of high level organized crime that characterize it as a unique form of criminal activity. To this degree, the nature of organized crime is independent of any particular criminal activity.

Two positions in the organized crime group make it substantially different from other criminal operations: the "enforcer" and the "corruptor." Other criminal groups that operate together over a period of time may allocate functions among particular members. But these two positions are not routinely found in other criminal groupings. It is on this basis, therefore, that organized crime groups differ from professional criminal groups generally; it is on this basis, too, that the unique challenge presented by organized crime must be evaluated.

The "enforcer's" duty is to maintain organizational integrity by arranging for the maiming and killing of recalcitrant members or potential witnesses against the group. J. Edgar Hoover, for example, testified about a "particular case where they kidnaped a man they thought was not to be trusted." He said:

> They hung him on a butcher's hook for three days and tortured him until he died.

Today, however, most of the destructive energies of organized crime are no longer dissipated on internal strife; they are concentrated on its outside enemies. The scope of the violence for which organized crime has been responsible is aptly illustrated by the number of known gangland killings in Chicago. Since 1919, there have been over 1,000 such murders, and while the police clearance rate for homicides generally approaches 90 percent, here only a handful have been solved. This is an intolerable degree of immunity from legal accountability. Judge J. Edward Lumbard was right when he observed that this state of affairs denies to the law abiding "due process of law."

The "corruptor," on the other hand, seeks to establish relations with those public officials and other influential persons whose assistance is necessary to achieve the organization's overall goals. Through these positions, each group seeks to guarantee its continuing existence. Each represents a defense mechanism against the various attempts of society to control the group. Viewed negatively, these functions protect the group; viewed positively, these functions threaten society.

The highest ruling body of the 22 families is the commission. This body serves as a combination legislature, supreme court, board of directors, and arbitration panel. The commission is the ultimate authority on organizational and jurisdictional disputes. Only the Nation's most powerful families compose it, but it has authority over all. Its composition has varied from nine to 12 men. Currently, seven families are represented: three from New York City, one each from Philadelphia, Buffalo, Detroit, and Chicago. The commission is not a representative or elected body. Members are not equals. Those with longer tenure, larger families, or greater wealth, all exercise more authority and command greater respect.

III. GAMBLING

Organized crime, which has, of course, never limited itself to one particular activity, finds its greatest source of revenue today in syndicated gambling. Its estimated annual net take is placed at $7 billion.

Professional gambling ranges from simple lotteries to bookmaking on horse or sports events. Most large slum areas, for example, have within them some form of a lottery known as numbers. Bets are placed on any three-digit numbers from one to 1,000. The mathematical odds of winning are 1,000 to one. Yet seldom, however, is the payoff over 500 to one, and then, on cut numbers, which are played more frequently than others, usually for superstitious reasons, it is even less. The gambler thus seldom gambles. In addition, he hedges his bet by a complicated layoff system. Assuming an honest payoff—often not the case—the ultimate effect of the racket is to drain the work income of slum residents away from food, clothing, shelter, health, and education.

The professional bookmaker, on the other hand, has at least the virtue of exploiting primarily those who can afford it. Yet he seldom gambles either. He gives track odds or less without track expenses, pays no taxes, is invariably better capitalized or "lays off" a certain percentage of his bets with other gamblers, takes credit bets to stimulate the play, and finally may even fix the event by corrupting private and professional sports.

Police enforcement of existing laws against the gambling operator is widely hampered by the use of such innovations as "flash paper." Records of gambling operations are often kept on this highly combustile paper which is immediately ignited with the touch of a cigarette. I note, too, that the U.S. Navy is only now placing some of its classified documents on paper of this type, which instead of igniting, dissolves when placed in water. Called "rice paper," its use has been common in organized crime gambling activity for years. It is surely an ironic commentary on our National Government that the forces of organized crime could be considered either technologically more advanced or more innovative.

IV. NARCOTICS

Next to professional gambling, most law-enforcement officials agree that the importation and distribution of narcotics, chiefly heroin, is organized crime's major illegal activity. Its estimated take is $350 million a year. More than one-half of the known heroin users are in New York City. Others are located primarily in our other large metropolitian areas, including Chicago, Los Angeles, Detroit, Philadelphia, Baltimore, Newark, and, as we all know only too well, Washington, D.C. Within the cities, addiction is generally concentrated in areas with low average income, poor housing, and high delinquency rates. The addict himself is likely to be male, 21 to 30, poorly educated, unskilled, and a member of a disadvantaged minority group. Addiction today, unlike yesterday, is largely a disease of the decaying inner city. The death toll from narcotics in New York City alone runs over 100 per year.

Nevertheless, Mr. President, more than the addict himself is involved. The cost of narcotics varies, but it is seldom low enough to permit the typical addict to obtain the money for drugs by lawful means. Estimates of the percentage of the street theft in our large cities caused by addiction run to 50 percent; although the figure cannot be accurately assessed, it is clear that it is high. Thus, addiction in the ghetto seriously affects the quality of life in the whole city.

Recent surveys of attitudes of people living in the Harlem and Watts areas of New York City and Los Angeles, for example, ranked crime and drug addiction with housing and economic conditions as the most serious problems faced in the ghetto.

There is, of course, a need for social action in the direction of the medical and psychological treatment of the addict himself and the general improvement of the social environment that

helps to produce him. In recognition of this need, I introduced 3 years ago S. 2191, which became the Narcotic Addict Rehabilitation Act of 1966. Although two-thirds of the men and 90 percent of the women now serving time here in the District are addicts, for the most part hooked on heroin, little has been done to implement this act. Myrl Alexander, of the Federal prison system, puts at 600 cases per year the estimated annual commitment ability under this act, yet the program took in only 305 individuals from October 1967 through June 1968. It certainly has not received the kind of priority treatment we might have expected. As with title III's grant of wiretapping authority, the Department of Justice has indeed picked and chosen what it would implement.

The narcotic traffic on the east coast is run by organized crime, and the product is European in origin. Grown in Turkey, diverted from legitimate markets, refined in the Near East and France, the heroin is finally smuggled into the United States. The importers, generally top men in organized crime, do not handle and seldom see a shipment of heroin; their role is strictly supervisory and financial. Note, again, the absence of overt criminal acts subject to observation using traditional patrol or detective techniques of investigation. Fear of retribution, which can be swift and final, and a code of silence protect them from exposure. Through persons working under their direction, the heroin is distributed to high-level wholesalers; low-level wholesalers are at the next echelon; finally, pushers, often addicts, and the addicts themselves make up the last rung. Law enforcement is at all levels difficult, most difficult at the highest. The classic police functions of patrol and detection, traditionally understood, have had little impact on the traffic. Dangerous undercover operations and the use of informants, who work from the inside, are essential. The top men are hard to identify; they always have a shield of people in front of them, and by not handling the drugs, they incur no direct liability for possession, sale, or other prohibited acts. Generally, they are vulnerable only through the conspiracy laws, and this requires live testimoy of an insider or a substitute. There are no overt acts for the police or citizens, otherwise not involved, normally to observe.

V. LOAN SHARKING

Most law-enforcement officials agree that loan sharking is organized crime's next major illegal activity. Its estimated take is $350 million a year. Like narcotics, loan sharking is organized in a hierarchial structure. At the top is the boss who lends to trusted lieutenants large sums of cash usually at the rate of 1 percent per week. Under the lieutenants are street-level loan sharks, who deal directly with the debtors. The rate varies, but is normally 5 percent per week. Occasionally, the lieutenant will make large loans himself—in the neighborhood of $1 million. The setup also involves "steerers," who will direct possible borrowers to the loan sharks. These individuals can be anyone who comes into contact with large numbers of people.

Finally, there is the "enforcer," who sees to it that the debts are paid. The victims of loan sharks come from all segments of society: The professional man, the industrialist—particularly in the areas of high competition like the garment industry—contractors, stock brokers, bar and restaurant owners, dockworkers, laborers, narcotic addicts, bettors, and bookmakers themselves. There is an indication, too, that the loan shark, through his financing services, makes possible many of the activities of professional criminals not directly associated with organized crime. The professional, moreover, accounts for a substantial proportion of certain categories of so-called "street crime," particularly theft. Again, we see the close relation between street and organized crime.

Only two prerequisites are required to make anyone a potential victim of a loan shark: a pressing need for ready cash and no access to regular channels of credit—thus demonstrating the exploitive character of organized crime. Repayment is compelled by force. Often debtors in over their heads are pressed into criminal acts to pay off, including embezzlement, acting as a numbers writer, or a fingerman for a burglary ring.

VI. INFILTRATION OF LEGITIMATE BUSINESS

Legitimate business is another area into which organized crime has begun most recently and widely to extend its influence. In most cities, it now dominates the fields of jukebox and vending machine distribution. Laundry services, liquor and beer distribution, nightclubs, food wholesaling, record manufacturing, the garment industry and a host of other legitimate lines of endeavor have been invaded and taken over. The Special Senate Committee To Investigate Organized Crime in Interstate Commerce, under the leadership of Senator Estes Kefauver, noted in 1952 that the following industries had been invaded: advertising, amusement, appliances, automobile, baking, ballrooms, bowling alleys, banking, basketball, boxing, cigarette distribution, coal, communications, construction, drugstores, electrical equipment, florists, food, football, garment, gas, hotels, import-export, insurance, jukebox, laundry, liquor, loan, news services, newspapers, oil, paper products, radio, real estate, restaurants, scrap shipping, steel surplus, television, theaters, and transportation.

Often it is the small or marginal businessman who is most easily subject to invasion by organized crime. Organized crime seems to act like a vulture that preys on those otherwise made vulnerable by many of the economic developments of the last half century. It is most disturbing, however, to hear, as we have recently from New York Stock Exchange President Robert W. Haack, that there is a question whether or not organized crime may have begun to penetrate securities firms and the stock exchange itself. Apparently, no area of business activity is immune from its grasping claws.

Control of business concerns has been acquired by the sub-rosa investment of profits acquired from illegal ventures, accepting business interests in payment of gambling or loan shark debts, but, most often, by using various forms of extortion. Usually, after takeover, such defaulted loans are liquidated by professional arsonists burning the business and then collecting the insurance or by various bankruptcy fraud techniques, which are called "scam." An estimated 250 such scam operations are pulled off each year, netting around $200,000 per job. Often, however, the organization, using force and fear, will attempt to secure a monopoly in the service or product of the business. When the campaign is successful, the organization begins to extract a premium price from customers. Purchases by infiltrated businesses are always made from specified allied firms. With its extensive infiltration of legitimate business, organized crime thus poses a new threat to the American economic system. The proper functioning of a free economy requires that economic decisions be made by persons free to exercise their own judgment. Force or fear limits choice, ultimately reduces quality, and increases prices. When organized crime moves into a business, it usually brings to that venture all the techniques of violence and intimidation which it used in its illegal businesses. Competitors can be effectively eliminated and customers can be effectively confined to sponsored suppliers. The result is more unwholesome than other monopolies because the newly dominated concern's position does not rest on economic superiority.

VII. TAKEOVER OF LEGITIMATE UNIONS

Closely paralleling its takeover of legitimate businesses, organized crime has moved into legitimate unions. Control of labor supply through control of unions can prevent the unionization of some industries or can guarantee sweetheart contracts in others. It provides the opportunity for theft from union funds, extortion through the threat of economic pressure, and the profit to be gained from the manipulation of welfare and pension funds and insurance contracts. Trucking, construction, and waterfront entrepreneurs have been persuaded for labor peace to countenance gambling, loan sharking and pilferage. All of this, of course, makes a mockery of much of the promise of the social legislation of the last half century.

VIII. SUBVERSION OF DEMOCRATIC PROCESSES

To exist and to increase its profits, Mr. President, organized crime has found it necessary to corrupt the institutions of our democratic processes, something no society can long tolerate. Today's corruption is less visible, more subtle and therefore more difficult to detect and assess than the corruption of the prohibition and earlier eras. Organized crime operates even in the face of honest law enforcement, but it flourishes best in a climate of corruption. As the scope of organized crime's activities has expanded, its efforts to corrupt public officials at every level of government have grown. For with the necessary expansion of governmental regulation of private and business activity, its power to corrupt has given organized crime greater control over matters affecting the everyday life of each citizen. The potential for harm

today is thus greater if only because the scope of governmental activity is greater.

At various times, organized crime has been the dominant political force in such metropolitan centers as New York, Chicago, Miami, and New Orleans. Only fortuitous circumstances prevented its takeover of Portland, Oreg., and Kansas City, Mo. Smaller communities such as Cicero, Ill., and Reading, Pa., have been virtual baronies of organized crime. This list of examples could be extended almost indefinitely.

A political leader, legislator, police officer, prosecutor, or judge who owes allegiance to organized crime cannot render proper service to the public. Such an individual is no longer a public servant, selected by and accountable to the people, as democracy demands; he is the servant of a small class of professional criminals. Accustomed to accepting bribes from a criminal organization, such public servants will soon begin to expect side payments for acts done in the usual course of business. Such an official will soon lose any sense of allegiance to the public or to the moral standards which good government demands.

IX. UNDERMINING THE SOCIAL STRUCTURE

Organized crime seriously affects the quality of American life in yet another way. Mr. Justice Brandeis in his classic dissent in *Olmstead* v. *United States* (277 U.S. 438, 485 (1928), rightly suggested:

> Our Government is the potent, the omnipresent teacher. For good or for ill, it teaches the whole people by its example.

Justice Brandeis spoke in the context of lawless law enforcement. There is, however, another way in which government teaches by example. Its failures, too, do not go unnoticed, especially among the young, who see what we do and seldom listen to what we say. Unlike other successful criminals who operate outside of an organization and who require anonymity for success, the top men in organized crime are well known both to law enforcement agencies and to the public. In earlier stages of their careers, they may have been touched by law enforcement, but once they attain top positions in the rackets, they acquire a high degree of immunity from legal accountability. The National Advisory Commission on Civil Disorders described the impact of this process on the child of the ghetto in these terms:

> With the father absent and the mother working, many ghetto children spend the bulk of their time on the streets—the streets of a crime-ridden, violence prone and poverty-stricken world. The image of success in this world is not that of the "solid citizen," the responsible husband and father, but rather that of the "hustler" who takes care of himself by exploiting others. The dope seller and the numbers runner are the "successful" men because their earnings far outstrip those men who try to climb the economic ladder in honest ways.
>
> Young people in the ghetto are acutely conscious of a system which appears to offer rewards to those who illegally exploit others, and failure to those who struggle under traditional responsibilities. Under these circumstances, many adopt exploitation and the "hustle" as a way of life, disclaiming both work and marriage in favor of casual and temporary liaisons. This pattern reinforces itself from one generation to the next, creating a "culture of poverty" and an ingrained cynicism about society and its institutions.

As part of organized crime, an ambitious young man thus knows that he can rise from bodyguard and hood to pillar of the community, giving to charities dispensing political favors, sending his boys to West Point and his girls to debutante balls. The result of all of this was summed up by the President's Crime Commission in these terms:

> In many ways organized crime is the most sinister kind of crime in America. The men who control it have become rich and powerful by encouraging the needy to gamble, by luring the troubled to destroy themselves with drugs, by extorting the profits of honest and hardworking businessmen, by collecting usury from those in financial plight, by maiming or murdering those who oppose them, by bribing those who are sworn to destroy them. Organized crime is not merely a few preying upon a few. In a very real sense it is dedicated by subverting not only American institutions, but the very decency and integrity that are the most cherished attributes of a free society. As the leaders of Cosa Nostra and their racketeering allies pursue their conspiracy unmolested, in open and continuous defiance of the law, they preach a sermon that all too many Americans heed: The government is for sale; lawlessness is the road to wealth; honesty is a pitfall and morality a trap for suckers.

Mr. President, if we do not reverse the trend of growth of the menace to our society, it, an enemy within, will surely destroy us.

X. LAW ENFORCEMENT

Mr. President, up until this point, I have discussed the development and impact of organized crime in the United States. I should now like to turn my attention to the attempts of law enforcement, chiefly the Federal effort, to arrest and reverse its growth.

To understand the administration of criminal justice in our Nation today, we must first understand the problems of the administration of justice in a stable, homogeneous, pioneer, primarily agricultural community of the first half of the 19th century and the difficulties involved in meeting those problems with the legal doctrines and institutions inherited from 17th- and 18th-century England. We must then understand the problems of the administration of justice in our mobile, modern, heterogeneous, urban, industrial community of today and the difficulties involved in meeting those problems with legal doctrines and legal institutions first inherited from England and then adapted to an American society of the last century.

We inherited from England a medieval system of sheriffs, coroners, and constables, devised originally for a rural society, but easily adapted to pioneer rural conditions. We had no professional police force then. Its emergence, moreover, was slow. The Colonies at first adopted the British constabulary-night watch system, which consisted of isolated constables in the daytime and night watchmen in the evening. Not until 1844 was a unified day and night police force established, first in New York City. The primary function of these police force officers was patrol, the maintenance of peace and order on the street.

In a simpler society, offenses normally occurred between neighbors. No specialized law enforcement force system was necessary to bring them into the administration of justice. The President's Crime Commission put it this way:

> In the preindustrial age, village societies were closely integrated. Everyone knew everyone else's affairs and character; the laws and rules of society were generally familiar and were identical with the moral and ethical precepts taught by parents, school masters, and the church. If not by the clergy and the village elders, the peace was kept, more or less informally, by law magistrates (usually local squires) and constables. These in the beginning were merely the magistrates' agents, literally "citizens on duty"—the able-bodied men of the community serving in turn. Not until the 19th century did policing even have a distinct name. Until then it would have been largely impossible to distinguish between informal peacekeeping and the formal system of law enforcement and criminal justice. The real outlaws—murderers, highwaymen and their ilk—were handled mostly by the military when normal procedures for crime control were unsuccessful.

This is, of course, not true today. When the patrol force fails to prevent a crime, or apprehend the offender during its commission, the police must rely instead upon investigation: The detective function, whose development, too, has been slow. It was not, for example, until 1842, 13 years after the formation of the Metropolitan Police in England, that a small body was detached for detective work, and not until 1878 that the Criminal Investigation Department was formally created. The use of the tools of science, moreover, has only become common within the last half century. Even so, scientific crime detection, as the President's Crime Commission noted, "popular fiction to the contrary notwithstanding, at present is a limited tool." Every sizable department today thus has a corps of investigative specialists whose job it is to solve crimes by questioning victims, suspects, and witnesses and by accumulating physical evidence at the scene of the crime. Yet note that the model around which the patrol and detective functions have developed has been essentially the traditional common law crimes such as murder, rape, robbery, larceny, and the rest, which usually occur as a single incident, not in any way part of an overall course of criminal activity. It is around these offenses, too, that our criminal law and procedure has evolved. These developments, in addition, have been colored by yet another important factor.

When we began to build an American criminal law with received English materials, as Dean Roscoe Pound has rightly observed:

> The memory of the contests between courts and crown in 17th century England, of the abuse of prosecutions by Stuart Kings, and of the extent to which criminal law might be used as an agency of religious persecution and political subjection was still fresh.

The chief problem thus seemed to be how to hold down punitive justice and protect the individual from oppression rather than how to make the criminal law an effective agency for securing dem-

ocratically determined social interests already limited substantially by a bill of rights. Ignored entirely was the possibility of the growth of a phenomenon such as organized crime. Indeed, a specialized law enforcement response to the challenge of organized crime—putting aside Federal action in specialized areas—is best dated from the 1935 special rackets investigation conducted in New York County by Thomas E. Dewey at the direction of Gov. Herbert H. Lehman. It ultimately resulted in the development of the "rackets bureau concept" which underlies such State and Federal activity today.

XI. FEDERAL EFFORT

Mr. President, the President's Crime Commission aptly summed up the history of law enforcement's efforts to deal with organized crime in these tragic words:

> Investigation and prosecution of organized criminal groups in the 20th century has seldom proceeded on a continuous, institutionalized basis. Public interest and demands for action have reached high levels sporadically; but, until recently, spurts of concentrated law enforcement activity have been followed by decreasing interest and application of resources.

And what has been true generally is only a little less true on the Federal level.

Federal attention was, of course, focused on organized crime during the prohibition era. The 18th amendment went into effect on January 16, 1920. And the Volstead Act that implemented the amendment passed over Wilson's surprise veto. But the Congress never appropriated more than token enforcement resources. In 1920, prohibition agents numbered only 1,520, and as late as 1930 they numbered only 2,836.

Assuming the job could have been done under any circumstances, it is clear that prohibition was doomed to failure on this score alone.

The matter may be put graphically: If the whole army of agents in 1929 had been mustered along the coast and borders to prevent rum running, there would have been one man to patrol every 12 miles of beach, harbor, headland, forest and river front. Federal enforcement, in short, consisted chiefly of uttering resounding platitudes on the virtues of law observance. Indeed, its chief prosecutive success, the conviction of Al Capone, was for tax evasion, instead of rum running, and with repeal, the Federal Government turned away from organized crime almost altogether.

At the close of World War II, however, the Federal Bureau of Investigation turned its attention to organized crime with the inauguration of a formal crime survey program in March 1944, which led to an all-out investigation of the remnants of the old Capone gang. It was during this investigation, too, that the then Attorney General, Tom C. Clark, sought and obtained the authority of President Harry S. Truman to use wiretapping in domestic cases, saying that he felt their use was "imperative." The result was a series of major cases embracing a million-dollar extortion plot in the moving picture industry, one of which included Paul DeLucia, Capone's successor and then a member of the Commission.

Neverthless, the beginning of national attention and action is best dated from the 1950 Attorney General's Conference on Organized Crime, which was called by Attorney General J. Howard McGrath at the urging of the U.S. Conference of Mayors, the American Municipal Association, National Institute of Municipal Law Officers, and the National Association of Attorneys General.

Law enforcement officials from all over the Nation met in Washington on February 15, 1950, to consider the growing scope of organized crime, particularly interstate gambling. The consensus then seemed to be that things were getting out of hand. It was all "too big." The "assistance" of the Federal Government was needed. Some people, of course, as now, dissented. A prosecutor from a large midwestern city said that he had "never received any evidence" of the "syndicate." There was no "organized gambling" in his city. It was really not such "a bad place." But Chicago's Otto Kerner did not represent the majority view, and the conference made a series of important recommendations, perhaps the most important of which was that pending legislation, authorizing an investigation into organized crime by a Senate Select Committee under the chairmanship of Senator Estes Kefauver, of Tennessee, be supported.

It was thus only a short time later that the Senate special committee began its hearings. Over 800 witnesses, from nearly every State and all major metropolitan areas, were heard and the concern of many such communities was aroused. Chicago, incidentally, was found to be the center of a national race-wire service. Chicago, too, was not found to be free of gambling. On the South Side, it was found that policy wheels grossed in excess of $150 million over the 5-year period just before the hearings.

The work of the committee covered all aspects of organized crime—gambling, narcotics, infiltration into business, political and law-enforcement corruption. For the first time, too, it focused nationwide attention on the Mafia, which it found to be the "cement" that held together the national structure of organized crime. But if the facts were dramatically brought out by the Senate hearings, little permanent value, in terms of legislation or executive action, was accomplished. Few of the committee's important legislative or executive reorganizations were adopted. The Department of Justice did establish in 1954, the Organized Crime and Racketeering Section, but it was then woefully understaffed. Indeed, by 1957, when the infamous Apalachin conference occurred it had but 10 attorneys.

Mr. President, at this point I pause to note that any evaluation of the Federal effort to date must, of course, employ those statistics that are available, although I fully recognize that it is not always possible to quantify law enforcement efforts. I ask, therefore, for unanimous consent that the basic data in the form of tables on the Federal effort, which exists only since about 1960 in meaningful form, appear in the RECORD following my remarks, as exhibit 2.

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

(See exhibit 2.)

Mr. McCLELLAN. Mr. President, on November 14, 1957, State and Federal investigators—quite by accident—discovered at the home of Joseph Barbara in upstate New York a gathering of at least 75 leaders of organized crime from every section of the Nation. They, too, were there, they said, "quite by accident" to visit a "sick friend."

As a result of this discovery, a number of Federal and State investigations were launched, and Attorney General William Rodgers appointed a Special Group on Organized Crime in the Department of Justice in April of 1958. Regional offices were established, intelligence on all of the attendees was collected, and extensive grand jury investigations were conducted. Twenty of the participants were indicted for obstruction of justice and convicted at trial, but their convictions were reversed on appeal for lack of evidence. The work of the Special Group was then transferred into the existing Organized Crime and Racketeering Section.

It was during this time, too, that the Senate Select Committee on Improper Activities in the Labor and Management Field under my chairmanship conducted its investigations. Over 1,525 witnesses were heard in 270 days of hearings, comprising a staggering 46,150 pages of testimony. Our chief focus, consistent with our mandate, was on corruption in the field of labor-management officers, but we found ourselves ineluctably drawn into the area of organized crime. Of the 75 or so racket leaders who met at Apalachin, N.Y., in 1957, we found, for example, that at least nine were in the coin-operated machine industry, 16 were in the garment industry, 10 owned grocery stores, 17 owned bars or restaurants, 11 were in the olive oil and cheese business, and nine were in the construction business. Others were involved in automobile agencies, coal companies, entertainment, funeral homes, ownership of horses and race tracks, linen and laundry enterprises, trucking, waterfront activities, and bakeries. As I noted in more detail earlier, organized crime had indeed moved into legitimate business and labor activity.

The Federal effort against organized crime, however, received its greatest emphasis when the late Robert F. Kennedy, who had been our chief counsel, became Attorney General in 1961. A comprehensive legislative program, combining the best of earlier recommendations, was submitted to the Congress and enacted. The work of the Organized Crime and Racketeering Section was expanded and its personnel increased. In addition, the Permanent Subcommittee on Investigations of the Senate Committee on Government Operations, of which I am again the chairman, in close cooperation with the Department of Justice and police departments throughout the United States, conducted a detailed study of the inner working of organized crime, exposing for the first time the "family" structure of

La Cosa Nostra, which I discussed in greater detail earlier. Our study also confirmed that gambling remained the main source of racketeer income—supplemented chiefly by illicit profits from narcotics, labor racketeering, extortion, loan sharking and the infiltration of business and labor.

Nevertheless, like the others before it, this new drive by the Department of Justice on organized crime was fated to have a short life. When Bob Kennedy left the Department of Justice, the organized crime program seemed to leave with him; it just seemed to fall apart. The number of man-days in the field decreased from 1964 to 1967 by 84 percent. The number of man-days before grand juries decreased from 1963 to 1968 by 70 percent. The number of man-days in courts decreased from 1964 to 1967 by 56 percent. Internal Revenue Service, Intelligence Division, participation in the organized crime drive—a key participation which at its height yielded a majority of the program's prosecutions—fell from 1963 to 1968 by 56 percent. No one actually dismantled it after Attorney General Kennedy left, but then no one took the trouble at that time to rebuild it either.

The most disturbing aspect of this decline is that, although it has been partially reversed—man-days in the field and in court are up from their low in 1966—with the creation and implementation of the "strike force" concept, an imaginative staff innovation now in operation in a number of major cities, it will be years before it can be repaired and still more years before its cumulative effects are dissipated. For an effective organized crime investigation and prosecution takes years to build. This means, of course, that the decline after 1963 will just begin to be felt in the immediate years ahead.

Recent action of the Supreme Court, moreover, promises to further contribute to the decline in the Federal organized crime drive. In *Marchetti* v. *United States*, 350 U.S. 39 (1968) and *Grosso* v. *United States*, 390 U.S. 62, the court overruled two of its own decisions, *United States* v. *Kahriger*, 345 U.S. 22 (1952) and *Lewis* v. *United States*, 348 U.S. 419 (1952), which had previously sustained the constitutionality of the wagering tax laws. These two new decisions will result in the loss of 1,616 pending prosecutions, and unless Congress takes action to amend the laws, a question which must be considered in our coming hearings, it will result in the destruction of a law enforcement program that paid for itself, for since 1952 the wagering tax laws have yielded $117,406,000, but cost only $27,021,000 to administer.

On July 23, 1965, President Johnson called together his National Crime Commission and asked it to tell him, among other things, why organized crime continued to grow despite the Nation's best efforts to arrest and reverse its development. The Commission identified a number of factors—lack of resources, lack of coordination, lack of public and political commitment, failure to use available criminal sanctions. But the major legal problem related to matters of proof.

From a legal standpoint, organized crime—

The Commission concluded:

continues to grow because of defects in the evidence gathering process.

The Commission reviewed the difficulties experienced in developing evidence in this area in these terms:

Usually, when a crime is committed, the public calls the police, but the police have to ferret out even the existence of organized crime. The many Americans who are complaint "victims" have no incentive to report the illicit operations. The millions of people who gamble illegally are the true victims of organized crime, such as those succumbing to extortion, are too afraid to inform law enforcement officials. Some misguided citizens think there is a social stigma in the role of "informer," and this tends to prevent reporting and cooperating with police.

Law enforcement may be able to develop informants, but organized crime uses torture and murder to destroy the particular prosecution at hand and to deter others from cooperating with police agencies. Informants who do furnish intelligence to the police often wish to remain anonymous and are unwilling to testify publicly. Other informants are valuable on a long-range basis and cannot be used in public trials. Even when a prosecution witness testifies against family members, the criminal organization often tries, sometimes successfully, to bribe or threaten jury members or judges.

Documentary evidence is equally difficult to obtain. Bookmakers at the street level keep no detailed records. Main offices of gambling enterprises can be moved often enough to keep anyone from getting sufficient evidence for a search warrant for a particular location. Mechanical devices are used that prevent even the telephone company from knowing about telephone calls. And even if an enforcement agent has a search warrant, there are easy ways to destroy written material while the agent fulfills the legal requirements of knocking on the door, announcing his identity and purpose, and waiting a reasonable time for a response before breaking into the room.

The Commission then concluded that under present procedures too few witnesses have been produced to prove the link between criminal group members and the illicit activities that they sponsor. The Commission observed:

Law enforcement's way of fighting organized crime has been primitive compared to organized crime's way of operating. Law enforcement must use methods at least as efficient as organized crime's. The public and law enforcement must make a full-scale commitment to destroy the power of organized crime groups.

XII. THE ORGANIZED CRIME CONTROL ACT OF 1969

Mr. President, it was in light of the President's Crime Commission and our own staff studies in this area that I introduced on January 15, 1969, S. 30, the Organized Crime Control Act of 1969, which was cosponsored by Senators ERVIN and HRUSKA. I should now like to discuss its provisions and their legal background.

At the outset, let me repeat what I said when S. 30 was introduced. I am not irrevocably committed to the present language or its specific provisions, but I am hopeful that its overall objectives can meet with general support. The Subcommittee on Criminal Laws and Procedures of the Judiciary Committee will begin hearings on S. 30 and related legislation on March 18, 19, 25 and 26, 1969. We have asked the Attorney General and a number of other knowledgeable and interested parties to testify. Hopefully, the bill can be strengthened and improved by the hearing and committee process. That is the goal toward which we will be working.

THE GRAND JURY

The grand jury originated in Anglo-American law with the summoning of a group of townspeople before a public official to answer questions under oath, a system of inquiry, having its origins in late Roman procedure, used for such administrative purposes in Norman law as the compilation of the Domesday Book of William the Conqueror. In 1164, the Crown first established the criminal grand jury, a body of 12 knights, whose function was to accuse those who according to public knowledge had committed crimes. Witnesses as such were not heard before this body. Two years later at the Assize of Clarendon, Henry II established the grand jury largely in the form in which it is known today.

During the 13th and the early part of the 14th centuries, the grand jurors themselves served as petit jurors in the same matters in which they presented indictments. Not until the eventual separation of the grand jury and petit jury did the function of accusation become clearly defined and did crown witnesses come to be examined in secret before the grand jury.

The original function of the grand jury was to give to the central government the benefit of local knowledge in the apprehension of those who violated the King's peace. Its value as a buffer between citizen and state, the function which first comes into mind today, did not fully mature until well into the 17th century. In 1681 in *Colledge's* case (1681) 8 How. St. Tr. 550, and the *Earl of Shaftesburry's* case (1681) 8 How. St. Tr. 749, the grand juries which first heard the evidence of the Royal prosecutor refused to indict. These cases are usually marked as thus establishing the institution of the grand jury as a bulwark against despotism. Two years later the propriety of the grand jury report was also indirectly litigated. A Chester grand jury without returning a formal indictment charged certain Whigs with seditious conduct. An action for libel was brought and the court unanimously found for the defendants, apparently thus sustaining the actions of the jurors.

The modern grand jury is a "prototype" of its ancient British counterpart. Aptly termed a "grand inquest" by the Supreme Court in *Blair* v. *United States*, 250 U.S. 273, 282 (1919), its inquisitorial powers are virtually without rival today. Despite early attempts in this country to limit the scope of its investigatory powers to that which was brought to its attention by prosecutor or court, its common law powers have survived largely without artificial limitations. Such a limitation is not found in Federal law, where the grand jury is empowered under *Hale* v. *Henkel*, 201 U.S. 43 (1905), to inquire into and return indictments for all crimes committed within its jurisdiction. Indeed, the grand jury has usually been held open to citizen complaints. Secrecy, however,

rightly governs its hearings. Grand jury reports, often a catalyst for reform, may also be filed under the laws of some States, but not under Federal law, where this historic right has been restricted.

Ultimately, the power of the grand jury rests on the subpena. Only through it can witnesses be compelled to appear and the production of books and records be required. Under Federal law, subpenas issue only out of court, and today the grand jury is generally thought of as an "arm of the court." This means that the jury is subject to the supervisory power of the court. The court impanels it, charges it, chooses its foreman, protects against abuses of its authority, and ultimately discharges it. Usually the life of the grand jury parallels the term of the court, although present Federal law allows the court to impanel a grand jury whenever it is appropriate. The grand jury's term extends until discharge, but not longer than 18 months, and the number of juries is left up to the discretion of the court. A Federal court may also discharge a grand jury at any time "for any reason or for no reason," *In re Investigation of World Arraignments*, 102 F. Supp. 628, 629 (D.D.C. 1952), even though the jury has not finished the business before it.

The conclusion seems inescapable: As an instrument of discovery against organized crime, the grand jury has no counterpart. Despite its broad powers of inquiry, however, the grand jury needs to be strengthened. The President's Crime Commission reached this judgment:

> If a grand jury shows the court that its business is unfinished at the end of a normal term, the court should extend that term a reasonable time in order to allow the grand jury to complete pending investigations. Judicial dismissal of grand juries with unfinished business should be appealable by the prosecutor and provisions made for suspension of such dismissal orders during the appeal.
>
> The automatic convening of these grand juries would force less than diligent investigators and prosecutors to explain their inaction. The grand jury should also have recourse when not satisfied with such explanations.
>
> When a grand jury terminates, it should be permitted by law to file public reports regarding organized crime conditions in the community.

Modeled on present New York law, title I of S. 30 seeks each of these objectives. Briefly, this title would authorize a grand jury to be called into session in each jurisdiction once every 18 months with the right, at 6-month intervals, to extend its existence up to 36 months, on a showing to the court that it had unfinished business. These juries would be selected without discrimination from residents within their jurisdictions, and the foreman would be selected by these juries. The jury would not be limited by the charge of the court but would have the right to pursue any violation of the criminal law within its jurisdiction. Citizens would be accorded the right to contact the jury, through the foreman, regarding any alleged criminal act. In the event the workload of the jury became excessive, it could petition the court to impanel another jury, and the failure of the court to act would be appealable. The jury would also be accorded the statutory right to ask the attorney general to replace local prosecutors and investigators if dissatisfied with their performance. And, finally, the jury would be authorized to submit formal reports or presentments to the court, but safeguards are included to assure that the reports do not unfairly reflect on innocent persons.

THE DUTY TO TESTIFY AND SELF INCRIMINATION

A grand jury subpena can compel the attendance of a witness and the production of books and records, Ultimately, however, the grand jury has no power as such to compel the witness to testify or to turn over the books and records. Securing the witness' testimony and having the books and records turned over involve the interaction of the witness' duty to testify and his privilege against self incrimination.

Not until the 16th century did the modern witness become a common figure in civil or criminal trials. Up until that time jurors were supposed to find the facts based on their own self-acquired knowledge. Indeed, the pure witness—the individual who merely happens to have relevant information and who is unrelated to either party—at this time ran the substantial risk of a suit for maintenance if he volunteered to testify. This situation became, of course, wholly intolerable as litigation became more complex and juries became less and less able to resolve factual disputes on their own. Finally in *Stat. of Elizabeth* in 1563, St., 1563, 5 Eliz 1, c. 912, provision was made for compulsory process for witnesses in civil cases. With the enactment of this statute, the risk of a suit for maintenance diminished, for what a man does by compulsion of law cannot be called maintenance.

The Statutes of Elizabeth only made it possible to testify freely; it imposed no duty to testify. Nevertheless, the step from right to duty was short, and it was soon taken. By 1612, Sir Francis Bacon in the Countess of Shrewsbury's Trial, (1612) 2 How. St. Tr. 769, 778, was able to assert confidently:

> You must know that all subjects, without distinction of degrees, owe to the King tribute and service, not only of their deed and land, but of their knowledge and discovery. If there be anything that imports the King's service they ought themselves undemanded to impart it; much more, if they be called and examined, whether it be of their own fact or of another's, they ought to make direct answer.

For more than three centuries it thus has been a maximum of indubitable certainty, as the Supreme Court noted in *Piedmonte* v. *United States*, 367 U.S. 556, 558 n. 2 (1961), that the "public has a right to everyman's evidence."

> When the cause of justice requires the investigation of the truth—
>
> As Dean Wigmore put it—
>
> no man has knowledge that is rightly private.

Nonetheless, the duty to testify, which history and society of necessity have imposed on each of us, is not absolute; it is qualified by the privilege against self-incrimination.

The history of the privilege against self-incrimination is the complicated story of the hated practice of the oath ex officio mero, an abuse first of heresy trials in the ecclesiastical courts, and then of the infamous Star Chamber, which took its rules of procedure from ecclesiastical law, and of the emotional reaction which accompanied its abolition, and ultimately stopped incriminating interrogation in the common law courts. Until the early 17th century, when the long battle between King and Parliament began, no serious and successful objection had been made to the oath ex officio. Under proper circumstances, the canon law upheld it. Through the influence of Lord Coke, however, a change occurred. By 1615, the power of the ecclesiastical court to use the oath ex officio in any penal inquiry had been ended by decisions of the common law courts. The Star Chamber and its similar practice were the next to go. As a direct result of public indignation at the Lilburn Trial (1637), 3 How. St. Tr. 1315, where the defendant was ordered pilloried and whipped for a failure to respond to the oath, Parliament abolished both the oath and the Chamber itself.

Before the Star Chamber, Lilburn himself had not claimed a privilege against self-incrimination, but merely that the proper presentment had not been made, a presentment necessary before the oath could be lawfully administered. After his cause had triumphed, however, the distinction was soon lost or ignored. The oath itself had come to be associated with the Stuart tyranny. Details were forgotten. Repeatedly claimed, then assumed for argument, finally by the end of the reign of Charles II, there was no longer any doubt of its general application. No one at any time in any English court could be compelled to accuse himself. It was out of this history and the experience of the colonists with the Royal Governors that the privilege ultimately found its way into our Bill of Rights in the fifth amendment.

The modern privilege against self-incrimination applies to any question the answer to which would furnish a link in a chain of evidence, which would incriminate the witness; it need not be answered unless, as the Supreme Court put it in *Malloy* v. *Hogan*, 378 U.S. 1, 8 (1964), "he chooses to speak in the unfettered exercise of his own will." Only testimonial utterances fall within its scope. The privilege is personal; it may not be claimed to protect another. In addition, it protects only natural persons; corporations or unions may not claim its protection. The privilege may be waived by the recitation of incriminating facts; the law requires its waiver when an accused testifies in his own behalf at a criminal trial. Generally, it must be asserted to be claimed, or otherwise it is waived. For the privilege is, as Dean Wigmore put it, "merely an option of refusal not a prohibition of inquiry."

Nevertheless, like the duty to testify, the privilege against self-incrimination is not an absolute. Should a witness refuse to testify before a grand jury asserting his privilege, the inquiry need not be ended. Under proper conditions, it is

possible to displace the privilege with a grant of immunity, thus removing the witness' privilege not to answer. It becomes necessary, therefore, to turn to a consideration of the immunity grant and the process whereby it may be enforced.

THE IMMUNITY GRANT

In England, it was only a comparatively short time after the privilege against self-incrimination had matured before various techniques to mitigate its impact on the administration of justice developed. The first reliable example occurred in 1725, in the Trial of Lord Chancellor Macclesfield (1725) 16 How. St. Tr. 767, 921, 1147. The Chancellor had been guilty of traffic in public offices. An act was passed to immunize the present Masters in Chancery so that their testimony could be compelled. Once the present "criminality" legally attaching to their actions was effectively "taken away" by the statute, their privilege against self-incrimination "ceased" to exist. What Parliament found it could thus do with its amnesty powers, the King's prosecutors soon learned they could accomplish by the tendering of Royal pardons. The tradition in English law of permitting the privilege to be thus set aside stands even today unquestioned.

The American colonists not only brought with them the privilege against self-incrimination, but they also adopted these various techniques. As early as 1807 in the treason trial of Aaron Burr, President Jefferson attempted to give an executive pardon to one of the witnesses against Burr. The witness refused the pardon, but testified anyway. The right of a witness to refuse a pardon, and thus defeat the technique, was not clearly established until 1915, when the Supreme Court upheld the right of a grand jury witness to turn down an executive pardon from President Wilson. In the intervening years, the cloud which existed over the pardon technique because of the Burr trial directed the chief attention of the law toward the legislatively authorized immunity grant.

Congress first adopted a compulsory immunity statute in 1857. Legally, no attack was successfully mounted upon it. Nevertheless, its operation was hardly successful, since it automatically protected against prosecution any matter about which any witness testified before Congress. One individual, who had stolen $2 million in bonds from the Interior Department, had himself called before Congress, where he testified to a matter relating to the bonds and was immunized. This was an obviously intolerable situation and the statute was soon repealed. In its place the immunity statute of 1862 was enacted. The new statute did not grant immunity from prosecution; it merely purported to protect the witness from having his testimony subsequently used against him. Six years later the statute was broadened to cover judicial proceedings. After being upheld by lower Federal courts, relying on an early New York decision, the statutory scheme finally reached the Supreme Court in 1892 in *Counselmen* v. *Hitchcock*, 142 U.S. 547 (1892). The Court refused to uphold the immunity statute, noting that the statute to be upheld would have to afford a protection coextensive with the privilege. The Court found the protection inadequate because it did not eliminate criminality, but merely protected the witness from the use of the compelled testimony. The Court observed:

> It could not, and would not, prevent the use of his testimony to search out other testimony to be used in evidence against him.

Congress responded to the Counselmen decision with the Immunity Act of 1893. This time the statute granted immunity from prosecution, not merely from use of the testimony. Once again the validity of the immunity device was presented to the Supreme Court. In *Brown* v. *Walker*, 161 U.S. 591 (1896), the Court, by a closely divided vote, sustained its basic constitutionality. The Court held that once the criminality attaching by law to the actions of the witness was removed by another law, the privilege ceased to operate. The dissenters suggested that the privilege was intended to accord to the witness an absolute right of silence designed to protect not only from criminality but also disgrace or infamy, something no legislative immunity could eliminate. The majority, relying on English history, rejected this proposition. Since Brown against Walker, the basic principle of the immunity grant has not been successfully challenged, and congressional enactments extending the principle, for example, to internal security and narcotics investigations has been sustained.

Today, however, Federal statutes grant immunity in only a limited number of classes of cases. Usually the witness must claim his privilege, be directed to testify, and then testify before he receives immunity. Normally, the immunity will extend to all matters substantially related to any matter revealed in a responsive answer. Nevertheless, some Federal statutes grant immunity automatically on testimony without a claim of privilege. The danger here of accidentally granting an individual an "immunity bath" is substantial. Other Federal statutes require specific approval of the Attorney General and a court order before the immunity attaches.

Requiring approval of the court serves to make visible the decision of the Attorney General. The danger of hidden immunization of friends is lessened. No Attorney General would dare run the political risk of openly flaunting his responsibility. Where it might be attempted, it could be expected that the court would have inherent power to refuse to be a party to it. It seems readily evident that these three safeguards—claim, authorization, approval—ought to be part of every immunity statute.

Under Federal law, the case-by-case limitation on the power to grant immunity has, however, constituted a major impediment to the effective investigation of organized crime. This led the President's Crime Commission to recommend the enactment of a general immunity statute in these terms:

> A general witness immunity statute should be enacted at (the) Federal level, providing immunity sufficiently broad to assure compulsion of testimony. Immunity should be granted only with the prior approval of the jurisdiction's chief prosecuting officer. Efforts to coordinate Federal, State, and local immunity grants should be made to prevent interference with existing investigations.

Up until the recent decisions of the Supreme Court in *Malloy* v. *Hogan*, 378 U.S. 52 (1964) the proper scope of a constitutionally valid immunity statute seemed to be immunity from not only use of testimony, but also prosecution for the crimes disclosed. This approach is apparently no longer required.

Prior to Malloy against Hogan, the privilege was thought to protect only against incrimination under the laws of the questioning sovereign. Now, however, the Federal privilege protects against both State and Federal incrimination. The Malloy decision could have spelled the end of valid State immunity statutes. Under the necessary and proper and supremacy clauses of the Constitution, the power of Congress to immunize against State incrimination has been upheld. No such power, however, is possible for State authorities. Nevertheless, the Supreme Court indicated in Murphy that State immunity statutes were still valid. The Court found that the constitutional privilege was adequately displaced if the witness was protected against direct or derivative use of his compelled testimony. Contrary to the Counselmen decision, the Court seemed to feel that this was possible through the use of the fruit of the poisonous tree process of derivative suppression, an analogy borrowed from fourth amendment illegally obtained evidence cases. If the underlying premise of Counselmen—that there is no way to protect the witness from the derivative use of his compelled testimony—has indeed been rejected, it seems clear that granting immunity from prosecution rather than use of testimony is no longer constitutionally compelled on any level, State or Federal. Giving immunity where it is not necessary is giving an unnecessary gratuity to a crime, a step no sane society ought ever to take. It thus now seems clear that it is not necessary to immunize against State prosecution to give a valid grant of Federal immunity. It might well have been thought at least potentially necessary prior to Malloy against Hogan, when it seemed only a matter of time until the privilege would be extended to cover State and Federal law. Now that we know, under Murphy, that it is not, comity between State and Federal authorities would seem to indicate that any new statute granting immunity be so circumscribed.

Following this approach, title II of S. 30 is a general immunity statute conditioned on approval by the Attorney General and specific court order. Immunity, however, is only provided against use of testimony, not prosecution, and there is no interference with the power of the States to prosecute.

RECALCITRANT WITNESSES

Ultimately, of course, none of these techniques is a panacea. When a witness' privilege against self-incrimination cannot be claimed, it does not necessarily follow that he will cooperate fully in the investigation. The stage, however, is set for moving the investigation forward through the use of the contempt power.

The contempt power has roots which run deep in Anglo-American legal his-

tory. The early English courts acted for the King. Contempt of court was contempt of King. By the 14th century, the principles upon which punishment was inflicted to secure obedience to the commands of King and court were firmly established. Indeed, as the principles developed, justice was both swift and severe. In 1631, for example, a convicted felon threw a brickbat at a Chief Justice; his right hand was cut off, and he was hanged immediately in the presence of the court. No one took lightly then the respect due to a court.

Under modern law, there is no question that courts have power to enforce compliance with their lawful orders. Federal laws expressly confirm this ancient power. When subpenaed before a grand jury, the witness must attend. The grand jury, however, has no power as such to hold a witness in contempt if he refuses to testify without just cause. To constitute contempt the refusal must come after the court has ordered the witness to answer specific questions. Two courses are open when a witness thus refuses to testify after a proper court order: Civil or criminal contempt.

Under civil contempt, the refusal is brought to the attention of the court, and the witness may be confined until he testifies; he is said to carry, as the Court noted in *In Re Nevill*, 117 Fed. 449, 461 (8th Cir. 1902), "the keys of the prison in his own pocket." Usually, where the contempt is clear, no bail is allowed when an appeal is taken. The confinement cannot extend beyond the life of the grand jury, although the sentence can be continued or reimposed if the witness adheres to his refusal to testify before a successor grand jury.

Under criminal contempt, after a hearing, the witness may be imprisoned, not to compel compliance with, but to vindicate the court's order. Federal law requires a jury trial if the sentence to be imposed will exceed 6 months. No other limit is set.

Title III of S. 30 seeks to codify the civil contempt aspect of present law as it applies to grand jury and court proceedings in the area of the refusal to give required testimony. Upon such a refusal, the court is explicitly authorized to order the summary confinement of the witness, and it is provided that no bail shall be given to the witness pending the appeal, since this would undermine the coercive effect of the court's order and result in undue delay.

FALSE STATEMENTS

A subpena can compel the attendance of a witness before a grand jury or at trial. An immunity grant can displace his privilege against self-incrimination. The threat of imprisonment for civil contempt can legitimately coerce him into testifying. But only the possibility of a perjury prosecution, or some related sanction, can provide any guarantee that his testimony will be truthful.

Today, however, the possibility of perjury prosecution is not likely, and if it materializes, the likelihood of a conviction is not high. Using the available Federal figures, we see that only 52.7 percent of the defendants in perjury cases were found guilty in the 10-year period from 1956 through 1965. In all other criminal cases, however, 78.7 percent of the defendants were found guilty. The difference is striking. Indeed, out of 307,227 defendants only 713 were even charged with perjury during this period. The threat of a perjury conviction today thus offers little hope as a guarantee of truthfulness in the evidence gathering process in organized crime investigations. Indeed, it seems apparent that virtually every organized crime investigation and prosecution is characterized by false testimony. Whatever the situation elsewhere in the administration of justice, here false testimony begins in the field with interviews, extends into the grand jury, and ultimately infects the trial itself. Convictions for perjury based on this false testimony, nevertheless, are the exception instead of the rule. It is, moreover, a failure directly attributable to the law itself. Consequently, it can be relatively easily remedied.

For centuries perjury was not the false testimony of a witness, but the false verdict of a jury. It was the incidental result of the process of attaint, whose main object was to set aside such verdicts. The process was so objectionable that it was little used. During the 14th century, however, witnesses began to be used in trials, and the function of the jury shifted from returning verdicts based on their own information to finding facts based on testimony presented to them. This change gave rise to the need for a sanction when false evidence was presented to the jury. A large gap was left in the law.

The first statutory reference to the crime of perjury appeared in 1540. The Star Chamber read this act as authorizing punishment for perjury. Although the crime was theoretically cognizable in the ordinary criminal courts, it was dealt with almost exclusive in the Star Chamber, where the proceedings were presided over by the Lord Chancellor and conducted according to the ecclesiastical law under which a quantitative notion obtained of the credit to be accorded to the testimony of a witness under oath. From this notion, the so-called two witness rule developed; that is, two witnesses to the same fact are necessary to establish it. Lord Chief Justice Hardwicke in *Rex* v. *Nunez*, Cas. T. Hard 265, 95 Eng. Rep. 171 (K.B. 1736), summed up the rule:

> One man's oath is as good as another's.

When the Star Chamber was abolished in 1641, the principles it had established in perjury prosecutions were carried over into the common law.

Federal courts today still follow the two witness rule and its corollary, the direct evidence rule. Actually, the two witness rule is misnamed. Under modern law, it no longer requires the testimony of two witnesses; it merely provides that the uncorroborated oath of one witness is not enough to establish the falsity of the—testimony of the—accused, *Hammer* v. *United States*, 271 U.S. 620, 626 (1926). The corroborating evidence, moreover, need not independently establish the falsity of the testimony; it is enough if it furnishes a basis to overcome the oath of the accused and his presumption of innocence. The rule has no application to elements of perjury other than falsity.

Closely related to the direct evidence rule are the cases holding that contradictory statements under oath may not be the subject matter of a perjury prosecution without the additional proof of the falsity of one of the statements. Dissatisfaction with this result led to the adoption of remedial statutes in some States. At the Federal level, however, the rule today remains viable.

It seems clear that the two witness and direct evidence rules ought to be abolished, at least in some areas. This was the conclusion of the President's Crime Commission. Suggestions that the existing rules are necessary "to protect honest witnesses from hasty and spiteful retaliation in the form of unfounded perjury prosections," *Weiler* v. *United States*, 323 U.S. 606, 609 (1945), are unconvincing. Note first that the adopted remedy is broader than the alleged abuse. The existing rules apply across the board. They are not limited to situations where it might be reasonably supposed retaliation was involved. Further, it is obvious that the remedy is hardly adequate even as adopted. It can easily be circumvented merely by acquiring a spiteful accomplice. Thus, it is a bad rule even if you grant the possibility of the evil. The law, moreover, ought to encourage not testimony, but truthful testimony. The existing rules run counter to this goal; perjury, not truth, is protected. More importantly, the rules constitute an unwarranted slander on the power of discernment of prosecutors, grand juries, trial judges and the petit jury. The rules seem to assume that somehow the spiteful prosecution can be brought and a conviction obtained without the support of anyone other than the complainant.

The existing rules are, in short, an unwarranted obstacle to securing legitimate perjury convictions. There is ample protection against spiteful retaliation in the traditional safeguards applicable to every criminal case. There is no good reason why perjury—at least before grand juries and courts—should not be treated like any other crime. Sound prosecutive discretion and proof beyond a reasonable doubt of a judge and jury constitute ample protection against the unwarranted charge and conviction of perjury.

On the Federal level, a statute dealing with contradictory oaths should also be adopted. There is much merit in the observation that consistency alone should not be a legislative goal. There is, however, a legitimate goal in allowing the prosecution to plead and prove its case in the alternative, showing the falsity by inherent logical inconsistency. Those who give false testimony ought not to be able to escape by placing the prosecution in a logic dilemma. It should be sufficient for conviction if the evidence shows either statement is false without specifying the false statement. There is no good reason why such proof should not be sufficient.

Title IV of S. 30 thus creates a new Federal crime dealing with false statements before grand juries or in trial proceedings, and since it is a new offense, the common law rules of evidence applicable in perjury prosecutions generally will not be applicable to it. It also eliminates the applicability to the new offense of the contradictory oath rule by estab-

lishing a special presumption of falsity where two materially inconsistent statements are made.

WITNESS FACILITIES

Each step in the evidence gathering process I have so far described moves toward the production of live testimony, for to bring criminal sanctions into play, it is necessary to develop legally admissible evidence. Criminal sanctions do not enforce themselves. Yet it must now be obvious to all concerned that witnesses in organized crime cases simply do not volunteer to testify or to turn over relevant books and records. Attorney General Nicholas deB. Katzenbach testified in 1965 that, even after the cases had been developed, it was necessary to forego prosecution hundreds of times because key witnesses would not testify for fear of being murdered. Indeed, the Attorney General indicated that such fear was not unjustified; he testified that the Department lost more than 25 informants in the period of time between 1961 and 1965.

In this connection the President's Crime Commission, tragically concluded:

No jurisdiction has made adequate provision for protecting witnesses in organized crime cases from reprisal. In a few instances where guards are provided, resources require their withdrawal shortly after the particular trial terminates. On a case-to-case basis, governments have helped witnesses find jobs in other sections of the country or have even helped them to emigrate. The difficulty of obtaining witnesses because of the fear of reprisal could be countered somewhat if governments had established systems for protecting cooperative witnesses.

The Federal Government should establish residential facilities for the protection of witnesses desiring such assistance during the pendency of organized crime litigation.

After trial, the witness should be permitted to remain at the facility so long as he needs to be protected.

It was to meet this responsibility that titles V and VI of S. 30 were drafted.

Title VI authorizes the Attorney General to rent, purchase or construct such facilities as are necessary to provide secure housing for Government witnesses in organized crime investigations and prosecutions on the State or Federal level. This provision should not only help meet our responsibilities to citizens, but also aid States in meeting their responsibilities, since providing protection is such an expensive proposition.

Title V, on the other hand, authorizes the taking of pretrial depositions. I thus now turn to a consideration of the legal background of depositions in criminal cases.

DEPOSITIONS

With the development of the witness in the common law trial in the 1600's, there developed a series of rules, each seeking to establish the truth of his testimony. The witness must, as Chief Justice Vaughn put it in *Bushel's Trial* (1670) 6 How. St. Tr. 999, 1003, speak to "what hath fallen under his senses." The law then rightly wanted no part of second-hand information. Closely allied to this principle was the rule that demanded confrontation—cross examination. Too many knew of the injustice done in *Raleigh's Trial* (1603), 2 How. St. Tr. 16, when Chief Justice Popham refused to produce Lord Cobham, the accuser. No precise date or ruling stands out as decisive, but the rule seems to have become fixed between 1675 and 1690.

This rule against hearsay, however, was not without exceptions. Sworn depositions could be used, as Raleigh himself conceded, "where the accuser is not to be had conveniently" (1603) 2 How. St. Tr. 16, 18. Nevertheless, with firm establishment of the exclusion of extra judicial unsworn statement, the anomaly of the sworn statement stood out, and in *Fenwick's Trial* (1696), 13 How. St. Tr. 537, 618, the principle if not the rule carried the day, for it soon became "a fundamental rule (of) law that no evidence shall be given against a man, but in the presence of the prisoner, because he may cross-examine him who gives such evidence."

Today, of course, this rule is embodied in our sixth amendment, which guarantees "the accused the right to be confronted with the witnesses against him." Unfortunately, however, an early Virginia case confused the historic right of confrontation with a demand that all testimony in criminal cases be face to face, viva voce. This led to a constitutional doubt that showed itself in the general omission in State deposition statutes of permission to the prosecution to take depositions, subject to confrontation cross-examination, in criminal cases, even though the courts themselves, including the Supreme Court in *Mattox* v. *United States*, 156 U.S. 237 (1895), made it clear that on principle such provisions were unobjectionable.

Title V of S. 30 is thus but a natural complement of title VI. Title VI authorizes the physical protection of witnesses before, during, and after trial. Title V authorizes the prosecution to take depositions in criminal cases whenever it is in the interest of justice. Accordingly, once the witness' testimony has been secured, in most cases, the motive to harm the witness is at an end. The evidentiary damage has been done. Under these circumstances, it may be, therefore, possible to release the witness from protective custody and allow him to return to a normal life, even though the trial has not yet begun. Given the delay associated with criminal prosecutions today, this will be no small benefit to the witness and his family.

Title V scrupulously provides for the defendant's rights. The deposition can only be taken after the issues between the Government and the accused are joined by the return of an indictment or the filing of an information. Reasonable notice must be given to the accused, and he must be accorded the opportunity, with counsel, to confront and cross-examine the witness. Finally, provision is made in the present form of the statute for use of the deposition at trial subject to the present rules of evidence.

COCONSPIRATOR DECLARATION

In the area of the investigation and prosecution of organized crime, the existence and scope of covert conspiratorial activity is usually shown either by circumstantial evidence, the testimony of a coconspirator who has turned state's evidence, or the evidence of the out of court declarations or acts of a coconspirator or of the defendant himself. Termed "firmly established" by the Supreme Court in *Krulewitch* v. *United States*, 336 U.S. 440, 443 (1949), the coconspirator declaration rule, an exception to the usual exclusion of extrajudicial statements, is thus central in any attack on the menace of organized crime.

While the hearsay rule developed in the last half of the 1060's, it was but a short period of time following that this exception developed in the law. The first reliable instance occurred in the *Trial of Lord Gordon*, (1781) 21 How. St. Tr. 485, where the cries of the mob in the infamous Gordon Riots of 1780 were admitted against the defendants. Building on this decision as a precedent, English courts in the treason trials of the fellow travelers of the French Revolution soon matured the rule if not its rationale in England, while it was accepted in 1827 into American jurisprudence and rested on agency principles by no less of an authority than Mr. Justice Story in *United States* v. *Gooding*, 25 U.S. (12 Wheat) 460 (1827).

Today the rule is usually framed in these terms: Any declaration by one coconspirator, voiced in furtherance of the conspiracy and during its pendency, is admissible against each coconspirator, subject to the laying of an independent foundation of the existence of the conspiracy and the accused's participation in it.

Title VII of S. 30 is a codification in all but one respect of the existing law. The rule presently requires the court to find, not only participation and pendency, but also "furtherance," a requirement of somewhat ill-defined meaning, apparently an outgrowth of the early agency rationale. Sometimes, too, "furtherance" has been stated in res gestae language. Other courts, however, while ostensibly retaining the requirement have applied it so broadly that anything relating to the conspiracy is found to be in furtherance of its objectives.

Building on the recommendations of the Model Code of Evidence, Title VII shifts the foundation on which the coconspirator declaration exception to the hearsay rule rests from agency to trustworthiness. All aspects of the present rule are thus retained save that of "furtherance." With Judge Learned Hand in *Von Riper* v. *United States*, 13 F. 2d 961, 967 (2d Cir 1926), the proposed statute would recognize frankly that such "declarations are admitted upon no doctrine of the law of evidence, but of the substantive law of crime." Vicarious responsibility is but one of the risks an individual must run when he associates for the commission of a crime. Nevertheless, the risk must be defined in terms of the underlying purpose of the trial itself rather than in terms of the principles of agency. Only those vicarious admissions where there are in existence facts and circumstances from which trustworthiness may be inferred may be vicariously admitted. It may well be expected that this rule will enlarge the category of admissible evidence, but surely this cannot be objected to where the new foundation of the rule guarantees that all such evidence admitted will

lead to the establishment of the truth, however hard that truth may be in the individual case. It is not too great a risk to impose on those who associate to subvert our society.

SPECIAL OFFENDER SENTENCING

Mr. President, the last aspect of S. 30 deals with the special offender sentencing.

There is no doubt that whatever view one holds about the criminal law, its importance in our society cannot be questioned. Here each places his ultimate reliance for security. Nevertheless, we must recognize, too, that the penal law contains the strongest force known to our society, a force which in the past has too often tended toward brutality. Exercised well, it accords to each security. Exercised ill, it accords to none security. How that power should be exercised is thus a question of capital importance.

Traditionally, two tendencies have manifested themselves in the penal law in reaction from the brutality of another day, perhaps best illustrated by the philosophy of Draco, who, it should be recalled, once lamented that he knew of no penalty harsher than death, for he felt the smallest crime merited it.

The first tendency, going back in modern times to Beccaria's historic 1764 essay, "On Crimes and Punishments," seeks to fit the punishment to the crime. This tendency was, of course, rooted in a desire to limit the fearful application of the death penalty, at one time the punishment for numerous, some very petty, offenses. Its overall effect has been to narrow not only the application of the death penalty, but also to eliminate long prison terms.

The second, stemming from contemporary theories of criminology, seeks to fit the punishment to the offender. This tendency, of course, is rooted in a desire to rehabilitate. Those who generally espouse this view, however, have tended to the conclusion that crime can best be dealt with only by broad changes in our society and through intensive work with juveniles. Unfortunately, this view has shown, as an American Bar Association study concluded, "little realistic concern about the organized and well-habituated criminals who incessantly exploit the community."

The penal codes of most jurisdictions, however, reflect little of either approach. Indeed, save for attempts to abolish the death penalty, little attention at all has been given to the penalty structure of most penal codes since the turn of the century. Penalties vary from one offense to the next without seeming rhyme or reason. Inconsistencies abound throughout. Other than the "sexual psychopath" laws, the only general movement discernible has been the growth of recidivist or habitual offender statutes, a growth which occurred primarily in response to the emergence of mob activities following the First World War and the prohibition era, and which was premised on the hope that severer sentences on criminals that repeat would keep them out of circulation and protect the public.

It is less than clear, however, that these laws, in their present form, have been successful in achieving their objective. Often they have been too strictly construed by the courts. Both judges and prosecutor considering them too rigid and harsh, have refused to employ them, despite their seeming mandatory character. Courts especially have resisted attempts to restrict their sentencing discretion. Often, finally, the prosecutors have merely used the laws as tools to obtain guilty pleas in return for promises to reduce the charges. Ironically, of course, this has meant in practice that laws designed to get tough with the recidivist have served only to secure him lenient treatment.

This experience has led reform-minded groups to seek other means to achieve the same goals. Apart from the recommendations of a special committee of the American Bar Association and the President's Crime Commission, the two most important proposals have come from the American Law Institute in its Model Penal Code and the Advisory Council of Judges of the National Council on Crime and Delinquency in its Model Sentencing Act. Each seeks to respond to the special offender with a special term, yet each sets out differing conditions for its position.

The Model Penal Code states three prerequisites for its extended term. First the offender must be over 21. Second, the court must conclude that the protection of the public calls for an extended term. Finally, the code, in the alternative, calls for a finding that the circumstances of the offense show that the offender has knowingly devoted himself to criminal activity as a major source of livelihood or has substantial income or resources not explained to be from a legal activity.

The Model Sentencing Act begins with the second requirement on dangerousness of the code. It then requires that a felony be committed as a part of a continuing criminal activity in concert with at least one other person.

Both proposals provide elaborate procedures for imposing these special terms.

Both the Special Committee on the American Bar Association and the President's Crime Commission reached similar conclusions in the area of the special term for dangerous offenders, although neither attempted to offer specific statutory language.

The President's Crime Commission expressed its conclusion in these words:

> Federal and State legislation should be enacted to provide for extended prison terms where the evidence, presentence report, or sentence hearing shows that a felony was committed as part of a continuing illegal business in which the convicted offender occupied a supervisory or other management position.

It also followed this recommendation with this suggestion:

> There must be some kind of supervision over those trial judges who, because of corruption, political considerations, or lack of knowledge, tend to mete out light sentences in cases involving organized crime management personnel. Consideration should therefore be given to allowing the prosecution the right of appeal regarding sentences of persons in management positions in an organized crime activity or group. Constitutional requirements for such an appellate procedure must first be carefully explored.

Mr. President, S. 30 was drafted with the history of the habitual offender legislation and the proposals of these distinguished bodies in mind. It is our hope now to explore the constitutionality, wisdom, and feasibility of these various suggestions in our forthcoming hearings, for our opinion on the merits of these proposals is at this time reserved.

A number of serious questions need to be considered in greater detail than they have as yet. We are concerned, for example, that these proposals meet the constitutional test of definiteness found in such cases as *Minnesota* v. *Probate Court*, 309 U.S. 270 (1940). We are concerned that the concept of the special term will withstand attack as a reasonable classification in light of such cases as *Oyler* v. *Boles*, 368 U.S. 448 (1962), and that it will not be considered an unpermissible attempt to punish status under *Robinson* v. *California*, 379 U.S. 660 (1962). We are concerned, too, that the procedure employed in the imposition of the term meets the test of due process under *Williams* v. *New York*, 337 U.S. 241 (1949) and *Specht* v. *Patterson*, 386 U.S. 605 (1967). And, finally, we are concerned that affording the prosecution the right to appeal, as the President's Crime Commission suggested, might not run afoul of the concept of double jeopardy in *Kepner* v. *United States*, 195 U.S. 100 (1904).

These are, of course, as yet unresolved questions. But I am hopeful that through a full and fair hearing process that we will be able to work out a fair and effective sentencing structure that will meet the special challenge of organized crime.

CONCLUSION

Mr. President, I do not suggest that S. 30 is the only proposal dealing with organized crime that merits consideration. Others will surely be forthcoming from my colleagues and the new administration. But S. 30 is a beginning—a good beginning.

The President's Crime Commission concluded its chapter on organized crime with these words:

> The extraordinary thing about organized crime is that America has tolerated it for so long.

I suggest, Mr. President, that the extraordinary is fast becoming tragic. It is time to move forward now.

Mr. President, I hope I am justified in the encouragement I find from various articles in the press with respect to the attitude of the present administration in relation to crime, and particularly organized crime and methods to combat it.

I read in yesterday's Evening Star an article, written by Miriam Ottenberg, entitled "Top Officials Gear Up Machinery."

Evidently, after talking with the top officials in the administration, and particularly those in the Department of Justice, Mrs. Ottenberg wrote this article.

If I understand correctly, the administration is deeply concerned with the problem, as much, no doubt, as I am. It appears from her article that the administration is anxious that appropriate legislation in the field be enacted into law.

I am encouraged, therefore, to believe that the major provisions of S. 30 will have the support of the Justice Department, although it has made no commitment to me to that effect. I believe, too, that the administration will submit with-

in the next few weeks some additional proposed legislation that it would like to see enacted.

It shall be my purpose as chairman of the Judiciary Subcommittee on Criminal Law and Procedures to hold extensive hearings on S. 30 and such other important measures dealing with crime and criminal procedure that are introduced during this session of Congress.

I assure the administration that any measures it sponsors or any recommendations that it may make in this field will receive the committee's earnest attention and consideration. For I sincerely hope that a new day is dawning in the field of law enforcement and that there will be cooperative and concerted effort on the part of the administration and Congress to enact legislation and to take appropriate and effective action wherever necessary to combat organized crime, this great and most destructive menace from within.

It is my hope, too, that our course, and particularly the Supreme Court of the United States, will begin to think more in terms of the right of a society to be free and to be protected from the assassin, the robber, the murderer, and the rapist than the Court has accorded to society in the past by some of its recent decisions.

If all rights are possessed by the criminal and society has none and, if every time a case comes before the Supreme Court there is a searching effort made to find some technicality with which to turn an accused loose, I am then persuaded that whatever Congress may do and whatever the law-enforcement agencies or the executive branch of the Government may do, our efforts will be thwarted and the rate of crime in our country will continue to soar, just as it has during the past calendar year, when it was 17 percent higher than it was the year before.

Mr. President, our Nation, as a free society and as a civilized society, cannot long withstand such a devastating assault upon its structure. The time is here to act.

EXHIBIT 1

PRINCIPAL FAMILIES OF THE COSA NOSTRA

THE COMMISSION

Bruno, Angelo, Philadelphia, Pa.
Colombo, Joseph, New York, N.Y.
Gambino, Carlo, New York, N.Y.
Genovese, Vito (vacant), New York, N.Y.
Giancana, Samuel, Chicago, Ill.
Luchese, Thomas (vacant), New York, N.Y.
Maggaddino, Stefano, Buffalo, N.Y.
Sciacca, Paul, New York, N.Y.
Zerilli, Joseph, Detroit, Mich.

PRINCIPAL FAMILIES

Balistriari, Frank, Milwaukee, Wis.
Cerrito, Joseph, San Jose, Calif.
Civello, Joseph, Dallas, Tex.
Civella, Nicholas, Kansas City, Mo.
Colletti, James, Pueblo, Colo.
DeCavalcante, Samuel, Newark, N.J.
Lanza, James, San Francisco, Calif.
LaRocca, Sebastian John, Pittsburgh, Pa.
Licata, Nicolo, Los Angeles, Calif.
Marcello, Carlos, New Orleans, La.
Patriarca, Raymond, Providence, R.I.
Scalish, John, Cleveland, Ohio.
Trafficante, Santo, Tampa, Fla.

EXHIBIT 2

BASIC STATISTICS, FEDERAL EFFORT, ORGANIZED CRIME AND RACKETEERING, 1960-68

CHART I.—ORGANIZED CRIME SECTION

	1960	1961	1962	1963	1964	1965	1966	1967	1968
Number of attorneys	17	37	52	60	63	54	48	54	65
Days in court	61	116	329	1,081	1,364	813	606	612	1,123
Days in field	660	2,434	5,076	6,177	6,699	4,432	3,480	4,494	6,886
Days in grand jury	100	518	894	1,353	677	605	373	419	403
Hours in legislation	NA	NA	NA	NA	1,507	1,292	1,086	1,310	1,894
Appeal briefs prepared	3	9	19	24	29	28	25	26	35
District briefs prepared	20	14	90	179	29	44	40	34	45
Appeal briefs reviewed	89	31	100	169	115	161	157	157	262
District briefs reviewed	3	17	52	160	13	14	19	26	21
Appeal participation	NA	NA	NA	NA	23	22	12	14	15

CHART II.—ORGANIZED CRIME SECTION

	1960	1961	1962	1963	1964	1965	1966	1967	1968
Cases:									
Pending start	33	31	41	103	189	263	179	219	253
Received	493	403	526	755	968	1,023	911	985	1,206
Terminated	495	393	464	669	894	1,107	871	951	1,214
Pending end	31	41	103	189	263	179	219	253	245
Matters:									
Pending start	NA	NA	NA	NA	NA	669	545	381	534
Received	NA	NA	NA	NA	1,324	1,089	943	1,057	1,006
Terminated	NA	NA	NA	NA	655	1,213	1,107	904	1,073
Pending end	NA	NA	NA	NA	669	545	381	534	467

CHART III.—ORGANIZED CRIME SECTION INDICTMENTS

	1960	1961	1962	1963	1964	1965	1966	1967	1968
Number of indictments	NA	121	350	615	666	872	1,198	1,107	1,166
Number of defendants convicted	NA	73	138	288	593	410	477	400	520

CHART IV.—RACKETEERING STATUTE INDICTMENTS[1] ORGANIZED CRIME SECTION

	1960	1961	1962	1963	1964	1965	1966	1967	1968
Indictments			7	40	59	92	70	89	125
Defendants			25	156	138	170	179	256	331
Convictions			5	22	26	48	44	53	82
Defendants convicted			18	62	61	82	100	96	152

[1] Statutes enacted September 1961 and afterward.

CHART V.—MAN-DAYS INTERNAL REVENUE SERVICE PARTICIPATION, ORGANIZED CRIME DRIVE

	Fiscal year								
	1960	1961	1962	1963	1964	1965	1966	1967	1968
Intelligence[1]	8,836	11,528	82,852	96,182	87,621	86,115	74,938	61,637	42,120
Alcohol, tobacco and firearms	NA	NA	13,075	8,609	6,533	8,360	7,480	11,220	15,584
Audit	NA	NA	37,232	38,952	36,642	34,850	24,517	19,445	16,625
Collection	NA	NA	1,894	1,305	2,732	2,058	381	257	745
Appellate	NA	NA	180	6	NA	NA	NA	NA	NA
Total	8,836	11,528	135,183.	145,054	133,528	120,206	107,336	92,559	75,074

[1] Does not include supervisory time.

CHART VI.—TAX DIVISION INDICTMENTS

	1960	1961	1962	1963	1964	1965	1966	1967	1968
Nonracketeer		462	552	597	607	625	632	653	664
Racketeer convictions	NA	23	23	23	23	27	25	21	21
Cases pending end	NA	NA	NA	129	122	101	119	183	180
Ratio (percent)	NA	NA	NA	NA	NA	11	11	17	15

CHART VII.—COSA NOSTRA INDICTMENTS JANUARY 1961 TO DECEMBER 1969 (ESTIMATED MEMBERSHIP, 5,000)

Indictments	290
Convictions	147
Acquittals	13
Dismissals	6
Reversals	0

CHART VIII.—FEDERAL RESOURCES 1967

[Approximation]

	Man-years	Amount
Treasury:		
T.R.S.	451	6,600
Bureau of Narcotics	205	3,900
Total	656	10,500
Justice:		
FBI	NA	8,609
Department	NA	1,679
U.S. attorneys	NA	1,300
	700	11,579
Post Office	12	179
SEC	10	97
Total	1,378	22,355

Mr. McCLELLAN. Mr. President, I ask unanimous consent that the Ottenberg article be printed in the RECORD.

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

TOP OFFICIALS GEAR UP MACHINERY: NIXON AIDES AIM THREE BIG WEAPONS AT ORGANIZED CRIME

(By Miriam Ottenberg)

The Nixon administration will use three new weapons to carry out its promised war on organized crime.

President Nixon's own crime fighting program will be announced shortly, but, in the meantime, top officials in his administration are on the move:

1. Secretary of the Treasury David Kennedy said the "full resources of the Treasury Department—including each of its investigative and enforcement arms—will be used as needed in pressing the war on organized crime."

In effect, aides indicated, Kennedy plans to go further than some of his predecessors in using the Treasury's taxing authority as a crime fighting tool.

2. Atty. Gen. John N. Mitchell has started approving use of the electronic surveillance authorized by Congress which his predecessor Ramsey Clark, refused to use.

3. Asst. Atty. Gen. Will R. Wilson, in charge of the Justice Department's criminal division, intends to expand the "strike forces"—the multiagency investigative approach to organized crime—and predicts that the FBI will be "very active in the program."

Since the strike forces made up of Justice Department lawyers and senior federal investigators started moving into target cities on an experimental basis in 1967, the FBI has supplied most of the intelligence data and has investigated matters referred to it by the strike forces, but FBI agents have not joined the strike forces themselves. The new FBI role—reportedly one of close liaison with the strike forces—could be an important plus.

Beyond these moves, Nixon's crime message is expected to propose major legislation to fight crime and to disclose some innovative measures not requiring congressional action.

In drawing up its plans against organized crime, the administration has to face a criminal intelligence gap that may take years to fill.

Investigators say that when all electronic surveillance equipment was pulled out by President Johnson in June 1965, the information blackout became so complete that investigative agencies aren't sure today whether organized crime is increasing or decreasing, what types of operations are being stressed, or who's minding the organized crime store.

Investigators know federal assaults have shaken the Cosa Nostra high command, but they're not sure who has succeeded the dead, departed or imprisoned bosses.

Wiretapping and electronic eavesdropping is again possible, under congressional authority, but the authority is circumscribed, and some agencies don't see how they can use it. Nevertheless, Justice Department lawyers are determined to make the wiretap authority effective.

Another problem is a Supreme Court ruling that gambling tax laws are not enforceable because they violated the privilege against self-incrimination. Gamblers are still supposed to purchase gambling tax stamps, but they can't be prosecuted if they don't.

While officials don't like to lose the millions that came from the excise laws, the organized crime fighters regret the loss of 200 Internal Revenue Service agents who were assigned to enforce them.

The IRS agents made raids on the basis of evidence that a bookie establishment was operating without the required gambling tax stamp. Books and records seized enabled agents to compute how much excise tax the bookie should have been paying.

The seized books also provided leads to launch income tax investigations of major racketeers and heavy bettors. Some of the biggest racketeers went to jail as a result of those investigations—and so did some corrupt police and sheriffs whose protection payoffs were noted on the bookie records.

Legislation to ensure the constitutional rights of gambler-taxpayers while reinstating the gambling tax laws has been introduced and Asst. Atty. Gen. Wilson says the administration wants it.

Justice Department sources say both Nixon and Mitchell are concerned about other problem—organized crime's increasing infiltration of legitimate business.

The president, either in his first crime message or soon after it, is expected to include recommendations to cope with organized crime's efforts to "launder" its money by such infiltration.

A YOUNGER CROWD

U.S. Atty. Robert Morgenthau of the Southern District of New York, who has convicted more big-time members of organized crime than the other U.S. attorneys put together, says crime figures are going into business in two ways. Some of the old-timers are still operating in the old standbys: meat wholesaling, juke box, vending machine, garbage, linen supply and similar lines.

But the younger, sharper crowd, according to Morgenthau, is pouring millions into real estate, hotels, motels, gambling casinos and the stock market.

The White House is showing its concern about the possible attempt of a Bahamas gambling conglomerate to buy up 9.7 percent of the stock of Pan American World Airways, a $90 million venture on today's market.

Rep. Harley O. Staggers, D-W. Va., said the White House asked him to introduce a bill to prevent or delay such a sale and Sen. Norris Cotton, R-N.H., introduced legislation to give the Civil Aeronautics Board authority to rule out the purchase of an airline by another firm if it determined the sale was not in the public interest.

The conglomerate is Resorts International, formed from the old Mary Carter Paint Co. It owns or operates three plush Bahamas gambling casinos as well as hotels, land and other properties in the Caribbean.

HARTFORD THWARTED

Investigators noted two interesting sidelights of this business. First, Huntington Hartford, the wealthy developer of Nassau's Paradise Island, failed to get government permission to operate a gambling casino there. Yet the newcomer, Resorts International, made it.

Eddie Cellini, the Paradise Island casino manager, is the brother of Dino Cellini, who has been mobster Meyer Lansky's lieutenant in many of his gambling enterprises. Dino operates the Freeport casino elsewhere in the Bahamas.

The New York Stock Exchange itself is beginning to suspect that organized crime is moving heavily into the "hot stocks" business. Robert W. Haack, exchange president, says securities with a total value of about $37 million have been reported stolen or lost in each of the last two years compared with a recorded $9.1 million in 1966. Haack said the sharp increase over the past two years "could be viewed as evidence of organized crime" although it is not conclusive.

The Securities and Exchange Commission is giving "urgent" attention to any indication that a racket figure is getting into stock manipulation. When there's increased market activity, as there is today, organized crime figures move in with their large sums of money. They operate clandestinely and their names never appear on any public document.

SOURCES OF INCOME

The money for organized crime's infiltration into legitimate business comes out of a billion-dollar treasury. Here's a capsule view of how that money is being made today:

Gambling.—Estimates of the annual intake by organized crime from gambling range from $7 billion to $50 billion annually. The profit is as high as one-third of the gross revenue. Syndicate gambling is the greatest source of organized crime's fortune, and a principal target of the government's crime fighters because it makes the poor poorer while the mobsters get richer.

Narcotics.—The gross heroin trade is conservatively estimated at $350 million annually with organized crime controlling the international movement of the drug from Turkish opium fields to Corsican-run laboratories in southern France to American docks.

There is considerable indication that the Cosa Nostra high command wants organized crime to get out of the narcotics business because of the heavy mandatory penalties, but enough mavericks are still risking the trade because of the enormous profits.

Organized crime is also involved in the distribution end of the cocaine traffic but that's mostly controlled by Spanish elements.

Not mob-controlled but flourishing is the marijuana traffic, mostly from Mexico.

Increasing drug use by young people would be enough to spark law enforcement into an

extra effort to reach the traffickers, but the administration is also concerned over the vast amount of street crime that can be laid at the door of narcotics. Addicts rob to get the money to buy drugs and they sometimes murder when they're hopped up.

The fight against the drug traffic is being carried on by a brand-new bureau, combining the Treasury Department's Federal Bureau of Narcotics with former Food and Drug agents of HEW's Bureau of Drug Abuse Control.

The Justice Department's Bureau of Narcotics and Dangerous Drugs, which came out of the merger, has to meld agents with different procedures, different thinking and different talents but its organized crime unit is now deeply involved in the current "strike forces."

Loan sharking.—No one is certain just how big this business is. Agents just know it is growing. Estimates range upwards from an annual take of $350 million to the billion-dollar range. Profit margins are even higher than in gambling and personal disasters are often greater.

Terrorized victims who can't meet the 5 percent per week interest rate either turn to street crime before the "enforcer" comes to collect or become fingermen for the mob. Like gambling, loan sharking is a mob method of taking over legitimate business from debtor-owners.

Labor union take-over.—Mobsters have used threats to infiltrate legitimate unions or to prevent unionizing. With going unions, their goal is to manipulate welfare and pension funds and insurance contracts.

They have moved into trucking, waterfront and construction trades. Once in, the mob plies its usual trade—loan sharking, gambling and pilferage of anything that's not nailed down. Because of the increasing infiltration of unions, Labor Department investigators are now joining the "strike forces."

White collar crime.—In addition to the theft of securities plaguing the stock exchanges, organized crime is giving increased attention to various forms of "paper" that can be forged or counterfeited.

The Secret Service reports that government bonds which used to be thrown away or left untouched in burglaries now are being passed with forged signatures.

The Postal Inspection Service is also working closely with the strike forces because of organized crime's invasion of the credit card business, the post offices and the world of merchandising.

Post Office burglaries are at a record high and postage stamps, which used to be ignored, have become a favorite target for thieves. Generally, they keep a third of the take, the fence keeps a third and organized crime's "businessmen" get stamps at reduced rates.

Cosa Nostra fences play the key role in marketing thousands of stolen and counterfeited credit cards.

What worries federal crime fighters most is organized crime's use of underworld methods in legitimate business—the unfair competition of not having to pay union wages, underselling until the legitimate businessman is driven out and then monopolistic overpricing.

This is one area of organized crime—unlike gambling or narcotics—where the public is no willing victim.

Organized crime's tentacles are believed to be reaching further all the time, but the bosses doing the reaching are changing.

Here's how the ruling "commission" reportedly looks today:

Thomas Luchese, commission member and boss of a New York "family" died in July 1967.

Naming a successor has been complicated by the fact that the four logical contenders have been too involved in FBI cases.

BEGINS PRISON TERM

In December 1967, John Dioguardi was sentenced to five years in a planned bankruptcy scheme. The same month, Vincent Rao received a preliminary sentence of five years for perjury, which was made final last Tuesday. James Plumeri has been indicted by a federal grand jury in connection with kickbacks made in attempting to secure a building loan. And the fourth heir apparent, Antonio (Tony Ducks) Corallo, was among those convicted in the bribery of New York's water commissioner, James L. Marcus.

Raymond Patriarca of Providence, R.I., the New England boss, went to prison Wednesday, sentenced to five years and a $10,000 fine in a racketeering case involving conspiracy to murder. No successor has taken over yet.

Carlos Marcello, the New Orleans boss, is still free on appeal bond following his August 1968, conviction on charges of assaulting a federal officer.

Sam Giancana, until recently the undisputed boss of Chicago's Cosa Nostra, spent a year in federal custody for contempt and then left the country to avoid further investigation.

Giancana's successor, Sam Battaglia, was sentenced to 15 years in prison and a $10,000 fine on a Hobbs Act extortion case uncovered by the Internal Revenue Service during an income tax investigation.

Another leader, Felix (Milwaukee Phil) Alderisio, was also convicted of extortion.

Things have gotten so out-of-kilter in Chicago that two elderly former "bosses"—Paul (The Waiter) Ricca and Anthony Accardo—reportedly have had to come out of semi-retirement to act as caretaker of the Chicago "family."

FBI SEIZES LEADER

Steve Magaddino of Buffalo, a commission member, was arrested by the FBI along with eight of his associates last November in connection with gambling operations. At the time, over $500,000 in hoodlum funds were seized. Magaddino is currently awaiting trial.

Joe Bonanno reportedly has been deposed as head of a New York "family" and there's considerable speculation that Paul Sciacca has become the boss.

According to the same speculation, Gaspare Di Gregorio, Steve Magaddino's brother-in-law, who originally succeeded Bonanno, couldn't stand the pressure, became ill and had to be replaced by Sciacca.

Joseph Colombo reportedly has survived as boss of the Cosa Nostra family long headed by the late Joseph Profaci. Colombo was said to have taken over after the insurrection led by the Gallo crowd.

And what of a successor for the man at the top?

TWO MENTIONED

Speculation leans toward either Gerardo Catena of Newark, N.J., or Thomas Eboli (Tommy Ryan) to succeed Vito Genovese, who died in prison Feb. 14. Eboli appears to be favored principally because he's several years younger than the 67-year-old Catena. Besides, informants hint that Catena doesn't want the job.

Still in business as commission members, according to some sources, are Angelo Bruno in Philadelphia, Carlo Gambino in New York and Joseph Zerilli.

Although organized crime shows no sign of declining despite the blows struck against the top leadership, there seems to be some optimism about making substantial inroads.

This optimism is found at the top, with Asst. Atty. Gen. Wilson, and all the way down to the federal agents themselves.

Said Wilson: "You can put these people on the ropes, even when a town has been corrupted. All you need is one honest job. And time, manpower, luck, the breaks and lots of work."

REALLY MEANS BUSINESS

An agent commented: "These people (the new officials) really mean business. It's in the atmosphere."

Several former prosecutors agreed on this summary: "Organized crime has always been a definable problem. Using all the techniques now at their disposal, the prosecutors can wipe it out. It's not like crime on the streets. You don't have to worry about sociological causes. You just go out and catch them and you don't have to concern yourself with rehabilitation—not with these people."

One of the men now responsible for fighting organized crime agrees, with reservations "The cases are there to be made if we have the investigators to make them, the prosecutors to prosecute and the judges to try them."

There's a certain implied agreement in this concluding sentence of the 1967 President's Commission Task Force Report on Organized Crime:

"The extraordinary thing about organized crime is that America has tolerated it for so long."

Mr. HRUSKA. Mr. President, I earlier joined with the distinguished senior Senator from Arkansas (Mr. McCLELLAN) in sponsoring the omnibus organized crime control bill and I am delighted once again to associate myself with his remarks concerning the bill and the very serious problem with which it deals. The Senator's description of the nature and scope of the organized crime menace in America today is detailed and informed. His explanation of the several provisions of the omnibus bill—and, more important, of the need for each of them—is scholarly and precise. I wish to add my commendation and wholehearted support of the Senator's objectives.

In addition, the chairman of the Criminal Laws Subcommittee and I are in agreement that the omnibus bill is just a beginning if the 91st Congress is to enact a really effective legislative program in the area of organized crime. Hopefully, other measures will be introduced here that will contribute significantly to that program. As the ranking minority member of the Criminal Laws Subcommittee, I look forward to participating in the pending hearings on the omnibus bill and on all other worthwhile organized crime measures that come before us.

In that regard, Mr. President, I announce my intention of introducing another package of organized crime bills in advance of the hearings which will contain measures similar to S. 2048 and S. 2049 of the 90th Congress. Just as I am not unalterably committed to the precise wording of any one or all of the provisions of the omnibus bill, neither am I committed to all aspects of the bills I am preparing. I have great confidence in the committee process. With all these proposals before the subcommittee, a sound program directed against organized crime will evolve.

There is one other point I would like to make. The omnibus organized crime bill contains a provision authorizing appellate review of sentences imposed under that act. I heartily approve of appellate review in this area. As the sponsor of S. 1540, which passed the Senate in the 90th Congress, I am anxious to con-

tinue to advance this procedure until it is enacted into law. S. 1540 was, of course, much broader than section 3577 of title VIII of the omnibus bill. It applied to all defendants convicted of a felony and sentenced to 1 year or more in prison. It is my hope that section 3577 will be similarly expanded to cover all convicted felons.

Quite frankly, Mr. President, I see no reason to restrict the fundamental fairness embodied in appellate review to only those individuals convicted of participating in organized crime. For the information of the distinguished chairman of the Criminal Laws Subcommittee, I have drafted and will introduce shortly, a bill similar to S. 1540 of the 90th Congress. It is my hope that serious consideration will be given to adopting it in whole as an amendment to S. 30.

Mr. President, I want to take this occasion to express my appreciation of the firm and able leadership President Nixon and Attorney General Mitchell have demonstrated in their first weeks in office in the battle against crime in America.

The Attorney General's decision to employ electronic surveillance under court supervision is a major step forward in cracking down on the Mafia and other underworld organizations. There is no reason law enforcement officials should not use every legal means at their command to combat this evil menace.

The campaign of last fall clearly demonstrated that crime in the streets is a national problem. The tendency of the Johnson administration and its Attorney General to excuse the rising crime rate by placing the blame on poverty has been overwhelmingly rejected by the American public.

We all want to do all we can to work toward the elimination of poverty, but poverty is only one factor contributing to the alarming crime statistics. If we could somehow eliminate poverty overnight, there would still be the violent and the criminal and the depraved, preying on innocent citizens.

The best way to reduce crime is to enforce the laws, to make it less profitable and a lot more risky to break the law. In this connection, we must restore the Nation's respect, not alone for law and order, but for those public servants whom we employ for that purpose, the policeman, the sheriff, and other law enforcement agents.

The Federal Government has an important role to play in supporting the States and cities in their attack on the crime problem.

This role, Mr. President, covers a wide range from direct grants to State and local law-enforcement agencies to upgrade and improve them, to application of the tremendous technical assistance available from Federal agencies.

Along with better police protection, there must be a concomitant improvement throughout the whole area of criminal justice, improved court procedures to eliminate long delays in trials, better detention facilities, reform of bail procedures and special attention to the problems of the juvenile offender and the narcotics addict.

Again, I commend the distinguished Senator from Arkansas for his dedication and contributions to the war against organized crime.

SENATE JOINT RESOLUTION 75—INTRODUCTION OF JOINT RESOLUTION TO PROVIDE FOR A STUDY OF WEAPONS TECHNOLOGY AND FOREIGN POLICY STRATEGY BY AN INDEPENDENT COMMISSION

Mr. GORE. Mr. President, there appeared before the Subcommittee on Disarmament today three of the Nation's renowned scientists and citizens—Dr. Herbert F. York, Dr. G. B. Kistiakowsky, and Dr. J. R. Killian, Jr.

I ask unanimous consent that their statements before the committee be printed in the RECORD at this point.

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

STATEMENT BY HERBERT F. YORK, BEFORE THE SUBCOMMITTEE ON INTERNATIONAL ORGANIZATIONS AND DISARMAMENT AFFAIRS OF THE SENATE FOREIGN RELATIONS COMMITTEE, MARCH 11, 1969

Mr. Chairman and Members of the Committee: I appreciate very much the opportunity to appear before your committee. I have already had a chance to read some of the testimony presented before this committee last week, and I will confine my prepared statements to a brief description of my own role in ABM matters and to certain other factors which either may have been overlooked in prior testimony or which might well be reemphasized.

I came to Washington to work in the government immediately after Sputnik in 1957, and remained here until 1961. I was first a member of President Eisenhower's Science Advisory Committee under the chairmanship of Dr. James Killian, then Chief Scientist of ARPA, and then Director of Defense Research and Engineering under Secretaries McElroy, Gates, and McNamara. During that period I endorsed and supported the R&D part of the Army's Nike Zeus program, and I helped to create and promote ARPA's more advanced BMD (Ballistic Missile Defense) program. It was also my responsibility to advise the Secretary of Defense on a number of occasions over a period of several years about proposals to deploy the Nike Zeus ABM. I strongly recommended against such deployment each time. It was the era of the supposed "Missile Gap" and accordingly that was not a popular recommendation. I am, of course, pleased to note that nowadays virtually everyone agrees that Nike Zeus should not have been deployed. My decisions and recommendations in those days were based almost exclusively on technical considerations. In brief, the recommendation not to deploy the Nike Zeus was based on my technical judgment that it would become obsolete before it could be deployed. The detailed reasons behind this conclusion were similar to those contained in the testimony given last Thursday by Hans Bethe, Daniel Fink, and Jack Ruina.

Soon after I left full-time government service, I became a member of the General Advisory Committee of the U.S. Arms Control and Disarmament Agency. In that capacity, I have not only had the opportunity to keep abreast of the technical status of the ABM, but I have also had the opportunity to be exposed to and involved in considerations of the political ramifications of the ABM, especially as they relate to arms control issues.

Last week's testimony before this committee described the Nike Zeus and Nike X systems and the problems their designers faced in attempting to find a way of coping with the Soviet offensive capability. The complex technical details of the situation were outlined then and supported the generally accepted conclusion that it is hopeless to attempt to defend against a sophisticated and determined offense. Last week's testimony went on to indicate how, after this fact was generally accepted, the promoters of the ABM proposed the Sentinel system for the purpose of countering an attack by Chinese missiles. Such an attack is supposed to consist of fewer and less sophisticated missiles and thus presents a simpler problem to solve. The problems created by decoys and other penetration aids are solved by defining them out of existence, and a cheaper area defense system becomes possible in theory. Serious consideration is also being given to a hard-point defense system in which the defense would intercept only those objects actually aiming at certain specific very small target areas such as those centered on hardened missile sites and command centers. The problems of penetration aid devices and tactics are again absent by definition, and the resulting problem, in truth I believe, becomes even easier to solve theoretically than in the case of the hypothetical Chinese missile attack. It is important to note, though, that in this hard-point defense case, entirely different defense methods, which cannot be used to defend cities or large areas, also become feasible. Such approaches include mobility (as in Polaris and Poseiden), deployment of greater numbers of offensive missiles, and various deception devices and tactics such as providing more missile silo targets than there are missiles, and then playing a sort of shell game with the missiles themselves. Thus it is precisely in the case where an ABM-type defense becomes easiest that numbers of alternative technical defense schemes also become possible. Furthermore and again because the problem as given is easier, it is quite safe to postpone any decision to deploy an ABM at least until after present attempts to get new arms control negotiations moving.

I should like now to turn to a technical problem that pertains to all the forms of ABM so far proposed, but which unfortunately is not so simple to discuss nor so easy to quantify as those brought to your attention last week.

Any active defense system such as the ABM, must sit in readiness for two or four or eight years and then fire at the precisely correct second following a warning time of only a few minutes. This warning time is so short that systems designers usually attempt to eliminate human decision-makers, even at low command levels, from the decision making system. Further, the precision needed for the firing time is so fine that machines must be used to choose the precise instant of firing no matter how the decision to fire is made. In the case of offensive missiles the situation is different in an essential way: although maintaining readiness throughout a long, indefinite period is necessary, the moment of firing is not so precisely controlled in general and hence human decision makers, including even those at high levels, can be permitted to play a part in the decision-making process. Thus the trigger of any ABM, unlike the trigger of the ICBMs and Polarises, must be continuously sensitive and ready, in short a "hair" trigger for indefinitely long periods of time. On the other hand, it is obvious that we cannot afford to have an ABM fire by mistake or in response to a false alarm, and indeed the Army has recently gone to some pains to assure residents of areas near proposed Sentinel sites that it has imposed design requirements which will insure against the accidental launching of the missile and the subsequent detonation of the nuclear warhead it carries. These two requirements, a "hair" trigger so that it can cope with a surprise attack and a "stiff"

trigger so that it will never go off accidentally are, I believe, contradictory requirements. This problem exists only in the real world and not on the test range; on the test range there need be no such concern about accidental misfires, the interceptions do not involve the use of nuclear weapons and the day, if not the second, of the mock attack is known. Another essential (but again difficult to quantify) difference between the real world and the test range lies in the fact that the deployed defensive equipment will, normally, never have been fully exercised and even the supposedly identical test range equipment will never had been tested against the precise target or targets that the deployed equipment would ultimately have to face. In the case of other defense systems which have worked after a fashion, practice using the actual deployed equipment against real targets has been possible and has been a major element in increasing their effectiveness. Thus, the Soviet SAMs in North Vietnam work as well as they do because both the equipment designers and the operating crews have had plenty of opportunities to practice against U.S. targets equipped with real counter-measures and employing real tactics.

For these and similar reasons, as well as because of the technical problems detailed for you last week, I continue to have the gravest doubts as to the capability of any ABM system I have heard of, whether or not the problem has been defined into being "easy" and whether or not it "works" on a test range. I am not here talking about some percentage failure inherent in the mathematical distribution of miss distances, nor statistically predictable failures in system components, but rather about catastrophic failure in which at the moment of truth either nothing happens at all, or all interceptions fail.

I should like now to turn from technical matters to political matters concerning the relationship between the ABM and arms control policies and possibilities. It is frequently said that the ABM, or at least some versions of it, does not have serious arms control implications, the reasons advanced having to do with its intrinsically defensive character. In my opinion such a belief is based on an error which may be called the "Fallacy of the Last Move." It is indeed true, in some cases, that if the last move that was ever made in the arms race were that of deploying an ABM system, then deploying the ABM would by definition not have any arms race implications. But in the real world in which there currently is constant change in both the technology and the deployed numbers of all kinds of strategic systems, ABMs do have disarmament implications. In support of this notion, let me turn to a relevant bit of real recent history.

At the beginning of this decade, we began to hear about a possible Soviet ABM and we became concerned about its possible effects on our ICBM and Polaris systems. It was then that we began to consider seriously various penetration aid ideas among which was the notion of placing more than one warhead on a single offensive missile. This original idea has since grown in complexity, as these things do, and has resulted in the MIRV concept (*M*ultiple *I*ndependent *Re*entry *V*ehicles). There are now additional justifications for MIRV besides penetration, but that is how it all started. As others have pointed out, the MIRV concept is a very important element in the arms race, and potentially seriously destabilizing. In fact, the possibility of a Soviet MIRV is used as one of the main arguments in support of the idea of hard-point defense and thus we have come one full turn around the arms race spiral. But no one in 1960–61 thought through the potential destabilizing effects of multiple warheads, and certainly no one did, or even could have, predicted that the inexorable logic of the arms race would carry us directly from Soviet talk in 1960 about defending Moscow against missiles, to a requirement for hard-point defense of *offensive* missile sites in the United States in 1969. Similarly no one today can outline in detail what kind of a chain-reaction a Sentinel or a hard-point defense deployment would lead to. But we all know of the propensity of scientists and engineers to respond to technical challenge with further technical complexity and we have seen the willingness of both sides to pay for the supposed technical solutions at almost any cost.

Thus, although I cannot be sure of the mechanism, I believe that either hard-point defense or Sentinel would produce further acceleration of the arms race. It is possible that the deployment of these ABMs would lead to a new round of penetration aid developments with further consequences of the magnitude of those produced by MIRV. It is indeed probable that deployment of these ABMs would lead to greater numbers of deployed offensive warheads on both sides. We may expect deployment of these ABMs would lead to the persistent query, "but how do you know it *really* works?" and the pressures now applied against the current Partial Test Ban Treaty would be multiplied. It is certain that deployment of these ABMs would lead to more steps in that awesome direction of placing greater reliance on automatic devices for making that ultimate decision as to whether or not doomsday had arrived.

It thus appears that as a specific part of a well thought out and well defined arms control agreement, deployment of hardpoint defense might play a positive role, but otherwise it would be just one more step away from national security.

Finally, perhaps the worst arms control implication of the ABM is the possibility that the people and the Congress would be deceived into believing that at long last we are on the track of a technical solution to the dilemma of the steady decrease in our national security which has accompanied the steady increase in our military power over the last two decades. Such a false hope is extremely dangerous if it diverts any of us from searching for a solution in the only place it may be found; in a political search for peace combined with arms control and disarmament measures.

SUMMARY

1. Because of certain intrinsic disadvantages of the defense, and because of certain fundamental design problems, I doubt the capability of either the Sentinel System or the hard-point defense ABM to accomplish its task, whether or not it ultimately "works" on a test range.

2. I believe the deployment of any ABM would in the long run almost always result in further acceleration of the arms race. An exception would be in the case of the deployment of an ABM as a carefully integrated part of a major move in the direction of arms control and disarmament.

3. One result of the arms race is that, as our military power increases, our national security decreases. I believe this basic situation would not be improved by deployment of any ABM.

4. Another result of the arms race is that, due to the ever increasing complexity of both offensive and defensive systems, the power to make certain life-and-death decisions is inexorably passing from statesman and politicians to more narrowly focused technicians, and from human beings to machines. An ABM deployment would speed up this process.

STATEMENT BY G. B. KISTIAKOWSKY ON MARCH 11, 1969, BEFORE THE SUBCOMMITTEE ON INTERNATIONAL ORGANIZATION AND DISARMAMENT AFFAIRS OF THE COMMITTEE ON FOREIGN AFFAIRS OF THE U.S. SENATE

Mr. Chairman, members of the committee, it gives me great pleasure to respond to your invitation to present to you my observations on the Anti-Ballistic Missile Systems and on the related issues of strategy and foreign policy of the United States.

During most of the fifties I was actively involved on an advisory level, with our long range ballistic missiles program and had little opportunity to acquaint myself in detail with the problems of defense against a ballistic missile attack. However, starting late in 1957 when I was appointed a member of the President's Science Advisory Committee and especially since mid-1959 when chosen by President Eisenhower as his Special Assistant for Science and Technology and elected chairman of PSAC, problems of missile defense became part of my concerns. The PSAC then had several strong panels of experts carefully considering, from the technical point of view, various aspects of military technology. For instance some of the conclusions of the panel chaired by Dr. J. B. Wiesner, later the Special Assistant for Science and Technology to President Kennedy, were that the installation of BMEWS (Ballistic Missile Early Warning Radar System) was an urgent task that our land based missiles should be dispersed and be converted as soon as possible to hardened under-ground silos and so forth. These recommendations were based on the conviction that the strategic posture of the United States should not be one of hair trigger response to a tactical warning of attack but of ability to withstand a first strike and still be in a position to retaliate with adequate forces. This panel—and to a less intense degree the entire PSAC—studied in detail the Army's proposed ABM system which, I may note, was a logical sequel to Army's concern with anti-aircraft defenses (AA artillery and more recently the Nike Ajax and Nike Hercules AA missiles).

In 1959–1960 the Army representatives and the contractor's technical personnel in repeated meetings with us were very confident of the performance of the Nike Zeus defense system, then in development and urged the immediate start of its deployment. Several alternate levels of deployment were being proposed to meet various objectives. The technical findings of PSAC, however, were not favorable to deployment. The system could have probably dealt effectively with a modest number of simple "first generation" offensive missiles but was likely to fail against a more sophisticated missile attack, which would employ various penetration aids, such as decoys, electronic black-out and radar jamming devices. A major weakness of the system was its low "traffic-handling" capacity, that is, its inability to deal simultaneously with numerous incoming reentry vehicles, because it relied on mechanically steered radar antennas. As I recall, our panel urged the development of electronically scanning antennas, the so-called phased-array radars, which however were then regarded as not feasible by some of our briefers. Of course, since then such radars have been fully developed.

Other points of weakness were, as I already noted, the sensitivity of Nike Zeus to electronic blackout and its questionable ability to discriminate against even primitive decoys.

The panel was also concerned with the proposed Kwajalein Island tests of Nike Zeus interceptor missiles, using as targets the nose-cones of souped-up IRBM Jupiter missiles launched from Johnston Island, fearing that they would not be realistic enough. It urged the use for this purpose of ICBM's launched from the Vandenberg Air Force Base. These have been used in such tests, which began about 1962.

President Eisenhower's decision was to postpone the deployment of Nike Zeus pending more development and therefore he did not authorize the expenditure of the so-called pre-production funds which were appropriated by Congress for this purpose. Later President Kennedy decided against deployment of Nike Zeus, but initiated the development of the present Nike X system.

It is interesting to contemplate that, had the deployment of Nike Zeus been authorized in 1960–61, we would have just about now the full system in operational readiness, after spending what was then estimated as $20 billion and could have been, judging by analogy with other large weapon systems, twice as much. Considering the current numbers and sophistication of offensive missiles now being deployed by the super-powers it is technically certain that the Nike Zeus ABM system would now be of little value. It would be obsolescent or even obsolete, judging by the fact that the probably somewhat more modern Soviet ABM defenses around Moscow are rated of little value to the Soviet Union by our competent military experts.

For several years after 1961 my contacts with the ABM system development were quite superficial, until late in 1966 when the former Secretary of Defense, Mr. McNamara, asked me to familiarize myself with Nike X and to form an opinion regarding the desirability of various levels of deployment of this system. As he stated in his San Francisco speech in the fall of 1967 and in his book "The Essence of Security" my conclusion was not favorable to the deployment of either the heavy anti-Soviet-attack system or the light (Sentinel) anti-Chinese-attack system.

A thinking man's first reaction to any proposal for a defense system against the almost unimaginable horrors of an attack with nuclear-armed ballistic missiles must inevitably be favorable. If lives can be saved, if we can preserve our society after a nuclear attack, expense does not matter and, besides, an effective defense system should give us a greater latitude in foreign policy. A detailed consideration leads me to conclude, however, that the proposed deployments of Nike X or its derivative Sentinel system are not likely to make major contributions to these objectives for a number of reasons and could actually be harmful to our national security.

The components used in Nike X and Sentinel systems, the radars, missiles and computers, are much more advanced than were those of Nike Zeus, but the new systems are extremely complex and the possibility of what Dr. Herbert York, the former Director of Defense Research & Engineering, has called massive failure cannot be excluded for a system that must function the very first time it is tried out as a whole.

Nike X involves mammoth computers because in the few minutes that would pass between detection and intercept of incoming missiles no human command organization could decide upon and then manually execute the proper defense tactics. But computers, however fast they are in making decisions, must be instructed in advance by humans on what to decide upon in every situation that will confront them. Thus, however elegant the electronics, in the end one must trust that the computer programmers will correctly anticipate all the future tactics that will be used against our defenses. They must write correct programs for discriminating between warheads and decoys, without knowing for sure what their characteristics will be. Having tried to use the Boston automatic telephone system after a great snowstorm of a few weeks ago, I feel sensitive about the ability of complex automatic devices to overcome even the blind vagaries of nature, not to mention skilled human intellects of a potential enemy.

Let me give you a few examples from the past to illustrate the reasons for my technical doubts.

Two highly competent and well informed individuals, Drs. R. L. Garwin and H. A. Bethe, have described in some detail in the Scientific American magazine (Volume 218, March 1968) several penetration aids that might be used at a comparatively low cost to the attacker. They conclude that the present type of ABM systems could easily fail in such an environment.

The anticipation of the future tactics of an enemy is an extremely difficult task. Perhaps obliquely this can be illustrated by the degree of surprise achieved in the TET Vietcong offensive of a year ago or in the capture of the intelligence ship Pueblo.

We may also note that the difficulties in programming the computers of the SAGE anti-aircraft defense system turned out to be so great that a separate large organization was finally set up to do the programming.

Finally, the performance of complex military systems is frequently lower than promised by the contractors, even after modifications have been made upon field trials, as evidence by the statistical data reported in an article of Bernard D. Nossiter (Washington Post, January 26, 1969). The F–111 aircraft is a specific recent example.

I am not asserting that all the indicated difficulties are certain to plague Nike X, but on the other hand it is difficult for me to conceive how decisions on foreign policy of the United States could be substantially influenced by the assertion that the deployed ABM system will perform under attack as well or better than promised. Thus the available range of foreign policy choices cannot be greatly influenced by the ABM deployment.

Several highly qualified individuals have concluded that a heavy deployment of Nike X cannot protect us—it cannot give us an impenetrable shield—in Mr. McNamara's word—against a sophisticated large scale missile attack. Of course some attrition of attacking missiles will be achieved and thus, if our potential enemy takes no steps to compensate for the deployment of ABM, some damage and casualty reduction could be expected. But the assumption that such steps would not be taken appears highly improbable if the adversary is the Soviet Union which has the means to take them and will feel compelled to do so, to preserve its secure deterrence posture. In fact overreaction, as judged by the past, would be the norm, particularly when the uncertainties about performance are as great as with the ABM systems. The probable responses include increases in the numbers of offensive missiles and the deployment of MIRV's with their destabilizing effect. The development of the latter we ourselves decided to undertake upon learning of the start of the deployment of the Soviet ABM. These steps induce obvious counteractions by the other superpower and the net result could easily be another major expansion of offensive missile forces and an accompanying uncertainty about the security of our deterrent.

The complex political consequences of such a heightened arms race are beyond me to evaluate quantitatively. Intuitively I anticipate a loss for our National Security. One aspect of this is to what extent will there be an adverse effect of such an arms race on other nations, such as the almost certain adverse effect on the Non-Proliferation Treaty.

The other is that in the period of an intense arms race the knowledge of the capabilities and intentions of the adversary suffers. Thus the incentives for a hasty unilateral action—even a pre-emptive strike for instance—rise. Hence the probability of nuclear war might increase. I doubt very much that the deployment of Nike X would compensate for this rising probability by a drastic limitation of damage in the event of nuclear war.

The original Sentinel or thin anti-Chinese ABM deployment concept emphasized area, that is, population, defense by long range Spartan interceptors. It appears that this concept was somewhat changed by last fall, resulting in sites containing both Spartan and Sprint missiles which were to be deployed near our largest cities.

It seems reasonable to assert that an attack on the United States by a modest force of ICBM's which the People's Republic of China is likely to deploy sometime in the seventies is wholly irrational, since it would invite a retaliatory blow which would totally destroy China. If none-the-less the Chinese decide to attack, they would certainly be capable of adding some penetration aids to their ICBM's if, as assumed, they would have the technical and other resources to deploy a significant ICBM force. For an irrational action such as we are hypothesizing the certainty that penetration aids will succeed would not be required and hence the presence of Sentinel might not be a deterrent. The Chinese, of course, could also use other means than ICBM's for an irrational nuclear attack in which case Sentinel might be of no use. Thus the basing of the United States policies on the assumption that Sentinel would prevent large American casualties in the case of a Chinese attack in the seventies would not be very prudent. On the other hand, the deployment of the Sentinel, especially in the mode begun last fall, fore-shortens greatly the lead time for a conversion of it to a heavy ABM deployment. This the Soviet military planners would have to take into account and thus the likelihood of an all-out missile race between the super-powers might increase.

Another form of ABM deployment has contemplated the exclusive defense of our hardened missile sites. Under proper circumstances such a move would not be inviting an arms race and could in fact stabilize mutual deterrence by protecting the retaliatory force against a preemptive strike. It is highly doubtful, however, considering the present threat, whether such deployment need be started immediately. Furthermore the Sentinel system is over-designed for this application, since the intercept of incoming warheads could take place much nearer to hardened Minuteman silos than to cities and the probability of kill of the incoming warheads could be relaxed. Thus, for instance, an interceptor of shorter range and less acceleration than the Sprint could be largely employed and other simplifying changes made. To avoid the dangers of the arms race that I have already discussed, the defense of missile sites must be unambiguously designed just for this purpose.

Having followed the development of weapon systems over the past quarter of a century, I cannot remain unaware of the very substantial momentum that a technological development of the magnitude of our ABM creates. I am therefore concerned that even a limited deployment would be open-ended and, with assembly lines operating, could lead to a continuously expanding system, which would obviously be a stimulus to a heightened arms race.

My presentation thus far made no mention of arms control agreements but not because I am opposed to them. I welcome unreservedly President Nixon's announced intention to engage soon the Soviet Union in discussions and negotiations on the limitations of offensive and defensive strategic weapons. It is only a cessation of the arms race that could in the long run decrease the threat of nuclear war and thus, in a real sense, increase our national security.

I recognize that agreements on arms control measures will undoubtedly take much time and will not be easy to achieve. In the meantime, it seems to me, it would be to everybody's advantage to avoid commitments which could result in the acceleration of the arms race. This includes deployments of ABM systems, even though the eventually agreed upon strategic arms might comprise modest ABM defenses as a protection against accidents and against attacks by third parties. In fact, however, the verification of the extent of ABM defenses might present such difficulties that prudence would call for their abandonment.

In conclusion, Mr. Chairman, may I express the hope that these general remarks, which I would be glad to elaborate if asked to do so, will be of some small use to your Committee.

STATEMENT BY J. R. KILLIAN, JR., BEFORE THE SUBCOMMITTEE ON INTERNATIONAL ORGANIZATION AND DISARMAMENT AFFAIRS, SENATE COMMITTEE ON FOREIGN RELATIONS, MARCH 11, 1969

Mr. Chairman, gentlemen, I am glad to accept your invitation to present my personal views this morning, but I must hasten to disclaim any specialized competence for commenting on current proposals for the deployment of the Sentinel system. In January, 1967, I was invited, along with others, by Secretary McNamara to give my reaction to proposals then under consideration for deployment of an ABM system. Not since then have I had occasion to bring myself up to date on the technological, intelligence, costs, and international factors which, in my judgment, must be carefully weighed together if one is to reach worthwhile, responsible conclusions on the deployment of an ABM system. In the past two years my extracurricular time and energy have been largely devoted to local urban problems and to innovation in education, including bringing the immense power of television technology into full service through the strengthening of educational or public television. As a consequence, I have not kept abreast of developments in defense technology as I once did.

At the 1967 meeting called by Mr. McNamara, I expressed grave reservations about the desirability of deploying an ABM system under conditions obtaining at that time. I felt that deployment should be deferred in the hope that escalation could be avoided, but that research, development, and testing should continue. I tend to hold those same views today, but for reasons I have given, my views are not buttressed by an adequate study of the issues which now confront us.

For almost twenty years, beginning in 1950, I devoted major energies to mobilizing advice on problems of national defense, and this experience has left me with a continuing sense of the inescapable requirements and urgencies involved in preserving our national security; we cannot relax our vigilance in maintaining a stable deterrent to nuclear war. At the same time, this long experience also has given me a growing awareness of the importance to national security of sustained efforts to seek a curtailment of the strategic arms race. My views toward the ABM have been conditioned by the priority I give to moderating, if at all possible, an action-reaction escalation of the arms race.

I fear that substantial ABM deployment either by the Soviet Union or ourselves could result in escalation and could well fail to provide us with any additional security. In reaching the conclusion I did two years ago, I was also troubled by the possibility that the cost of an ABM system could increase faster than the cost of strengthening the offense. I still feel that the maintenance of a credible deterrent offensive capability is better insurance against a first strike by an adversary than an ABM shield. Above all, I have felt the importance of restraining the strategic arms race as an essential objective in avoiding the ultimate catastrophe of a nuclear war which could imperil the survival of all civilized societies.

I find it difficult to appraise the ABM without viewing it in the total context of all our offensive-defensive strategic forces. It is troubling that this systems view is so largely neglected in the current public debate.

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I salute this committee for its efforts to illuminate the complex issues surrounding the ABM and to provide a forum for balanced, objective views.

In my invention to come before the committee, I was encouraged to comment on the urgent need today better to mobilize and draw upon the intellectual resources of the country in aiding the publicly accountable officers of government, both in the legislative and executive branches, to secure the assessments and analyses they need in considering intricate technological developments, such as the ABM, which are intertwined with policy and strategic questions. Because of the growing impact of technology on policy-making, we need better methods of assessment in order to assure that technology will be used beneficially to enhance our security and to improve the quality and tranquility of our society.

A proposal

Let me first make a specific proposal prompted by the current Sentinel debate. In considering the strategic options available to us in the years ahead, it seems essential that we plan not by single systems, such as the Sentinel, one at a time, but for the strategic system as a whole. This and other considerations lead me to suggest that an *ad hoc* commission or task force be appointed to make an independent, comprehensive study in depth of our weapons technology and of the factors which bear upon the decisions the nation must make regarding ongoing strategic forces and policies.

For several months I have become increasingly convinced that such a task force is now urgently needed. The commission that I have in mind should be made up of members who would devote full time over a period of several months to the study. The task force should be independent of the Department of Defense and other government agencies which have a direct responsibility for formulating, advocating, and carrying out strategic programs. In its studies it should seek to gain an understanding of the relationships of all of our weapons systems and of the strategic options confronting this country in the years immediately ahead.

I do not propose that the findings of such a commission should necessarily carry more weight than studies conducted within government. I have great respect for the thoroughness and rigor which the government can bring to the formulation of policy decisions. Independent studies, such as I suggest, might well serve to sharpen the government's own analyses. The task force's recommendations should be critically examined by the normal procedures of the government and considered in relation to proposals which have come from the Department of Defense. Their special value would be that they would be independent conclusions reached by a group of competent citizens who were free of organizational loyalties and who could, therefore, formulate their evaluations and recommendations without being constrained by any departmental commitments or biases. So often the roles and missions interests of the Armed Services influence defense decisions more than they should, and the task force I suggest could transcend these service interests. By virtue of its freedom from any vested interests, such a commission could also provide some reassurance to the growing number of citizens who are concerned about the "military industrial complex" and its alleged influence on our strategic policies and programs.

In 1954, I chaired a large-scale study partaking of some of these characteristics, which was undertaken at the request of President Eisenhower, and I think it fair to say that that intensive and comprehensive study which resulted helped in reaching priority judgments about our weapons technology and related matters, and was ultimately viewed as helpful by the government agencies involved.

In playing its fundamental role in reaching decisions about these weapons systems, which require vast expenditures and which might have a fateful effect on our survival, Congress, I respectfully suggest, can benefit from independent assessments. Essential as it is, I am not sure that the conventional hearing is by itself sufficient to provide Congress with the searching studies it needs to cope with the complexities of great security issues such as that presented by Sentinel. Is it not possible that Congress, too, could benefit from creating a variety of special task forces to make studies in depth for its cognizant committees? It has been heartening to note the growing practice of some Congressional committees, including this one, to contract for special studies and to engage consultants who can do more than simply appear for brief testimony. The public would also benefit if independent studies marked by thoroughness and objectivity could be made available. Perhaps the National Academy of Sciences and the National Academy of Engineering provide vehicles for such studies. It would be of advantage if these studies were financed by private funds. There are a growing number of scholars in our universities who are engaged in interdisciplinary studies of public policy issues, including defense, and they consttiute a growing pool that can be tapped.

Some years back, Dr. James B. Conant made a proposal that I do not believe has ever been tried in a formal way. He advocated that in the consideration of weapons of technical complexity and great cost, there be a quasi-judicial review of proposals, including a form of adversary proceeding. "When a question comes up to be settled," he suggested, "one or more referees might hear the arguments pro and con. If there were no contrary arguments, some technical expert should be appointed to speak on behalf of the taxpayers against the proposed research and development. Then adequate briefs of the two or more sides should be prepared (not a compromise committee report.)" Conant went on to emphasize that today every citizen is a "party to an enormous new enterprise. His government has gone into the research and development business on a scale totally different from anything seen in the past. . . . Consequences of tremendous significance in terms of survival may hang on the way this work is carried on", and "the waste of enormous sums of money could threaten the soundness of our economy." (James B. Conant, *Science and Common Sense* (New Haven, Conn.: Yale University Press, 1951), pp. 337, 338.)

It is important for the policymaker and the public to have the benefit of listening to contending points of view on complex technical and strategic proposals such as Sentinel, and also for them to recognize that many questions involving both technical and policy issues cannot be answered with positive yes or no certainty. There are many such questions to which scientists of equivalent competence, objectivity, and complete integrity will respond differently. I cannot fault those experts who favor an ABM deployment, and they, too, need to have full opportunities to be heard.

In conclusion let me re-emphasize that along with the Executive Branch, Congress is faced with grave and fateful decisions about our nuclear strategic forces and policies. The fate of the whole world is involved. Congress will need to combine with its own great resources of informed judgment the best wisdom available in the nation. As it grapples with these issues, it also has the opportunity along the way to inform the public and make available to the public the objective and searching assessments it sponsors. In the belief that these hearings are for that purpose, I count it a privilege to be here.

Mr. GORE. Mr. President, Dr. Killian made a suggestion in his testimony before the committee that a Commission for the Study of Weapons Technology and Foreign Policy Strategy be established.

I introduce a joint resolution to establish such a Commission and send it to the desk for appropriate reference; and

I ask unanimous consent that it may be referred to the Committee on Foreign Relations.

The PRESIDING OFFICER (Mr. GRAVEL in the chair). The joint resolution will be received and referred to the Committee on Foreign Relations.

The joint resolution (S.J. Res. 75) to provide for a comprehensive study of weapons technology and foreign policy strategy by an independent commission, introduced by Mr. GORE (for himself and Mr. PERCY), was received, read twice by its title, and, by order of the Senate, was referred to the Committee on Foreign Relations.

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

Mr. GORE. I yield.

Mr. FULBRIGHT. Mr. President, I wish to join in paying tribute to the hearing this morning which the Senator arranged. These three men, who have had long experience in the past, particularly under President Eisenhower, are undoubtedly among the finest scientists this country has anywhere. They testified before in connection with the Test-Ban Treaty and they performed other functions of Government.

I think the Senator from Tennessee performed a great service to bring them before the committee and give them a forum to speak to the American people about one of the most difficult problems that we have. I congratulate the Senator.

Mr. GORE. I thank the Senator.

Mr. President, I took the liberty of forwarding a copy of the statement of each of these gentlemen immediately to the White House for the personal attention of President Nixon. Like the Senator from Arkansas, I was tremendously impressed with the erudition, the intellectual capacity, and the cogency of their logic. I thought their views deserved the attention of the President and his advisers at the White House.

The Senator from New Jersey (Mr. CASE) was so impressed with their testimony that he arranged for them to have a conference at the White House with Mr. Kissinger and perhaps with President Nixon.

It is my hope, although I have nothing more than a hope on which I can base it, that there will be a turning of the tide. Indeed, there may already have been a turning of the tide on this issue. We made a great mistake in starting this deployment. It has now been demonstrated to have been a fallacious decision. There is no need to persist in a mistake merely because a mistake has been made.

I thank the Senator from Arkansas.

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.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I ask unanimous consent that I be permitted to continue for 15 minutes.

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

Mr. KENNEDY. Mr. President, the overriding importance of the Nuclear Nonproliferation Treaty lies in its affinity with one of our principle national policy goals—avoiding nuclear war. This has been the stated goal of every American President, in his conduct of foreign policy, since 1945. And it must continue to be a guiding precept of our policies.

Since the advent of nuclear weapons technology changed the course of the world 24 years ago, those nations possessing nuclear weapons have been assiduous to prevent their use. They have done so primarily by relying upon the deterring effect of a powerful offensive nuclear force, a force capable of responding with a devastating attack even after absorbing a surprise first strike.

But there is another path to preventing nuclear war, a path more difficult to follow. This is the path toward a comprehensive and effective nuclear disarmament treaty, as a condition precedent to a general disarmament treaty.

The first step in this direction was the plan Bernard Baruch developed in 1946 and which the United States presented to the United Nations in the same year. Under this plan, an International Atomic Development Authority would have been created as the entity to hold and develop all nuclear weapons and nuclear activities. The United States would have agreed to stop the manufacture of atomic bombs and to dispose of its existing stockpile. The Soviet Union did not accept this plan; as a result, the first step along this path faltered in disagreement.

The second step took place in 1956, when on U.S. initiative the United Nations created the International Atomic Energy Agency. This Agency has as its purpose the promotion of peaceful use of the atom, and the development of a system of international inspection and safeguards.

But it was the third step toward nuclear disarmament which signaled a major advance. This was the Nuclear Test-Ban Treaty of 1963, which President Kennedy called "a shaft of light cut into the darkness" of the ever-expanding arms race. While this treaty was not effective to stop all nuclear test explosions, primarily because France and China refused to sign the treaty, it virtually eliminated the growing amount of nuclear fallout so perilous to world health.

The Senate is now debating ratification of a fourth step—the Nuclear Nonproliferation Treaty. We must view this treaty in the context of the previous steps, and in the hope of even more steps. The Nonproliferation Treaty is a way station on the path toward eventual consummation of a nuclear disarmament treaty, and in this is the treaty's overriding importance.

In concept, the Nonproliferation Treaty is strikingly simple: by limiting the number of nations which possess nuclear weapons, we can both shorten the path toward eventual agreement upon nuclear disarmament and greatly reduce the likelihood of the holocaust of world nuclear war.

But in execution, the Nonproliferation Treaty has proved much more complex. Part of the complexity, ironically, rises out of the fact that we have not previously been able to limit the proliferation of nuclear weapons. Two existing nuclear states—France and China—have indicated that they will not sign the Nonproliferation Treaty, just as they did not sign the Test Ban Treaty. This does not argue against U.S. ratification of the treaty; in fact, it is evidence that we must move quickly to ratify it, and to urge the present nonnuclear states to do likewise. For if we do not ratify it, and if we do not press unrelentingly for other nations to do the same, then there may well be an increasing number of nations which, as they gain nuclear capabilities, refuse to ratify it. This would serve only to raise the instability of the shifting balances of terror which so far have militated against nuclear war.

About the concept of the treaty—there can be little serious argument, I should think, that its purpose is our Nation's purpose. But about the translation of this concept into the words and phrases of a treaty and of its rights and obligations—there have been serious arguments, and there remain some few uncertainties.

The Committee on Foreign Relations has, I think, given the Senate wise guidance on the troublesome questions of interpretation, just as our negotiators and those from the other nations made wise choices from among the various alternatives open to them. Senator Robert F. Kennedy made his maiden speech to the Senate in 1965 on the need for a treaty to limit the proliferation of nuclear weapons. In that speech, he outlined the difficult areas which had to be resolved before any treaty could be written. These areas were almost precisely the ones which gave our negotiators the most difficulty, and are the ones about which the Committee on Foreign Relations expressed the most concern.

One of these areas involves our obligations to our allies. The committee has determined that the Nonproliferation Treaty in no way limits the right of the United States to enter agreements to station nuclear weapons, owned and controlled by the United States, on the soil of an ally. This is an important point, going as it does straight to the heart of both our own deterrent capabilities and the credibility of many of our treaty commitments. It should be clearly understood, I think, that as the Senate gives its advice and consent on the Nonproliferation Treaty it does so on this reading of the treaty.

Related to this issue of the right to station U.S.-owned and controlled nuclear weapons on an ally's soil, is the construction given the security guarantee resolution adopted by the United Nations Security Council on June 19, 1968. In that resolution, the nuclear signatories of the Nonproliferation Treaty—the United States, the Soviet Union, and Great Britain—gave a security guarantee to the non-nuclear signatories who faced either actual nuclear aggression or the threat of nuclear aggression.

In an identical declaration made by the United States, Great Britain, and the Soviet Union in explaining their votes in favor of the resolution, the three nations stated that an aggressive nation "must be aware that its actions are to be countered effectively by measures taken in accordance with the United Nations Charter." There is the distinct implica-

tion in this language that the United States has made a blanket pledge of assistance, and it is consequently important that the administration has disclaimed any intention of doing so. Similarly, the committee has stated in the plainest language that this security resolution and declaration must not be considered any ratification of previous commitments or creation of new ones.

There is, however, a clear and direct connection between the security resolution and the Nonproliferation Treaty, even though the resolution is technically outside the ambit of the treaty. Consequently, while the administration and the committee have made their disclaimers, I believe the Senate has a continuing obligation to oversee whether this resolution in fact brings the United States and the Soviet Union into closer cooperation within the United Nations framework, and also to monitor this resolution's impact on our existing treaty commitments.

Article VI of the treaty states the obligation of each of the parties to the treaty to pursue good faith negotiations toward "general and complete disarmament under strict and effective international control." Since this is a long-range goal of the United States, as well as of the other signatories, this article is undeniably a key component of the treaty. Further, it accurately describes the overall context in which the importance of the Nonproliferation Treaty should be gaged: As a way station on the path to a disarmament agreement.

The general consensus is that the two great nuclear powers—we and the Soviets—have an unparalleled opportunity to begin preliminary discussions on agreements to limit the arms race, and to move toward disarmament. We must not let this opportunity pass us by. We are at the brink of a new lap in the arms race—and if we begin that lap, then meaningful talks will be virtually impossible.

Consequently, it is my own belief that we must not make any decisions, take any actions, or suggest any steps which would prejudice the immediate beginnings of talks on arms limitations. This is one reason I believe it unwise to deploy the Sentinel ABM system: it signals to the Soviets that we are less interested in beginning talks than we are in deploying new weapons systems.

Many individuals have suggested, as one way of justifying a decision to deploy the Sentinel ABM system, that it would actually bring the Soviets to arms limitations discussions more effectively than if we did not deploy Sentinel. But surely this is Alice-in-Wonderland logic. For it is implicit in this argument that we believe we could force the Soviets to bargain with us because deploying Sentinel would markedly degrade the effectiveness of the Soviet deterrent. This flies directly in the face of the experience of the last 20 years, as well as of commonsense. If the Soviets believed that our Sentinel system was an effective ABM system—and there are very serious questions as to its effectiveness—their response would almost certainly be to deploy their own ABM system, or to increase significantly their offensive capability.

This is why I would go further than the Committee on Foreign Relations did in its report. On page 18 of that report, the committee said:

> The Administration should consider deferring the deployment of these (new offensive and defensive) weapons until it has had time to make an earnest effort to pursue meaningful discussions with the Soviet Union.

I would hope that the administration would do more than consider deferring deployment. I hope—and urge—that deployment is actually deferred. We do stand at yet another crossroads in the nuclear arms race, and cannot let the opportunity to pursue the path of peace pass us by.

Should we continue our deployment of the Sentinel ABM system, we would force the Soviets to deploy one of their own, and to develop even more sophisticated offensive capabilities. This would in turn force us to respond in turn. Each increase in arms generates an increase in tension; and each increase in tension leads us closer to hostilities. As a result, I think we should definitely defer deployment of the Sentinel ABM system.

Articles IV and V of the treaty are designed to compensate the nonnuclear signatories for pledging not to acquire nuclear explosive devices, even for peaceful purposes. Under these two articles, the nuclear states undertake to facilitate exchanges of information, materials, and equipment for the peaceful uses of nuclear power, and to provide assurances to the nonnuclear states that will share in the benefits of peaceful application of nuclear-explosive devices.

This aspect of the treaty is vital to its acceptance by the nonnuclear states, and for that reason must be a part of the treaty. But it does raise a serious question related to the general and widespread availability of nuclear materials. There are, today, some 300 small research nuclear reactors located throughout the world. Based on this figure, and based on estimates of the growth in number of reactors, there will be about 18,000 pounds of plutonium produced annually by 1970, and about 132,000 pounds by 1980. The corresponding amounts of plutonium accumulated in the world as a result of past production will reach about 62,000 pounds by 1970, and about 825,000 pounds by 1980. Yet less than 22 pounds of plutonium are needed to build a bomb capable of destroying a medium-sized city.

The latent threat to world security inherent in the civil nuclear power programs, demonstrated by these figures, is already clear. And it will grow to ever larger dimensions in the years just ahead, as the stockpiles of plutonium for civil nuclear programs in many different nations dwarf the stockpiles of fissionable material in the nuclear weapons of the nuclear weapons states. I do not mean to indicate that the Nonproliferation Treaty will exacerbate this latent threat; rather, it gives us a focus for its consideration. I think we should increase our discussions and awareness of this problem; facing it today will save us headaches tomorrow.

Let me say a final word about the treaty. The Chairman of the Joint Chiefs of Staff, General Wheeler, indicated that the Chiefs were unanimous in their support of it. This should lay to rest any fears that the treaty in any way imperils our national security.

When President Kennedy urged the Senate to ratify the Nuclear Test-Ban Treaty, on July 26, 1963, he said:

> For the first time in many years, the path of peace may be open. No one can be certain what the future will bring. No one can say whether the time has come for an easing of the struggle. But history and our own conscience will judge us harsher if we do not now make every effort to test our hopes by action, and this is the place to begin. According to the ancient Chinese proverb, "A journey of a thousand miles must begin with a single step."
>
> My fellow Americans, let us take that first step. Let us, if we can, step back from the shadows of war and seek out the way of peace. And if that journey is a thousand miles, or even more, let history record that we, in this land, at this time, took the first step.

We did take that first concrete step, and after the Senate ratified the Test Ban Treaty, President Kennedy signed it on October 7, 1963. We have the opportunity, in the Nonproliferation Treaty, to take another major and concrete step along the path to nuclear disarmament. We should do no less, for the fate of mankind hangs on the intensity of our efforts to eliminate the threat of nuclear weapons in the world.

Albert Einstein once said:

> The unleashed power of the atom has changed everything save our modes of thinking, and thus we drift to unparalleled catastrophe.

We must not drift. Rather, we must recognize an opportunity and steer resolutely toward it. We have a rare opportunity, now, to advance the cause of world peace by ratifying this treaty. I believe we must.

Mr. COOPER. Mr. President, will the Senator from Arkansas yield to me for 2 minutes so that I may make a statement?

Mr. FULBRIGHT. I yield.

Mr. COOPER. Mr. President, I wish to address myself to the reservation proposed by the distinguished Senator from North Carolina (Mr. ERVIN).

An examination of the statement made by former Ambassador Goldberg in the United Nations and in the Security Council will show that it simply pledged the United States to proceed according to the charter. The charter and rules of the Council, of course, provide that when a subject is brought before the Security Council, it can be taken up or it can be refused to be taken up by the Security Council. If inscribed on its agenda by the Council, the United States could make a judgment, as any other member of the Security Council could, whether aggression or the threat of aggression had occurred. Of course, if there had been a nuclear attack it would be manifest.

It should be said, in all candor, that the United States has pledged itself, which it is not now required to do, to lay a matter of aggression or its threat before the Security Council; but after that, all rights of the United States would continue as at present.

For myself, I would say that it was

perhaps unfortunate that the Government of the United States directed former Ambassador Goldberg to make the declaration, for it gives the impression that more is required of the United States. But it is not in the treaty, and it is not an executive agreement. It is a statement on behalf of the United States which should bear weight, but the controlling language is that our action would be "in accordance with the charter."

I would suggest that if we vote for the reservation, it could be argued that it expressed the intent of the Senate that the declaration admittedly made outside the treaty does bear great weight and would have to be considered a part of the treaty. It would give to the declaration a position against the intent of the Senate and against the intent of the Senator from North Carolina.

It would be very unfortunate for the Senate to vote for the reservation proposed by the Senator from North Carolina.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the remaining time be equally divided between the Senator from North Carolina (Mr. ERVIN) and the Senator from Arkansas (Mr. FULBRIGHT).

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

Mr. BYRD of West Virginia. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate will be in order.

Mr. FULBRIGHT. Mr. President, I had agreed to yield 2 minutes to the Senator from New York.

Mr. JAVITS. Mr. President, I thank the Senator from Arkansas for yielding. I shall not take more than 2 minutes. I shall speak only to the question which has arisen, which is that if this reservation is voted it might require a renegotiation of the treaty. It is not, perhaps, directed toward a provision of the treaty or is not incorporated in a provision of the treaty. The mere fact that this matter is raised would not allow us to do anything else before renegotiation. In other words, if it becomes a question of fact and law, as the Senator from Arkansas said in debate yesterday, whether this really represents a matter of substance or not, then every one of the powers signing it has the right to decide whether it is a matter of substance, and that in itself is a matter of renegotiation.

The Senator from North Carolina could submit his proposal later, and we could argue the substance if he submits it as an expression of intent; but in this form it must require a renegotiation of the treaty, and that, I think, would be practically killing it for all realistic purposes. I hope the Senate will reject the proposal.

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

Mr. FULBRIGHT. I yield 1 minute to the Senator from Iowa.

Mr. MILLER. Mr. President, if the proposal were changed to an understanding, would any renegotiation be required?

Mr. FULBRIGHT. I would not accept it in the form of an understanding. Technically, these distinctions may be made among ourselves but 87 other countries have signed the treaty, and with many of them there is no distinction between a reservation and an understanding.

Statements were made in the report of the committee dealing with this subject. We have an extensive legislative history. All of this serves that purpose. If it were an understanding it would have no more meaning, and it would be no more clear than the statement made on the floor of the Senate, and it would raise doubts in the minds of other Members.

I do not wish to be arbitrary. This proposed understanding was not submitted to the committee. We had heard rumors amout possible reservations but the Committee on Foreign Relations was never officially informed.

As so often happens, if we bring such an understanding to the floor without prior consideration, the implications of such understandings or reservations may go far beyond the immediate question. As I said yesterday, our NATO partners may believe, if they read the reservation now before the Senate, that the reservation or understanding could possibly imply that the U.S. Senate is saying that under no circumstances will it come to the aid of anyone. That is about what it says.

Mr. MILLER. Then the position of the Senator from Arkansas is that the resolution would require renegotiation, and that an understanding would not; but that he would think the understanding would not be necessary or desirable because the legislative history set forth in the committee report, and in his comments, fully covers the problem; is that not correct?

Mr. FULBRIGHT. That is correct.

Mr. MILLER. I thank the Senator.

Mr. ERVIN. Mr. President, some seven or eight countries have ratified the treaty thus far. It would be far better to settle it by adoption of this reservation at this moment and let it be renegotiated if necessary so that we make it clear we are not pledging the lives of all our boys in America to go to war if, for example, Israel dropped a bomb on Egypt and we would have to fight on behalf of Egypt, or if Russia dropped a bomb on China and we would have to go to the aid of China.

Certainly, it would be well to renegotiate that point.

I warn the Senate that if we vote against this reservation, every nation on earth can say that the Senate of the United States was confronted by the question whether the treaty did pledge the United States to go to war in the event of a nuclear attack or the threat of a nuclear attack on another nation, and when the Senate had a choice to say that the treaty did not mean that, it refused to say so, leaving the implication that it obligated us to go to the aid of any nonnuclear nation or any member of the United Nations confronted with a nuclear attack. We should be on the safe side and make that plain, which has been confused by all the gobbledegook which went on in our executive branch, and in the United Nations Security Council.

Mr. GORE. Mr. President, will the Senator from Arkansas yield?

Mr. FULBRIGHT. Mr. President, I yield 1 minute to the Senator from Tennessee.

The VICE PRESIDENT. The Senator from Tennessee is recognized for 1 minute.

Mr. GORE. Mr. President, the Senate is confronted, not with a treaty containing provisions such as those described by the distinguished senior Senator from North Carolina, but with a treaty which contains no reference to the use of the Armed Forces of the United States, with a treaty which the present Secretary of State testifies incurs no new obligation on the part of the United States with respect to the use of its Armed Forces, with a treaty which the previous Secretary of State has stated contains no such obligation, with a treaty which the Committee on Foreign Relations in its report and the chairman of the Committee on Foreign Relations in his speech presented to the Senate says does not contain any such provision.

So the Senate is confronted with a clear-cut choice of ratifying the treaty as is, without such reference, or the raising of a misunderstanding by approval of this reservation.

Mr. ERVIN. Mr. President, I do not see why the Senator from Tennessee and the Senator from Arkansas are not willing to have the Senate say that it believes in the principle of my reservation. That is what opposition to the reservation implies.

Mr. HARTKE. Mr. President, I should like to address a question to the chairman of the Committee on Foreign Relations. At the time of the Gulf of Tonkin resolution, we had somewhat similar assurances that there would not be an extension or utilization of American military might, or a commitment of our troops. Does the Senator feel that there is any parallel between the present treaty and the Gulf of Tonkin resolution?

Mr. FULBRIGHT. No, I do not. I think that the circumstances are entirely different. This is a treaty which has been negotiated over a period of 4 years. It was voted on in committee last summer. It was on the calendar from along in June or July until recently. It has been taken up again. There is no uncertainty about what is in the treaty.

There is not one word in the treaty that refers in any way to the use of our troops.

The Senator from North Carolina, on his own motion, raises the question. He says that if we do not accept it, then we are endorsing an opposite proposition. That is a strange way, indeed, to proceed in this body. That means that any Senator who gets up to offer an amendment to any bill on some outlandish or unrelated subject, if it is turned down, can assert that the Senate is endorsing an opposite proposition. To me, that is a strange principle for this body to proceed on.

I do not accept for one minute the view of the Senator from North Carolina that if we vote down the reservation, then we automatically agree we are going to use our troops for the relief of Red China. Really, how ridiculous can we get? But that is what is meant if we vote down his reservation, he says.

Of course, we mean no such thing. This is largely a procedural matter, be-

cause we do not want to tie up a treaty any further which has been under consideration for 4 years; and 87 countries have signed it and nine have ratified it, including Great Britain.

Now we begin to open it up with reservations at this late date. Why did not the Senator from North Carolina submit his reservation in committee? The treaty has been there for a year. He had plenty of opportunity to put the reservation before the committee. We could have thrashed it out and given it careful consideration in proper procedure. But to bring it in as it reaches the floor of the Senate is not, I submit, Mr. President, a very sound way to try to legislate.

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

Mr. FULBRIGHT. I yield.

Mr. MANSFIELD. I think it should be iterated and reiterated that the treaty has the support of two different administrations. The predecessors and the present officials of the present administration all were for it. It has been before the United Nations as long ago as 4½ years.

I cannot recall, since I came to the Senate, any treaty which has received such close scrutiny and such constant consideration as the one now before the Senate.

Mr. FULBRIGHT. The Senator from Montana is quite right. President Nixon has given it his complete endorsement and requested the Senate to give its advice and consent promptly. He certainly studied the treaty carefully before he made that request.

Mr. ERVIN. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. MURPHY. Mr. President, will the Senator from North Carolina yield?

Mr. ERVIN. I yield what time I have remaining.

Mr. MURPHY. Mr. President, I should like to ask the distinguished chairman of the Foreign Relations Committee, in order to clarify the question in my mind, whether he has or not—and if he has I should like to hear them—any reflections as to the understanding of the 80-odd nations, already signatories to the treaty, of these conditions.

As I understand it, there was misunderstanding on the part of the committees, there was misunderstanding and uncertainty among Senators here in the Chamber; and statements have been made by Secretary of State Rusk, President Johnson, and Ambassador Goldberg, as well as Secretary of Defense McNamara. I should like to know whether the nations who have already signed the treaty understand that those statements and those promises have no connection with the treaty the Senate is discussing today; or did they sign the treaty with the understanding that those statements and promises were guarantees and obligations taken on in the treaty by the leaders of the United States?

Mr. FULBRIGHT. Let me say to the Senator that I covered this subject at length yesterday. The treaty itself is what we are voting on today. The statements that may have been made by the individuals the Senator mentions are not a part of the treaty but statements made by members of the executive branch.

Let us be clear that this treaty makes no reference whatsoever to the use of our military forces. There is nothing in the treaty that imposes, or even suggests, that our troops will have to come to the aid of anyone.

The treaty deals only with the basic obligations of the parties with regard to the transfer of nuclear weapons and skills.

The statements made in the United Nations do not affect our obligations under this treaty. The committee has made this very clear in its report, and this debate has reenforced that point. If anyone misunderstands it, it is because they have not read the report or listened to the debate.

Mr. MURPHY. I do not think the Senator has been responsive to my question.

The PRESIDING OFFICER. All time has expired. On this question, the yeas and nays have been ordered——

Mr. MURPHY. Mr. President, with the permission of the Chair, I asked a question.

Mr. FULBRIGHT. Let me say that no nation which has signed the treaty is under any misunderstanding as to what was approved in the United Nations and now that action relates to the treaty. None of the 87 signatories has offered an understanding or reservation on this point. There is no reason to believe that they will.

Mr. PASTORE. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. PASTORE. May I inquire if it is in order to move to lay the reservation on the table?

The VICE PRESIDENT. The motion is in order.

Mr. PASTORE. Mr. President, I move to lay the reservation on the table.

Mr. ERVIN. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Rhode Island to lay on the table the reservation of the Senator from North Carolina. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Louisiana (Mr. ELLENDER), the Senator from Washington (Mr. MAGNUSON), the Senator from South Dakota (Mr. MCGOVERN), and the Senator from Minnesota (Mr. MONDALE) are absent on official business.

I also announce that the Senator from Texas (Mr. YARBOROUGH) is necessarily absent.

I further announce that, if present and voting, the Senator from Louisiana (Mr. ELLENDER), the Senator from Washington (Mr. MAGNUSON), the Senator from South Dakota (Mr. MCGOVERN), and the Senator from Minnesota (Mr. MONDALE) would each vote "yea."

Mr. SCOTT. I announce that the Senator from Tennessee (Mr. BAKER) is necessarily absent.

The Senator from Colorado (Mr. DOMINICK) is absent because of illness.

The Senator from Kentucky (Mr. COOK) is absent on official committee business.

The Senator from Kansas (Mr. DOLE) is absent on official business.

The result was announced—yeas 61, nays 30, as follows:

[No. 17 Ex.]

YEAS—61

Aiken	Harris	Packwood
Allott	Hart	Pastore
Anderson	Hartke	Pearson
Bayh	Hatfield	Pell
Bellmon	Hruska	Percy
Bennett	Hughes	Prouty
Boggs	Inouye	Proxmire
Brooke	Jackson	Randolph
Burdick	Javits	Ribicoff
Case	Jordan, Idaho	Saxbe
Church	Kennedy	Schweiker
Cotton	Mansfield	Scott
Cranston	Mathias	Smith
Dirksen	McCarthy	Sparkman
Eagleton	McGee	Stevens
Fong	McIntyre	Symington
Fulbright	Miller	Tydings
Goodell	Montoya	Williams, N.J.
Gore	Moss	Young, Ohio
Gravel	Muskie	
Gurney	Nelson	

NAYS—30

Allen	Fannin	Mundt
Bible	Goldwater	Murphy
Byrd, Va.	Griffin	Russell
Byrd, W. Va.	Hansen	Spong
Cannon	Holland	Stennis
Cooper	Hollings	Talmadge
Curtis	Jordan, N.C.	Thurmond
Dodd	Long	Tower
Eastland	McClellan	Williams, Del.
Ervin	Metcalf	Young, N. Dak.

NOT VOTING—9

Baker	Dominick	McGovern
Cook	Ellender	Mondale
Dole	Magnuson	Yarborough

So Mr. PASTORE's motion to lay Mr. ERVIN's reservation on the table was agreed to.

Mr. HART. Mr. President, every citizen concerned about the Nuclear Nonproliferation Treaty has found himself the target of a stream of commentary that will alternately hail the treaty as the final instrument of world peace or condemn it as a dangerous hoax that threatens the safety of all.

It is, of course, neither.

The treaty is based on the simple concept that the world already is a dangerous place to live in but it could get a lot worse. The treaty, then, is designed not so much to change anything but rather to preserve the status quo.

And since the international status quo is certainly imperfect, the treaty could be said to be similarly flawed.

The pact is the product of years of negotiation between the United States and the Soviets. Basically, it would do this:

The nuclear nations that signed would pledge not to pass out atomic weaponry to any nonnuclear nation.

Nonnuclear signers would pledge not to produce their own atomic weapons. In return, nonnuclear signers would get, first, technological help in developing peaceful uses of the atom, such as powerplants. These facilities then would be open to international inspection by United Nations teams; and, second, a joint pledge to the United Nations by the United States and Russia that they will come to the aid of any nonnuclear nation that is threatened by atomic attack.

The treaty is clearly in the interest of the nuclear "club" nations. When five

men are holding shotguns on each other, a new influx of gunmen will do nothing to promote the general welfare.

And nonnuclear nations—if they can believe that their security is being sufficiently protected by big powers—can then save themselves the tremendous expense of building a private atomic arsenal.

The trouble is that there are lots of nations that will not sign.

On the nuclear side, the Soviet Union, United States, and Great Britain will probably agree to the pact but France is unlikely to and Red China, suspicious of everyone, almost certainly will not.

On the other side, India is publicly doubtful about trusting her defense against China to the hands of anyone else. Israel or Egypt might decide that only their own atomic warheads could offer the protection each thinks it needs.

If India goes atomic, Pakistan will get nervous. And in Japan, there is already debate about whether to crank up a nuclear weapons program.

Still, there are some 80 nations that have indicated a willingness to sign. And even if the treaty is not universally accepted, it seems to me that it could exercise a significant and benign influence.

One thing is perfectly clear: For the most selfish—and, therefore, the most trustworthy of reasons, both the United States and Russia—the big "overkill" nations—are keenly anxious to see that no atomic shots are fired in anger by anyone anywhere.

Any exchange of nuclear fire—even by small nations—would make the whole world so jumpy that a general conflagration would become far more likely.

And, if sanity prevails, Red China—or France—will be less likely to rattle atomic sabers with both the United States and U.S.S.R. standing by in stern disapproval.

And within the smaller nations, the treaty is bound to strengthen the hand of those political forces that oppose nuclear weapons development.

Moreover, it might also smooth the way to a joint U.S.-U.S.S.R. decision to abandon plans for antiballistic missile systems. Such systems, in my opinion, will only crank up a new arms race that is bound to end in a tie after both sides have spent enormous sums.

Actually, there are signs that the Russians are already recognizing the futility of ABM but, unhappily, the American military is still eagerly promoting it. But, that is a subject which will be thoroughly debated by this body later on.

The Nonproliferation Treaty is not the answer to all the problems the world was confronted with when the first A-bomb went off. But I think it is a sound step forward and I intend to vote for it.

True, the whole thing could fall apart in a few years but we would be no worse off than we are now.

Failure, however, does not seem probable. Even if it did, we still have the responsibility to make the effort.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate return briefly to legislative session. This will take only a minute.

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

COMMEMORATION OF THE 50TH ANNIVERSARY OF THE FOUNDING OF THE AMERICAN LEGION

Mr. DIRKSEN. Mr. President, for myself and the distinguished majority leader, I submit a resolution, and ask for its immediate consideration.

The VICE PRESIDENT. The resolution will be stated by title.

The legislative clerk read the resolution, as follows:

S. RES. 163

Whereas March 15–17, 1969, will mark the Fiftieth Anniversary of the founding of the American Legion; and

Whereas this event is being commemorated by millions of American Legionnaires in thousands of Legion Posts throughout the United States and foreign countries; and

Whereas through fifty years of service the American Legion has dedicated itself to advancing the welfare of the American people and maintaining the security of the Nation; and

Whereas foremost among its many worthwhile programs are those designed to instill in the minds and hearts of America's youth a devotion to the virtues of patriotism and good citizenship; Now, therefore, be it

Resolved, That the Senate of the United States salutes the American Legion on the occasion of its fiftieth anniversary; that it calls upon the American people to commend and felicitate this great organization upon its achievements during its fifty years of service to God and country; that it acknowledges the need for a service organization such as the American Legion in our American society; that it expresses the hope that the splendid work of the American Legion will continue during the next half century; and that the Senate pledges its continuing cooperation with the men and women of the American Legion in their programs of service to community, State, and Nation and in their determination to safeguard and transmit to posterity the principles of justice, freedom, and democracy upon which our Nation is founded.

The VICE PRESIDENT. Is there objection to the request of the Senator from Illinois?

There being no objection, the Senate proceeded to consider the resolution.

Mr. KENNEDY. Mr. President, tomorrow belongs to the youth of today, and I rise to pay tribute to an organization which for 50 years has placed a major emphasis on youth programs. On March 15, 1969, the American Legion will mark its golden anniversary. Looking back at the record of its many great achievements since 1919, one is struck by the outstanding success the Legion has had in providing worthwhile activities for the boys and girls of our Nation.

The Legion early determined that to safeguard the future of the Nation it was necessary to instill in the minds and hearts of young Americans an understanding of, and a love and respect for, those principles and ideals upon which our country was founded and the institutions upon which it has been built.

To meet this objective, the American Legion has developed the boys' and girls' State and Nation programs. These programs are designed to train young Americans in the practical operation of our democratic form of government. On college campuses all over America thousands of young high school juniors meet every summer to organize themselves into city, county, and State governments, and to learn by doing how the machinery of government works.

Each year two boys and two girls from each State come to Washington, brought here by the American Legion and the American Legion Auxiliary. During their 2 weeks here they learn about the Federal Government and how it operates. They see it in operation and they have the opportunity to meet many Members of Congress and high Government officials. Their experience is indeed a thrilling and invaluable one, thanks to the efforts of the American Legion.

In addition to the boys' and girls' State and Nation programs the Legion has many other fine youth activities which contribute to the sound development of young Americans. The American Legion baseball program is known to all. It has provided training in sportsmanship to millions of American boys through the years. A notable byproduct of this great program are the hundreds of major league ballplayers who have risen to fame and fortune through the avenue of American Legion baseball.

The American Legion high school oratorical program, while a smaller one, is nonetheless of considerable significance. Through it young boys and girls gain practical experience in the art of public speaking. Their subject is the Constitution of the United States, which leads to a depth of understanding of that great document.

In the field of Boy Scout sponsorship the American Legion has taken a leadership role, with more than 4,000 troops being sponsored by American Legion posts all over the country.

Annually, an estimated three-quarters of a million young men from the 50 States, District of Columbia, and Puerto Rico participate in Legion-sponsored youth programs and activities.

During this golden year the American Legion can take great pride in its fine youth programs and in their contribution to the future strength of America.

I might add, Mr. President, that as a former chairman of the Subcommittee on Veterans' Affairs of the Committee on Labor and Public Welfare, I am well aware of the constructive efforts the American Legion has made also for our Nation's veterans themselves.

I am happy to join my colleagues in paying tribute to this organization, on the occasion of its 50th anniversary.

AMERICAN LEGION HONORS 78 EMPLOYERS IN 1968 FOR HIRING HANDICAPPED AND OLDER WORKERS

Mr. RANDOLPH. Mr. President, I rise to express tribute to an outstanding organization, the American Legion, which will celebrate its 50th anniversary on the 15th, 16th, and 17th of this month.

There is much we could say in praise of the many constructive Legion programs. However, I feel it is appropriate to emphasize one of the lesser known—but vital—activities, a program to recognize annually employers in each State for their distinguished records of employing handicapped persons and older workers.

In the year 1968, 78 of these employers were recognized for special awards. Mr. President, I include for the RECORD a list-

ing of these employers by State and the award they received:

LEGION HONORED 78 EMPLOYERS DURING 1968 FOR HIRING HANDICAPPED AND OLDER WORKERS

National American Legion citations for good employment practices were awarded to 78 employers around the nation during 1968 with 42 firms honored for their practices in hiring the handicapped, and 36 for hiring older workers.

The national awards are made on the recommendation of a state or other department organization of the Legion which nominates employers each year for the National-Hiring-The-Handicapped Award and the National Older-Worker Citation. Awards are made by the Legion's National Economic Commission.

Handicapped awards are usually made in connection with the annual Employ the Handicapped Week and represent part of the Legion's participation in the programs of the President's Committee on Employment of the Handicapped—while older worker awards are usually made in conjunction with the Legion's Hire the Older Worker Week.

State	Handicapped award	Older worker award
Alabama	1. Southland Mower Co., Selma 2. Tim's Modern Cleaners, Fayette	Opelika Mfg. Co., Snowflake-Wolf Division. Phenix City.
Alaska	None	Juneau Cold Storage Co., Inc., Juneau.
Arizona	First National Bank of Arizona, Phoenix	VA Hospital, Tucson.
Arkansas	Addison Shoe Corp., Wynne	Camden Manufacturing Co., Camden.
California	None	City of Modesto, Department of Parking and Traffic.
Colorado	Martin-Marietta Corp., Denver Division, Denver	Denver Hilton Hotel, Denver.
Connecticut	None	None.
Delaware	Farmers Bank of the State of Delaware, Dover	Do.
District of Columbia	Office of Selective Placement Projects, U.S. Civil Service Commission.	Woodward & Lothrop, Inc.
Florida	None	None.
Georgia	do	Ward Wight Realty Co., Atlanta.
Hawaii	Saga Food Co., Honolulu	Liberty House, Waialae branch, Honolulu.
Idaho	Bannock County Memorial Hospital, Pocatello	None.
Illinois	Union Special Machine Co., plant No. 2, Huntley	Motor Wheel Corp., Mendota.
Indiana	None	None.
Iowa	Caterpillar Tractor Co., Davenport	Harrison & Co., Florists, Sioux City.
Kansas	Henry Corp., Topeka	Ramada Inn, Hays.
Kentucky	Levi Strauss & Co., Florence	Island Creek Coal Co., Elkhorn Division, Wheelwright.
Louisiana	1. Cotton Products Co., Inc., Opelousas. 2. Lake Charles Charity Hospital, Lake Charles.	Lockheed Aircraft Service Co., Avenue A, Chennault Field, Lake Charles.
Maine	T. M. Chapman Sons Co., Old Town	None.
Maryland	None	Do.
Massachusetts	E. F. Laurence & Co., Inc., Northboro	Flavor Fresh Co., Lawrence.
Michigan	G. A. Ingram Co., Detroit	Ryco Engineering Co., Warren.
Minnesota	None	R. J. Reynolds Foods, Inc., Duluth.
Mississippi	1. American Clean Linen Service, Gulfport 2. Magic Tunnel Car Wash, Hattiesburg.	None.
Missouri	None	Do.
Montana	Great Falls Fire Department	Jordan Newsstand, Glendive.
Nebraska	Morton House Kitchens, Inc., Nebraska City	St. Vincent's Home for the Aged, Omaha.
Nevada	None	1. Pan American World Airways, Inc., Nuclear Rocket Development Station, Las Vegas. 2. Sacoma Sierra, Inc., Carson City.
New Hampshire	Ben's Auto Body, Inc., Portsmouth	Nashua Plastics Co., Inc., Nashua.
New Jersey	Stokes Laundry Co., Wildwood Crest	Monmouth Silversmiths Corp., Shrewsburg.
New Mexico	Tempo Department Store, Inc., Hobbs	K. L. Towle Construction Co., Hobbs.
New York	Bulova Watch Co., of Queens	None.
North Carolina	1. National Weather Records Center, Asheville 2. William Fetner, Inc., Rockingham.	Carolina Mills, Maiden.
North Dakota	None	None.
Ohio	Senco Products, Inc., Cincinnati	Hydraulic Press Division, Koehring Co., Mount Gilead.
Oklahoma	Phillips Petroleum Co., Bartlesville	Serv-Air, Inc., Vance Air Force Base, Enid.
Oregon	Oregon Technical Products Co., Grants Pass	Eugene F. Burrill Lumber Co., White City.
Pennsylvania	Eljer Plumbingware Division, Wallace-Murray Corp., Scranton.	Bachman Bros., Philadelphia.
Rhode Island	None	Rhode Island Hospital, Providence.
South Carolina	do	None.
South Dakota	Yankton Daily Press & Dakotan, Yankton	K. O. Lee Co., Aberdeen.
Tennessee	Magnavox Co., Morristown	Trane Co., Clarksville.
Texas	1. Red River Army Depot, Texarkana 2. Texas Plastics, Inc., Elsa	1. Sakowitz, Inc., Houston. 2. William J. Burns International Detective Agency, Inc., El Paso.
Utah	Richfield Reaper, Richfield	Won Door Corp., Salt Lake City.
Vermont	Campbell Construction, Inc., Williston	None.
Virginia	H. B. Wilkins Co., Portsmouth	Titmus Optical Co., Petersburg.
Washington	None	None.
West Virginia	Continental Can Co., Inc., closure plant 58, Wheeling.	Do.
Wisconsin	Crown Food Service, Wisconsin State University, Oshkosh.	Do.
Wyoming	Unique Notions, Inc., Cheyenne	Do.

Mr. President, I join with my colleagues in saluting the American Legion for its 50 years of service to our Nation. It has been a privilege to cooperate with the West Virginia State commander, Charles Kuhns, and Legionnaires in our State and the Nation with meaningful programs for our veterans.

The VICE PRESIDENT. The question is on agreeing to the resolution.

The resolution (S. Res. 163) was agreed to.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate return to executive session.

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

Several Senators addressed the Chair.

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. COOPER. Mr. President, I have always thought it is not the best procedure to explain one's vote after the vote but I have no alternative, as the motion to lay on the table is not debatable. In the vote just concluded, I voted not to table.

I voted, of course, in the committee to report the treaty. I support the treaty. I spoke just a few minutes ago against the reservation offered by the Senator from North Carolina and would have voted against it on an "aye" or "no" vote.

But it is my view, in connection with this treaty, unless a reservation or understanding, which is offered, is frivolous, or would go beyond the purpose of the treaty that it should be voted up or down on the merits.

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

Mr. JACKSON. I have the floor.

Mr. PASTORE. For just 30 seconds.

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

Mr. PASTORE. Mr. President, I did not make the motion to table to cut off debate, because we were on limited time, and were to vote at 2:30, at any rate.

But the fact remained that if one voted for that reservation, it could be misunderstood, or if one voted against it, it could be misunderstood, and the only way to resolve the problem was to lay it on the table. That was the reason for my motion. Had we voted on the reservation itself, it would have opened up a can of worms, would have done no one any good, and could have spoiled final action on this treaty.

That is the reason why I made the motion to table.

Several Senators addressed the Chair.

The VICE PRESIDENT. The Senator from Connecticut.

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

Mr. DODD. I yield.

Mr. FULBRIGHT. I want to ask a question about procedure. We have one or two other reservations or understandings that may be considered. I wonder if Senators would indicate when they will be willing to take up these matters, and vote.

We have had a vote now on a reservation. Many Senators have asked me: "When do you think we will get a vote on the treaty?" I could give them no guidance at all.

I wonder if those Senators who contemplate offering reservations, understandings, or anything else, are willing to give some indication of their ideas about procedure merely for the information of the Senate. It does not particularly matter to me. I will be here. However, a number of Senators keep asking me and I thought I might get some indication as to when they could expect a vote on a reservation, an understanding, or on the treaty.

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

Mr. FULBRIGHT. I yield.

Mr. MURPHY. How much time does the distinguished chairman anticipate will be allowed with respect to statements?

Mr. FULBRIGHT. We are not operating under limited time. The Senator from Connecticut has the floor. The Senator has the rest of today and tomorrow for that matter. I am not trying to shut anyone off. I am trying to get an understanding, because Senators have asked me

when we could expect to vote. I would be willing to propose a unanimous-consent request if the Senator thinks that would be appropriate.

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

Mr. FULBRIGHT. I yield.

Mr. TOWER. Mr. President, I have a reservation to offer. I would not expect a vote on it today, but perhaps on tomorrow.

Mr. FULBRIGHT. Would the Senator be willing to have a vote tomorrow?

Mr. TOWER. I think so. I do not commit myself to that.

Mr. FULBRIGHT. I understand.

Mr. TOWER. I think we may vote on it tomorrow.

Mr. FULBRIGHT. That is very helpful. Is there anyone else who will offer one?

Mr. DODD. I have one understanding, and I would like to have a vote on it tomorrow.

Mr. MANSFIELD. Mr. President, I do not see the distinguished minority leader here.

Mr. PASTORE. Mr. President, we cannot hear a word.

The VICE PRESIDENT. The Senate will be in order.

Mr. MANSFIELD. Mr. President, I wonder if it would be agreeable with the acting minority leader, the ranking minority member of the committee, the chairman of the committee, the Senator from Connecticut (Mr. DODD), the Senator from Texas (Mr. TOWER), and others who may have reservations, understandings, and whatnot, to give serious consideration beginning tomorrow at the conclusion of the morning hour to a time limitation perhaps on the order of 2 hours on each reservation or understanding and 6 hours on the resolution of ratification.

Mr. TOWER. Mr. President, I would not like to commit myself to a time limitation at the moment. I would like to see which of my colleagues would like to speak on the matter.

Mr. MANSFIELD. That is all right.

The VICE PRESIDENT. The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, there was no passage in President Nixon's inaugural address to which the American people responded more warmly than they did to his solemn personal commitment to devote all of his energies to the quest for peace.

I know that I was moved by this commitment; and my reaction was shared by all of those with whom I have had occasion to discuss the inaugural address.

The American people are by nature a peace-loving people. Who among us has not thrilled to the visionary words of the Prophet Isaiah:

> And they shall beat their swords into plowshares and their spears into pruning hooks. Nation shall not lift up sword against nation, neither shall they wage war any more.

Although this Biblical vision of a peaceful world of the future has eluded the grasp of mankind, century after century, it still remains one of the supreme goals of every nation that has been nurtured in the Judeo-Christian tradition.

But mankind cannot much longer defer the practical realization of Isaiah's vision. The weapons of mass destruction, already awesome, become more awesome with every passing year and each new technological innovation.

The Soviet Union and the United States, so we are told, have the means to virtually annihilate their respective populations several times over.

The quest for peace and the search for realistic measures of disarmament have therefore become more imperative in our own lifetime than they were in any previous period of history.

Somehow, we must find the means to slow down and ultimately reverse the arms race.

But we cannot disarm unilaterally, because to do so would be to invite the victory of totalitarian communism. The disarmament measures we seek, therefore, must be realistic and multilateral.

Where such measures are self-monitoring, like the partial Test Ban Treaty, we can enter into them without fear or reservation. But where they are not self-monitoring, then mutual inspection affords the only way in which the free world and the Communist world can assure themselves that agreements are being honored.

This is our dilemma. Because, while the free world has frequently shown itself willing to open its facilities wide to international control and inspection, the Communist world has thus far resisted every such proposal.

Nevertheless, we must persist in our quest for peace despite the obstacles, seeking agreements wherever agreements are possible, and striving at all times to develop a genuine detente with the Communist world, and not the phony one-sided detente of the past decade.

We must never permit ourselves to become so narrow or so militant that we give up the search for international cooperation and disarmament because of repeated disappointments and frustrations, or even because our good faith has too often been rewarded by betrayal.

Somehow, our Nation must find the courage and the wisdom to persevere in our quest for disarmament, even when this quest sometimes seems hopeless and when our patience is tried by repeated provocations.

I share the desire of the majority of the Foreign Relations Committee to prevent or restrict the proliferation of nuclear weapons of mass destruction to nations that do not now have them. Indeed, it is difficult to conceive of any sensible man who does not share this desire.

We all share the hope that some effective means can be found to reverse the so-called vertical proliferation of nuclear weapons, that is, the growth of the stockpiles of such weapons at present in the hands of the five nations which have a nuclear military capability.

I have, over the years, supported every reasonable measure in the field of arms control and disarmament. And I still derive some satisfaction from the knowledge that, thanks to the cosponsorship of 33 other Senators, my resolution of May 1963, calling for the unilateral cessation of atmospheric and underwater tests, has been credited with helping to prepare the way for the partial test ban treaty.

If I have not given my signature to the majority report, therefore, it is not because of any opposition to the principle of nonproliferation or to the efforts of successive administrations to seek new areas of agreement on arms control wherever such agreements are possible.

I differ with the majority report on three major counts:

First, it fails to give adequate attention to the commitment against aggression contained in the preamble, thus, in effect, sweeping future as well as past Czechoslovakias under the rug.

Second, while ignoring the clearly spelled out commitment that signatories must abstain from the use of force or threat of force against other countries, the majority report appears to read into the treaty a "good faith" requirement to abstain from the development of an ABM system pending negotiations with the Soviet Union, a requirement which is not even alluded to in the text of the Treaty.

I do not, at this point, know how I shall vote on the ABM. It is possible to argue against it on the grounds that it will be ineffective, or that it will be too costly, or that the money could better be spent elsewhere. But I do not honestly see how anyone can invoke the Nonproliferation Treaty to argue against it.

The Nonproliferation Treaty, like the partial Test Ban Treaty before it, commits the signatories to pursue new arms limitations agreements with good faith and urgency. However, I cannot accept the argument that "good faith" requires that we abstain from building an ABM system, while the Soviet Union already has the first elements of such a system in place and is working on improving this system.

One need only recall that we engaged in an honor moratorium on testing during the negotiations for the Test Ban Treaty, in the futile hope that this display of "good faith" would induce the Soviets to reply in kind. The outcome of this honor moratorium was Khrushchev's massive unilateral resumption of testing.

If negotiating in good faith means negotiating in a manner designed to bring about an early and effective agreement, then certainly an argument can be made for the case that we would have been negotiating in better faith and we would have got an earlier agreement with the Soviets had we not involved ourselves in the folly of an uninspected moratorium on nuclear testing.

The same consideration may apply to the question of the ABM.

I differ with the majority report, thirdly, because it fails to give adequate consideration to some of the treaty's major weaknesses, and to the very real and very serious dangers inherent in the treaty.

THE QUESTION OF THE PREAMBLE

The majority report, while characterizing the invasion of Czechoslovakia as "a flagrant violation of international law by the Soviet Union," nevertheless takes the stand that this invasion by itself does not constitute sufficient reason for refusing or delaying ratification. What the report does not point out is that the

Soviet invasion was not only a "violation of international law," but that it was also a violation of an essential condition laid down in the preamble of the treaty.

The text of the final clause of the preamble, which is part of the text of the treaty, reads as follows:

> The States concluding this Treaty, . . . Recalling that, in accordance with the Charter of the United Nations, States must refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations,

Certainly, this preamble is not intended as window dressing. Nor is it intended as a "pious preambular platitude," as some of the Indian critics of the treaty have suggested.

The assurance that the nations signing the treaty thereby commit themselves to respect the political independence and territorial integrity of other countries and to refrain from the threat or use of force, was clearly imperative in soliciting the support and signature of the nonnuclear majority.

In a very direct sense, this assurance is the premise on which the entire treaty is based.

After all, how many of the nonnuclear-weapons nations would have been prepared to forego the right to develop nuclear weapons of their own if the treaty stipulated that the nuclear-weapons powers would remain free, at their discretion, to use force and the threat of force against the territorial integrity or political independence of other states?

The report also ignores the fact that since the invasion of Czechoslovakia there have been two additional violations of the commitment contained in the preamble, on the part of the Soviet Government.

It was a violation of this commitment when the Soviet Government, on the heels of the occupation of Czechoslovakia, threatened to intervene in Western Germany to deal with what it described as the threat of neo-Nazism.

And it was a further violation of this commitment, an even more serious violation because of its doctrinal nature, when the Soviet Government, through the so-called Brezhnev doctrine, proclaimed its right to intervene militarily in any socialist country.

When I have raised these points in discussion with my friends and colleagues, I have received two different replies.

First, I have been told that the preamble is not really part of the treaty and that a violation of the preamble cannot therefore be regarded in the same light as a violation of the articles of the treaty. From a commonsense standpoint, I do not see how it can be argued that when one puts one's signature to an entire document, this signature, nevertheless, does not have a binding effect as far as the preamble of the document is concerned. It is worthwhile noting that the Supreme Court has repeatedly ruled that the preamble is part of the American Constitution and that its intent must be taken into consideration in any interpretation of the Constitution.

Second, I have received the reply that, even though the Soviet Union signed the treaty last July, the actions to which I referred could not be considered violations in the legal sense for the simple reason that the treaty has not yet gone into force.

I consider this a pretty flimsy technical alibi. Perhaps I am old-fashioned, but as I see the matter, honorable governments, once they have given their signature to a treaty, do not then proceed to violate it left and right until the instant it goes into force.

However, I hope that a majority of my colleagues, especially in the light of recent experience, will see fit to support the following amendment which I intend to offer as an understanding to the resolution of ratification.

Be it resolved that the resolution of ratification be amended, viz: Before the period at the end of the resolution of ratification, insert a comma and the following: "with the understanding that, after the U.S. Senate has voted to ratify the treaty, any military attack directed against the independence of another country by a nuclear-weapons state party to the treaty, would be regarded as a violation of the spirit of the treaty and as a threat to the security of other signatories justifying their withdrawal under the 90-day clause; and with the further understanding that, after the treaty has the ratifications necessary to enter into force, any military attack directed against the independence of another country by a nuclear-weapons state party to this treaty, will automatically be regarded as an abrogation of the treaty, rendering the treaty null and void."

In submitting this understanding, I cannot conceive of anyone defending the proposition that, even after the treaty has legally entered into force, the Soviet Union should remain free to violate the conditions of the preamble, as often as it desires, with complete impunity.

If the understanding I have offered carries, then I shall vote for the treaty, despite serious reservations about its other clauses, because I believe that the preamble to the treaty, if seriously meant and seriously enforced, would help to make the peace of the world more secure.

I also intend to offer a second amendment, in the form of an understanding, urging that, instead of depositing the instrument of ratification immediately, the administration should seek to arrange for the simultaneous deposit of their instruments of ratification by the United States and the Soviet Union.

I believe that the junior Senator from Rhode Island has raised the question of simultaneous ratification. It seems to me that it is a very good point, a solid one, and one we should earnestly consider.

I feel that this amendment is called for by the fact that the treaty establishes no deadline for ratification. Thus, if we were to complete the process of ratification in the coming week while the Soviet Union held off on ratification for another year or two, we might find ourselves, so to speak, over the diplomatic barrel.

Other efforts will, I am told, be made to improve the quality of the treaty by attaching understandings or reservations or amendments to the resolution of ratification. Some of these, hopefully, will carry. If they do, it would help to ease the dilemma that confronts me. For it is not a pleasant position to be in: to believe in the principle to which a treaty is directed, and yet to have serious misgivings about the effectiveness of the treaty and about its ability to achieve its stated purpose.

Whether I vote for the treaty or wind up voting against it or abstaining, I consider it my duty to underscore its essential weaknesses, for the information of my colleagues and the public and for the sake of the historical record.

In considering the merits and weaknesses of the treaty, it might be helpful to do so by posing the following series of questions:

First. Does the treaty in any way serve to reduce the danger of thermonuclear war?

Second. Will it be effective in preventing the proliferation of nuclear weapons to the nonnuclear nations?

Third. Will it strengthen or weaken NATO?

Fourth. Will it strengthen peace in the Far East?

Fifth. Will it reduce the nuclear danger in the Middle East?

Sixth. Will it increase our commitments?

Seventh. Will it, in terms of its overall impact, better serve the interests of the free world or the interests of Moscow and Peking?

Let me attempt to answer these questions in the order in which I have raised them.

DOES THE TREATY IN ANY WAY SERVE TO REDUCE THE DANGER OF THERMONUCLEAR WAR?

Despite the widespread popular impression that the treaty involves some kind of nuclear disarmament on the part of the nuclear powers, this simply is not so.

I wish it were so. The fact is that people have been misled by the careless manner in which this treaty has been discussed and by the tendency on the part of some—I am not speaking of any Member of this Chamber—to hold it up as a panacea for all the world's ills.

The treaty imposes no restrictions of any kind on Red China or France, because they have made it abundantly clear that they do not intend to sign it.

Nor does it impose any restrictions of any kind on the Soviet Union, the United States, and the United Kingdom, the three nuclear powers who have signed the treaty. They could, under the terms of the treaty, increase their stockpiles of nuclear weapons tenfold, equip them all with multiple warheads, and push their nuclear weapons technology at a hundred different points.

The great danger of thermonuclear war over the coming decade lies not in the fact that several nonnuclear-weapon nations might, if they started this year or next year, build a few nuclear weapons of their own. The danger lies, rather, in the existence of massive arsenals of nuclear weapons in the hands of the two superpowers, and in the supplementary fact that the Red Chinese Government,

with all its belligerency and unpredictability, is already well along the road to stockpiling thermonuclear weapons of its own.

Neither one of these dangers will be affected one iota by the terms of the treaty we are today being called upon to ratify.

A decade from now, the Nonproliferation Treaty, if it is effective, might conceivably reduce the danger of a larger war beginning with a nuclear exchange between small nations. But the next question we have to answer is:

WILL THE TREATY BE EFFECTIVE IN PREVENTING THE PROLIFERATION OF NUCLEAR WEAPONS?

On this point, I find the testimony that has been given to date far from reassuring. Indeed, it is highly possible that this treaty may encourage the proliferation of nuclear weapons to have-not nations, rather than discourage it. I say this for the following reasons:

First. Under this treaty, the nuclear powers commit themselves to assist signatories to the treaty in developing peaceful nuclear facilities of their own.

Second. There is no clear-cut demarcation between peaceful nuclear materials and military nuclear materials nor between peaceful nuclear technology and military technology. One leads inevitably into the other.

Third. As Atomic Energy Commissioner Seaborg stated in 1966:

> It is perfectly feasible to build a clandestine chemical-processing plant using readily available technology and equipment.

Fourth. The inspection provisions of the treaty are ambiguous and grossly inadequate. I shall deal with this matter in detail in my further remarks.

Fifth. The treaty makes no restriction of any kind on the delivery by nuclear-weapons states to non-nuclear-weapons states of missiles and other delivery systems.

Sixth. Although many scientists are convinced it will be possible to produce pure fusion, or hydrogen weapons without the use of fissionable material, the language of the treaty does not concern itself with this prospect. Instead, the language has only to do with "fissionable materials," and the equipment used in processing such materials.

Seventh. Any signatory can withdraw from the treaty on 90 days' notice.

Given this combination of circumstances, there is ample reason to fear that certain small nations, having used the treaty to acquire a nuclear capability for themselves, may then proceed to develop clandestine facilities to produce nuclear weapons, and then, at the appropriate moment, may contrive some excuse to invoke the 90-day withdrawal clause.

All of this would be enough to worry about, even if all of the non-nuclear-weapon nations were to adhere to the treaty. But the fact is that we still do not know for certain whether West Germany will adhere to the treaty or whether Israel will adhere to the treaty; while the majority of the nations on Red China's periphery—Japan, India, Singapore, Indonesia, Pakistan, Thailand, Australia, and even Burma and Cambodia—have thus far made it clear that they have no intention of adhering to the treaty, or else have abstained from signing it.

THE NONPROLIFERATION TREATY AND THE FAR EAST

In the case of the Far Eastern nations who have thus far abstained from signing, I must in all frankness say I cannot blame them for feeling threatened by Red China's belligerence and by her growing nuclear arsenal.

Nor can I blame them for feeling that they cannot entrust their future existence to the flimsy and ambivalent assurance contained in the United Nations resolution of June 1968, which spoke grandiloquently of the U.N. Security Council countering a nuclear attack, or the threat of such attack, "by measures to be taken in accordance with the United Nations Charter." Their conviction that this resolution is meaningless has been borne out by the recent assurance of the Secretary of State to the Foreign Relations Committee that "as a matter of law and as a matter of policy" the United States had incurred no additional defense obligations under the terms of the United Nations so-called security guarantee resolution.

Nor can I blame the Far Eastern nations for being less than certain that the United States and the Soviet Union would spring immediately to their defense if they were the subject of nuclear attack, or threatened nuclear attack, by Red China.

The surest way to deal with the threat of Red China, in the opinion of these nations, is for them to develop at least modest nuclear capabilities of their own, so that they would be in a position to retaliate if they were attacked.

Nonproliferation Treaty or no Nonproliferation Treaty, the imperative logic of the situation points to the development of national nuclear capabilities by the major free nations on China's periphery.

I am disturbed by the prospect of the proliferation of nuclear weapons anywhere. But it is difficult to find a satisfactory answer to Asian statesmen when they argue that it would be better for the Asian nations to have a nuclear deterrent of their own than to leave the countries of the Far East defenseless before Red Chinese nuclear blackmail, or than to assume for ourselves the entire responsibility for imposing nuclear restraints not only on the Soviet Union but also on Red China.

Already, the treaty has placed a strain on our relations with Japan and India and the other holdout nations, and, to this extent, has diminished our ability to influence the course of events in the Far East.

THE NONPROLIFERATION TREATY, NATO AND THE PEACE OF EUROPE

We have been told that the Nonproliferation Treaty represents a great victory for American diplomacy and that its ratification will dramatically strengthen the peace of Europe.

I only wish that this assessment were true.

Actually, as the treaty is now written, it represents a major victory for Soviet diplomacy; it places further serious strains on the NATO alliance; it further separates Western Europe from America; and to the extent that it does these things, it imperils the peace of Europe rather than making it more secure.

Although we have been repeatedly assured that our allies were consulted at every step, the fact is that our allies were informed rather than consulted. Our cavalier disregard for their opinions during the negotiation of this treaty by itself did the most serious damage to the structure of mutual confidence on which the Atlantic Alliance is ultimately based.

The story has gained wide credibility that the Soviet Union, in negotiating the Nonproliferation Treaty, was interested primarily in preventing West Germany from gaining access to nuclear weapons. But, as Professor Robert Strauz-Hupe pointed out in testimony before the Foreign Relations Committee, the Bonn government, under the agreement with the Western European Union—WEU—which ratified its access to NATO, renounced the possession of nuclear, biological and chemical weapons.

Not only has the German Government itself displayed no desire to acquire such weapons, but such a desire, if it did exist, would be strongly opposed by Germany's Western allies. The Western allies, moreover, would have the power to enforce their opposition because the agreement between the WEU and the Bonn government calls for a remarkably tight system of onsite inspection.

The prime objective of the Kremlin in negotiating this treaty was to undermine NATO. This, indeed, has in recent years been the announced objective of the Soviet Government in all of its diplomacy vis-a-vis the Western world. Soviet Party Leader Leonid Brezhnev made this abundantly clear in his statement before the Conference of European Communist Parties in Czechoslovakia in April, 1967. Let me quote what he said on that occasion:

> In weighing the opportunities opened up by developments in Europe, we cannot bypass the fact that within two years the governments of the NATO countries are to decide whether or not the North Atlantic Treaty is to be extended. In our opinion it is very right that Communists and all progressive forces are endeavoring to make use of this circumstance in order to develop on an ever-wider scale the struggle against preserving this aggressive bloc.

A second objective of the Kremlin in negotiating this treaty was to place a prohibition on the often discussed possibility of a NATO or European nuclear deterrent force.

Even our best friends in Europe feel uneasy over the present state of affairs, under which the entire decision on whether or not to employ nuclear weapons of any kind in the defense of Europe remains an exclusive American responsibility. These fears, growing from year to year, have seriously eroded the morale of the alliance.

It is true that our present laws prevent us from turning over the control or custody of nuclear weapons to any nation other than Great Britain. But before the Nonproliferation Treaty was negotiated, there was always the possibility that we might exercise our option

to assist in the formation of a European or NATO nuclear deterrent force.

It is to be noted that the creation of a European or NATO nuclear deterrent force would not require any increase in the present number of nuclear powers.

It would not involve giving nuclear weapons to Germany or Belgium or any nation that does not now possess them.

What it would involve, essentially, would be giving a NATO authority or a European authority the power to decide at what point nuclear weapons should be employed in the defense of Europe, instead of keeping this power of decision an American monopoly.

Until we surrendered on this point to the Kremlin in the negotiations for the Nonproliferation Treaty, we had always sought to keep this option open, and even to encourage it.

As early as September 1960, President Kennedy called for a "new approach to the organization of NATO." He suggested, among other things, that our allies "may wish to create a NATO deterrent, supplementary to our own, under a NATO nuclear treaty."

Two years later, speaking in Copenhagen, Mr. McGeorge Bundy said:

> If it should turn out that a genuinely multilateral European deterrent, integrated with ours in NATO, is what is needed and wanted, it will not be a veto from the Administration in the United States which stands in the way. . . .

And in August of 1965, speaking before the 18-Nation Disarmament Conference in Geneva, Ambassador William C. Foster said that if "the nations of Europe wish to achieve some kind of political unity which includes some central political authority capable of deciding in behalf of all members on the use of nuclear weapons, we feel that reconsideration of the provisions of the charter for the Atlantic force would be appropriate."

In the early drafts of the treaty, as I have pointed out, we sought to keep the European or NATO option open. When the Kremlin remained adamant, however, we gave ground on this cardinal point without consulting our allies. When we did so, the Soviet Union gained a major foreign policy objective.

The treaty, as it is now worded, reads:

> Each nuclear-weapon State party to this Treaty undertakes not to transfer to any recipient whatsoever nuclear weapons or other nuclear explosive devices or control over such weapons or explosive devices directly or indirectly . . . .

This language would appear to be ironclad.

The State Department has offered the interpretation that the treaty does not completely prohibit the development of a European nuclear force. According to this interpretation, the treaty would permit the establishment of a European nuclear force if the European nations succeed in achieving a federation involving single control over defense and foreign policy. At this point, so the argument goes, the European federation would become the legal inheritor of the British and French stockpiles and weapons facilities.

Apart from the fact that this interpretation relegates the possibility of a European nuclear force to a distant and at the best uncertain future, the Soviets have given no indication that they are prepared to accept the validity of this interpretation.

Let no one underestimate the significance of this concession or the damage it has done and will continue to do to the Western alliance.

THE LOOMING CONFLICT WITH EURATOM

Further damage is bound to result to the Western alliance and to our ties with our European allies from the conflict over Euratom which the Nonproliferation Treaty makes virtually inevitable.

Some of the facts about Euratom and the International Atomic Energy Agency —IAEA—are set forth in the record of the hearings before the Foreign Relations Committee. However, I want to recapitulate what I consider to be the essential facts, because I am convinced from many conversations that even well-informed members of the public know nothing or next to nothing about Euratom or the IAEA.

The membership of Euratom, which parallels that of the Common Market, includes Germany, France, Italy, the Netherlands, Belgium, and Luxembourg.

Having committed themselves to a common program for the development of the atom for peaceful purposes, the Euratom nations have forged ahead on many fronts and at an amazing rate.

Euratom now has four major research centers, and scores of other peaceful facilities under its overall control. For its second 5-year plan, which began in 1967, it budgeted $550,000,000, and this amount, according to reports, will be substantially increased for the coming period. Its staff now includes some 2,800 integrated European civil servants. Both qualitatively and quantitatively, its efforts in certain key areas of peaceful atomic research are on a par with our own efforts.

Under all the stresses that have characterized intra-European relations in recent years, Euratom has held up remarkably well. Even France, despite the fact that it has become a nuclear weapons power since joining Euratom, continues to submit all of its peaceful facilities to Euratom regulations and safeguard inspections, and continues to accept the arrangement under which Euratom retains legal title to all of the nuclear materials used in the various national facilities of its member states.

The International Atomic Energy Agency was set up subsequent to President Eisenhower's "Atoms for Peace" speech in 1953. At the present time it has 98 member nations, and a governing body of 25 nations. The board of governors consists of the five major nuclear nations and of 20 other nations elected at the annual conference.

IAEA has developed very slowly, and this is particularly true of its safeguards and inspection program. As Mr. William Bader points out in his book on "The United States and the Spread of Nuclear Weapons," as late as 1967 IAEA "had a team of only 13 inspectors, inspecting facilities which produced only 6 percent of the world's plutonium output."

I might say that the book by Mr. Bader is a remarkably scholarly and objective piece of work. I have read it with great interest and I would recommend it to all those who are concerned over the spread of nuclear weapons.

During the recent hearings, the points were made that there is no veto in the IAEA governing board, while individual member nations do have the right to veto specific inspectors who may be assigned to them by IAEA. I cannot help wondering whether these answers do not seek to avoid the very real political problem that would arise if our own country or any other non-Communist member of IAEA were to refuse to accept not merely a Soviet inspector but all inspectors of Bulgarian, Czechoslovak, Polish, or other Communist nationality.

The Euratom nations are convinced that their own inspection procedures are adequate for the purposes of the Nonproliferation Treaty, and they are understandably reluctant to surrender the integrity of this effective regional system, by submitting their facilities to IAEA inspection under the Nonproliferation Treaty system. Indeed, this would be a violation of their obligations under the Euratom Treaty.

It has been stated repeatedly by American spokesmen, and this was recently repeated before the Foreign Relations Committee by Atomic Energy Chairman Seaborg, that we regard Euratom safeguards as satisfactory and that we anticipate the negotiation of an agreement between Euratom and IAEA, governing inspection under the Nonproliferation Treaty.

In his testimony of last July 12, Dr. Seaborg said:

> I believe the IAEA and Euratom will succeed in developing a mutually satisfactory safeguards arrangement. I base this confidence on my belief first, that the IAEA and Euratom safeguards systems are generally compatible, and second, that the IAEA will wish to take advantage of the Euratom procedures wherever it can in developing the arrangements, bearing in mind that the Euratom system has worked effectively for many years.

Moreover, the Euratom nations believe that if they are subordinated to IAEA, it is politically inevitable that some of the inspectors, if they are given access to Euratom facilities, will have a supplementary function to perform.

I want to note at this point that, under the IAEA system, its inspectors have the right and responsibility, I quote, "to examine the design of specialized equipment and facilities, including nuclear reactors, and to approve it only from the viewpoint of assuring that it will not further any military purpose . . ."

I also want to note at this point that the Soviet Union has already expressed misgivings about the fast breeder reactor program which Euratom has been developing with its members and the United States, apparently on the grounds that this might have military implications.

The four Euratom nations who have signed the treaty—Italy, Belgium, Netherlands, Luxembourg—have all attached the reservation that their ratification

will be contingent upon the possibility of negotiating a satisfactory agreement on inspection between Euratom and the International Atomic Energy Agency.

West Germany, if she joins the Treaty, will almost certainly attach the same reservation as her Euratom partners.

France, of course, will not join the treaty, and will not submit to any IAEA inspection procedures supplementary to Euratom's own safeguards.

There is a good deal of reason for fearing that no arrangement will be possible that satisfies both Euratom and the IAEA. Thus, 1 or 2 years hence, we may discover that, after all the agonizing and all the pressuring and all the debate, our Euratom allies will choose to invoke their reservation and opt out of the Nonproliferation Treaty rather than surrender certain of their key prerogatives to the IAEA.

Despite the optimism which Dr. Seaborg and others have expressed over the possibility of working out an agreement between IAEA and Euratom, there is absolutely no assurance from the Soviet side that it would be willing to accept an arrangement under which Euratom continues to inspect its own facilities and simply reports to IAEA under a verification arrangement.

On the contrary, the chances are that the Soviets will insist that IAEA should have the physical responsibility for inspecting Euratom facilities.

If such an impasse does develop, we would then be confronted with a major dilemma.

If we did nothing, then the Nonproliferation Treaty would probably fall apart.

And if we attempted to bludgeon our Euratom allies by withholding nuclear material under the requirements of the treaty, the consequences for the future of both Euratom and NATO would be grave and unpredictable.

THE TREATY AND THE PEACE OF THE MIDDLE EAST

In the Middle East, the treaty, if it were applied at an early date and if it were vigorously enforced, might very well help to defuse, or partially defuse, the possibility that the Arab-Israeli conflict will escalate to the use of nuclear weapons.

But even here, where it could do the most good, the treaty appears to be hopelessly inadequate. First, it will take more than 2 years before the inspection system envisioned by the treaty becomes fully effective. And second, even when it becomes effective, the inspection procedures, at the best, will be anything but foolproof.

The treaty does not spell out the terms of inspection; these are to be negotiated bilaterally at a much later date between the signatory nations and the International Atomic Energy Agency.

As I pointed out in an earlier statement, we are, in effect, being asked to ratify half a treaty, a very important portion of which still remains to be written.

The treaty language appears to suggest that the rules of inspection under these bilateral agreements will have to parallel the IAEA safeguards system. But if this is so, why does the Treaty not say simply that non-nuclear-weapons nations, in subscribing to the Treaty, automatically place themselves under the IAEA and accept its inspection system? Why the need for separate agreements? Why permit a delay of six months after the effective date of a treaty before the signatory nations even enter into negotiations on inspection agreements, and a delay of an additional eighteen months before such agreements are concluded?

The IAEA rules, as they are now written, provide for inspection only of declared nuclear facilities; and the IAEA inspectors do not have the right to carry out an inspection anywhere else, even if they have reasons to suspect clandestine activity.

Even if the IAEA procedures were more satisfactory, the Agency for a long time to come, as Congressman HOSMER has pointed out, simply will not have the means or the trained inspectors essential to supervise peaceful nuclear weapons programs in scores of non-nuclear-weapons nations.

THE SPECIAL CASE OF CUBA

I have spoken about three violations of the intent of the Nonproliferation Treaty on the part of the Soviet Union. I now wish to call the attention of my colleagues to a fourth violation of the intent of this treaty and one, which, in my opinion, poses a very grave danger to the security of the United States.

In November of last year the Soviet Union completed work on a nuclear reactor in Cuba; and on January 8 of this year a nuclear agreement was signed between Havana and Moscow under which Moscow undertook to help Cuba expand its nuclear program.

The occasion was marked by a major broadcast made over Havana radio on January 9 by Dr. Antonio Nunez-Jiminez, president of the National Commission of the Cuban Academy of Sciences. Although this speech was monitored in full in our country, I recall seeing no reference to it in our press.

At one point in his speech, Dr. Jiminez said that Cuba could now branch out into atomic research, and, I quote, "for this development, the Soviet Union is supplying not only the scientific material but also the research."

He also said that "the Soviet Union helped us by training, in the best Soviet centers, the first Cuban engineers and nuclear physicists who will join this institute within the next few months."

Finally, he revealed that there are 231 top Russian scientists now serving in Cuba with 222 more due to arrive.

When I raised this matter with Chairman Seaborg in the course of the recent hearings, he replied that the nuclear reactor which the Soviet Union had installed in Cuba was essentially a research facility. If I understood him correctly, the limited size of the facility made it improbable that Cuba could use it to build nuclear warheads within the next 10 years.

It was unclear from his answer whether he was talking about one warhead or many warheads. However, on rereading the record, it appears to me that Chairman Seaborg may have misunderstood my question.

It is not just a matter of the experimental nuclear reactor which the Soviet Union has already installed in Cuba. It is evident from the announced terms of the Moscow-Havana agreement that this is just the beginning of a Cuban nuclear program which is to be greatly expanded over the coming years. So, a few years from now we may find that Cuba has several nuclear powerplants of substantial size, and other nuclear facilities, declared and undeclared.

This would give Cuba the capability, especially if there were no inspection of these facilities, to build up a significant nuclear arsenal.

Because I wanted some expert opinions on certain implications of the Nonproliferation Treaty, I addressed a series of questions to Dr. Edward Teller. Among other things, I asked him whether the Cuban situation poses a danger to the security of the United States. This is what he replied:

> There is nothing to prevent Cuba from developing a nuclear capability in the next few years if they are helped to do so by the Russians. Such a development would certainly prove a serious danger to our security. In considering the question whether or not such a development will occur, one may remember that in the case of China, Russia first provided help then withdrew the help. The Chinese, nevertheless, proceeded to perfect nuclear weapons, although this development was somewhat delayed. On a purely technical basis it is, of course, impossible to predict what decisions Moscow will make and whether or not effective help for the development of a nuclear capability will be given.

Mr. President, because I know my colleagues will be interested in Dr. Teller's views, I ask unanimous consent to insert at the conclusion of my remarks the complete text of the questions I addressed to Dr. Teller and of his replies to them.

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

(See exhibit 1.)

Mr. DODD. Mr. President, there are several additional reasons for believing that the rapidly expanding nuclear program which Castro is carrying out with Soviet assistance poses a very serious threat to our security.

First of all, it is impossible not to be concerned over the testimony of Secretary of State Rogers that there is nothing in the treaty that would prevent the Soviet Union from giving rockets to other nations, so long as these rockets were not equipped with nuclear warheads. Under the treaty, therefore, the Soviet Union can supply missiles to Cuba, while Cuba, with her own nuclear facilities, could build warheads to mate to them.

Finally, it is impossible not to be concerned over an expanding nuclear capability in Cuba when one recalls the facts of the Cuban missile crisis of October 1962.

Over this past weekend, by accident, I happened to read "Thirteen Days," a book written by our late revered colleague, Senator Robert Kennedy, in which he recounts the story of what went on in the White House during those fateful October days. Among other things, he relates how Soviet Foreign Minister Gromyko at the United Nations and Soviet Ambassador Dobrynin in

Washington repeatedly and categorically denied that the Soviet Union had emplaced offensive missiles in Cuba or that it had any intention of doing so.

The monstrous deception practiced by Gromyko and Dobrynin on that occasion is of more than passing interest in connection with the present Cuban situation, because Gromyko is still the Foreign Minister of the Soviet Union and Dobrynin is still the Soviet Ambassador to Washington.

Given the history of the recent past, I believe we would have plenty to worry about in Cuba, even if Cuba were to accept IAEA inspection. There is no reason for believing, however, that Cuba will accept even this fragmentary safeguard. If this turns out to be the case, then, at the point where the Nonproliferation Treaty goes into force, the Moscow-Havana agreement on nuclear assistance would automatically constitute a legal violation of the treaty.

Article III, paragraph 2 of the treaty stipulates that the signatory states will not provide equipment or materials for peaceful purposes to any non-nuclear-weapons state, "unless the source or special fissionable material shall be subject to the safeguards required by this article."

The preceding paragraph—paragraph 1, article III—stipulates that non-nuclear-weapons states receiving peaceful nuclear assistance must enter into agreements with IAEA, based on the agency's standard safeguards system, for the purpose of preventing the diversion of nuclear materials for peaceful uses to nuclear weapons.

While this clause does not necessarily involve adherence to the treaty, it would, as I see the matter, require adherence to a separate agreement with the IAEA, which would more or less parallel the requirements imposed on those non-nuclear-weapons states who do sign the treaty.

However, the Castro government has not merely refused to sign the Nuclear Test Ban Treaty and the treaty prohibiting nuclear arms in Latin America, but it has openly declared that, I quote, "Cuba will never renounce her inalienable rights to defend herself with weapons of any kind" despite any international agreement that may be reached. The words I have quoted come from a statement made at the United Nations last May by Cuban Foreign Minister Dr. Raul Roa.

If the Nonproliferation Treaty is to have any serious meaning for the security of the United States, then it is imperative that the Soviet Union, within the framework of the treaty or outside it, cooperate with the United States in preventing the most lunatic government in the Western Hemisphere from developing a military nuclear capability of its own.

And if the Soviet Government is not prepared to cooperate with us in placing nuclear restraints on the Castro government, then, despite all the good intentions of the men who negotiated it on our side, the Nonproliferation Treaty may turn out to be a dangerous fraud on the American people.

I believe that this is a matter on which Congress should seek clarification before it casts its final vote on the treaty.

CONCLUSION

The Communists are without question the hardest, most calculating, most ruthless practitioners of the art of diplomacy in history. And yet, despite the sorry record of our experience with them, we persist in offering them major unilateral concessions every time we meet them at the conference table. The Nonproliferation Treaty is only the latest case in point.

I hope that we will never again negotiate in this one-sided manner.

There can be no question but that the Soviet Government desperately wanted the Nonproliferation Treaty in its present form. In such a situation, if we were going to make vital concessions to the Kremlin, we should at least have used these concessions for negotiating purposes to extract concessions from the Soviets on other points.

If the Soviet Government, for example, had agreed to use its very great influence over the North Vietnamese Government to bring about a settlement of the Vietnam conflict, such a concession on their part might have been worth the concessions we made to them at the expense of NATO. Indeed, such a quid pro quo would have been understood even by our NATO allies.

It is conceivable that the Nixon administration has, in return for the Nonproliferation Treaty, received some assurance of significant reciprocal actions on the part of the Soviets, about which it is not in a position to make any public statement. I earnestly hope that this is so, because the existence of such an understanding would make the treaty more palatable to many of us. But in the absence of any firm knowledge of such an arrangement, all that any Senator can do is to assess the treaty on the basis of its merits as he sees them.

It is my hope that, when this debate is over, I shall be able to cast my vote in support of the Nonproliferation Treaty, despite the reservations I have expressed.

It is my hope that the faith of our negotiators and of the Senate Foreign Relations Committee who have given so much time and effort to the treaty, will be vindicated by the course of events, and that this treaty will lead to further and more significant measures in the field of arms control and disarmament.

It is my hope, too, that the Soviet Government and the other Communist governments of Europe, under the influence of the liberalizing ferment of recent years, will gradually evolve in the direction of more open societies, with whom broader and more meaningful agreements will be possible.

Whatever differences may have been expressed in the course of this historic debate, the debate has had the advantage of demonstrating to the world that the U.S. Government and the U.S. Senate are willing to go the extra mile and more in the interest of peace, and that we are willing to accept even important risks in order to move one step further along the road of arms control.

Herein lies one of the great redeeming virtues of the treaty now before us.

EXECUTIVE UNDERSTANDINGS NOS. 2 AND 3

Mr. President, I submit two understandings to the resolution of ratification and ask that they be printed and lie on the table.

The PRESIDING OFFICER. The understandings will be received and printed, and will lie on the table.

Mr. DODD. I believe these understandings, as I have entitled them, are important. I think I understand—I have certainly tried to understand—the thinking of others on this subject. I think it is principally to the effect that, "Well, at least it is a beginning. Of course, it is not everything we would like it to be. But let us at least get started."

This is a very appealing argument. I am not unmindful of it. In fact, I am inclined that way myself.

But I think about the Soviet reactor in Cuba. And then I think about the Soviet conduct in Czechoslovakia, followed by the threat against West Germany, and the threat contained in Brezhnev's statement about the right to intervene in any so-called socialist country. And I say to myself, "For Heaven's sake, what does all this mean?" They have agreed to sign this treaty, and already, according to the preamble, they have violated it several times over.

That worries me.

I would like to see the treaty ratified, but I would also like to see it strengthened. I would like to see us more secure with respect to the hazards that exist, as I see them.

I think this can be done. I hope, therefore, that the understandings I have offered will be acceptable to the Senate.

EXHIBIT 1

QUESTIONS

From: Senator THOMAS J. DODD.
To: Dr. Edward Teller.
Re: Nonproliferation Treaty.

1. Question: How difficult would it be for nuclear have-not nations, once they are provided with nuclear facilities under the terms of the Nonproliferation Treaty, to use these facilities to give themselves a nuclear military capability?

Answer: The bottleneck in producing fission bombs is the availability of an appropriate quantity of U235 or Pu239. Powerful nuclear reactors having a thermal power of 1,000 megawatts or more, will produce ample amounts of Pu239. To erect appropriate chemical separation plants will raise considerable difficulties if they are not already available. This difficulty can most probably be overcome by a determined effort in two or four years. Furthermore, in the natural course of events chemical plants applicable to separation of plutonium will be established.

While it is generally believed that the secrecy erected around nuclear weapons technology will impede development in have-not nations, there is good evidence which shows that this is not the case. None of the present five nuclear nations had difficulty on this score and studies performed by uninformed individuals for the purpose of verifying the efficacy of secrecy have shown that essentially correct solutions on paper will be obtained by capable individuals in a rapid and reliable manner. Secrecy may provide somewhat greater protection in connection with the development of thermonuclear explosives.

1a. Question: Is the supplementary technology necessary to convert peaceful nuclear materials into weapons-grade plutonium,

simple and inexpensive enough to make this technology accessible to small countries?

Answer: This technology is neither simple nor inexpensive. On the other hand, a sharp distinction between reactor-grade plutonium and weapons-grade plutonium is not valid. This distinction has been mistakenly overemphasized, even during discussion of the Baruch plan. It is wishful thinking to believe that the composition of plutonium will be a sufficient guarantee against misuse of reactor products in making nuclear explosives.

1b. Question: Is it accurate that the so-called centrifuge process for the production of weapons grade plutonium can be accommodated in facilities compact enough to lend themselves to easy concealment?

Answer: According to the authoritative statement of Chairman Seaborg, the centrifuge process lends itself to the establishment of clandestine plants. However, even if the centrifuge is employed, production of so-called weapons-grade plutonium remains difficult and expensive. As pointed out in the previous answer, production of such material is not essential.

1c. Question: How effective would the IAEA inspection procedures be in preventing the diversion of materials for military purposes by governments bent on circumventing the Treaty?

Answer: An economically effective nuclear reactor must have at least a thermal power of 1,000 megawatts. Such a reactor would produce approximately 300 kg of plutonium per year and if 10% of this amount should be diverted, this will suffice to produce several nuclear explosives. By the best possible inspection procedures, diversion of material might be decreased to a couple of percent. Even in this case, the possibility of producing nuclear explosives in a short time is not eliminated. One should further remember that cheap nuclear power would make it desirable to establish a power equivalent to 100 such plants in countries like Japan and Germany in the next decade or two, and 25 such plants in countries like India or Spain. (These figures are based on the assumption that demands for nuclear electric power equivalent to the presently installed total electric power will arise in each country before the year 1980.)

It is therefore certain that even the best possible IAEA inspection will not eliminate the possibility of circumventing the Treaty in a secret manner. It is much more likely that a diversion of several percent of the plutonium will prove possible. If the Treaty is ratified, it may be essential to announce our intention to revise our stand at the end of the 18-month period, at which time we should know whether the inspection procedures are meaningful.

2. Question: Do you believe that this Treaty will really serve to prevent the proliferation of nuclear weapons? Or do you believe that the Treaty may wind up by encouraging the proliferation of nuclear weapons to nuclear have-not nations?

Answer: In view of the answers given to the previous questions, I believe that proliferation will be prevented only in case of countries which do not desire to circumvent the Treaty. Therefore, the question of whether or not the Treaty will be effective reduces to a problem of psychology, rather than technology. It should furthermore be remembered that in case of detected violation by one or two nations, other nations may feel justified in taking open possession of the whole plutonium stock which resides in their functioning reactors. In this case, rapid proliferation will ensue.

3. Question: Is it technically possible to distinguish between offensive and defensive nuclear weapons and, if so, would it be possible to build defensive weapons which could not then be employed for offensive purposes?

Answer: It is not possible to make a technical distinction between offensive and defensive nuclear weapons, *per se*. It is, however, equally obvious that one can distinguish between weapons systems deployed in an offensive and defensive manner. The anti-ballistic missile system is an example for the latter. It is not proven, but in my opinion likely, that one can develop appropriate electromechanical devices which, together with effective inspection procedures, will provide substantive assurance against the offensive use of any weapons systems which is defensively deployed and which is safeguarded in an appropriate manner. Such developments could be most significant in allowing peaceful nations to defend themselves, and would thereby decrease the incentive toward deployment of offensive systems.

In case the Treaty is ratified, it would seem highly desirable explicitly ~~to~~ encourage the deployment of defensive systems, and in case that appropriate safeguards become available, to exempt such defensive systems from restrictive provisions of the Treaty.

4. Question: Do you believe that this Treaty is in the overall military and political interest of the United States and the free world?

Answer: To limit proliferation would be in our interest. It is, however, not clear whether the Treaty accomplishes such limitation. By providing aid toward the development of big reactors, and by prohibiting defensive deployment of nuclear weapons, the Treaty may even help to create the means and the incentives for rapid proliferation of offensive weapons.

5. Question: In the latter part of 1968 it was announced that Moscow had installed a nuclear reactor in Cuba. On January 9 of this year Havana radio announced the conclusion of a Moscow-Havana nuclear pact. Under this Treaty, according to a broadcast statement by Dr. Antonio Nunez-Jiminez, President of the Cuban Academy of Sciences, the Soviet Union obligated itself to provide equipment and scientific material, as well as Soviet scientific personnel and training in nuclear technology for Cuban engineers and scientists. Mr. Jiminez said that there were 231 top Russian scientists now serving in Cuba, with 222 more due to arrive . . . In your opinion, does the prospect of the rapid expansion of Cuban nuclear capability which is almost certain to result from this Treaty, pose a serious danger to the security of the United States? And if there is a danger, is it a danger that relates to the next few years or is it several decades removed?

Answer: There is nothing to prevent Cuba from developing a nuclear capability in the next few years if they are helped to do so by the Russians. Such a development would certainly prove a serious danger to our security. In considering the question whether or not such a development will occur, one may remember that in the case of China, Russia first provided help then withdrew the help. The Chinese, nevertheless, proceeded to perfect nuclear weapons, although this development was somewhat delayed. On a purely technical basis it is, of course, impossible to predict what decisions Moscow will make and whether or not effective help for the development of a nuclear capability will be given.

Mr. HARRIS. Mr. President, the overriding objective of the Treaty on the Nonproliferation of Nuclear Weapons, as set forth in its preamble is to lessen the tensions which could lead to "devastations that would be visited upon mankind by nuclear war."

It is my opinion that the treaty attempts to accomplish this objective in a manner that is consistent with the best interests of the United States and the other nations of the world and therefore it should be ratified by the Senate.

The desirability and necessity of entering into the treaty is highlighted by the overwhelming bipartisan support it enjoys, by the way in which our leaders favor it and by the support it has from over 90 nations representing diverse forms of government.

Widespread support for the treaty has been increasing as we have learned that additional nations either have perfected a nuclear warhead or are devoting additional resources to its perfection.

As additional nations throughout the world become equipped with nuclear weapons, the peoples of the world think more in terms of the probability of nuclear war rather than its mere possibility. The probability of nuclear war, intentional or accidental, continues to increase.

It is not unreasonable to assert that the failure to ratify the treaty would accelerate the spread of nuclear weapons and accelerate the expenditures by all nations on nuclear weapons and systems related thereto, which would be a drain of more and more resources of the nations of the world which are desperately needed for solving critical domestic difficulties. The increasing level of confrontation and simultaneous neglect of domestic problems could well lead to nuclear devastation.

Even if the nations of the world could avoid nuclear devastation after several years of continued nuclear proliferation, the resultant expense would bring on the likelihood of economic and social devastation. If the nations of the world continue to undertake the massive and continued cost accompanying the spreading of nuclear weapons, they most certainly will be neglecting certain domestic problems which already have been neglected much too long. Although the devastation which would occur from economic and social ruin would not be as sudden as nuclear devastation, it would be no less tragic.

Once it is realized that the treaty does not take a single weapon from our arsenal, does not give the control of any weapons to other countries, and, in fact, has the support of the Joint Chiefs of Staff and other military experts, it becomes evident that our national security interests are safeguarded.

Under such circumstances we should enthusiastically go forward with the treaty, as I think we should have, Mr. President, when it was sent to the Senate by President Johnson last session, hoping that tensions and conflicts between nations will be eased, and more of our resources, including nuclear power, can be dedicated to other important and pressing problems. Accordingly, I do not feel that complicating reservations or understandings proposed to the treaty are either necessary or desirable.

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

Mr. HARRIS. I am happy to yield to the distinguished Senator from Tennessee, whose voice has been one of the strongest on this subject and in favor of this treaty, both during this session of Congress and the last session, and on the general subject in preceding years.

Mr. GORE. I thank the able Senator.

I make reference to the statement of the Senator that our country's security interests are safeguarded by the treaty. This I believe to be a true statement, but

I should like to suggest to the Senator that our security interests are advanced by this treaty.

The treaty, as the Senator has stated, does not in any way impede the development and use of weaponry in our own security interests. It goes further, however, and undertakes to limit the number of nations, hoping by discouragement and otherwise to limit the number of nations that might acquire or hope to have nuclear arsenals.

Even a small nation wih a nuclear arsenal can become a very dangerous and deadly adversary. So it would seem to me that not only are our security interests safeguarded, but our security is advanced in that we are more secure and the peace of the world is more secure, if fewer nations have nuclear weapons.

Mr. HARRIS. To continue with the distinguished Senator's thought, which I certainly endorse, I think our security is also strengthened to the degree that we can slow down the arms race, to the degree that we can turn more of our resources to the solution of the terrible and growing problems we have here at home. I say that the Senator is quite correct, and I would certainly agree with his statement.

Mr. GORE. Will the Senator yield further?

Mr. HARRIS. I am happy to yield.

Mr. GORE. I call to the Senator's attention a most arresting statement made to the Disarmament Subcommittee this morning by Dr. Herbert York, former Chief of Research and Development in the Department of Defense.

He called attention to the fact that if we proceed with the deployment of antiballistic-missile systems depending upon computerized responses, we run the risk of substituting mechanical reactions, affecting war or peace, for the command decisions of chosen representatives and officials of the American people in government.

This gives me an uneasy feeling, because, from my limited experience with computers, I know that the computer has no information which some program planner has not fed into the mechanism, and that now and then computers make total and overwhelming errors. The science is wonderful, but I seem to recall having read now and then where someone has received, for example, a $5 million check when he was supposed to receive one for $5. Moreover, in my own experience I have seen rather bizarre results when the machine was asked to give an answer for a set of circumstances for which it had not been precisely prepared.

Had the Senator contemplated that part of the program?

Mr. HARRIS. I am, Mr. President, no expert in computer technology, either, but I think the distinguished Senator from Tennessee has made a very important and rather distressing point, though one which is involved in the consideration of the deployment of the ABM.

I think that one could go further than that, and say that congressional authorization of research and development, as we have done with the Nike X and the Nike-Zeus systems in the past, short of deployment, is one thing; congressional authorization of the Sentinel system, intended to be a negotiating tool in the hands of the Executive with the Soviet Union, is one thing. Deployment of a Sentinel system, one which certainly is an imperfect technological system and raises some of the specters which the distinguished Senator from Tennessee has mentioned, and one which tends in the direction of making new negotiations with the Soviet Union much more complex because of a system in being and in place, is something else altogether.

I, for one, am awaiting with interest the decision by the Chief Executive as to what will be done with respect to the Sentinel deployment. I think it would certainly be a mistake to deploy a Sentinel system at this time. I think that it certainly would be a mistake if we were not to move with some sense of urgency to sit down and talk with the Soviet Union on this issue as rapidly as we can.

I think the time to do that is overdue, although I grant that the new President certainly has the right to a period during which he becomes more familiar with the national and international situations concerning the ABM system.

I think that is a subject which the distinguished Senator from Tennessee has quite rightly tied in with the instant question, the question concerning the Nuclear Nonproliferation Treaty. We have a chance in connection with this treaty and also in connection with the Sentinel missile deployment question to decide, as the Senator said to me in private conversation a moment ago, in which direction we will move in this country, whether we will move to slow down the arms race, whether we will move further to reduce world tensions, whether we will probe additional subjects where we may have some mutuality or commonality of interest with the Soviet Union for agreements in our mutual self-interest which will allow us to reduce the prospects of further accelerating the arms race and reduce the prospects of further exacerbating the tensions existing in the world—so that we may look toward solving our own internal problems as the Soviet Union must itself look toward solving its own internal problems.

I think that we have a chance on these two issues which are not unrelated, as the Senator's statement and question indicate, to say in which direction we want the country to move.

Mr. GORE. Mr. President, I appreciate the interest and observations of the Senator. I think the facts now reveal to me rather conclusively that Congress and the Government of the United States made an error, a gross error, in deciding to deploy the ABM system, the so-called thin system, to defend our cities against an imagined Chinese threat.

This is not the first mistake we have made. I do not wish to be critical of that. There is no need, however, to compound an error.

I am, however, inclined to think that a great deal of the pressure for deployment, despite the error that is now widely recognized, the pressure to compound the error comes from the industrial-military complex which now feels challenged, and it is challenged, because this is the first decision in the overweening issue before the country for the next decade, the priority and allocation of the resources, the talents, and the means of this Nation.

As between the Defense Establishment on one hand and all the needs of the American people on the other, they feel challenged. And they are challenged. And if we beat them on this one, we will beat them again and again. They know it. Therefore, they put on pressure to compound a widely recognized error.

Mr. HARRIS. Mr. President, it was a perceptive person who said that some can hear the farthest rumbling of a distant drum, but not the voice of a hungry child.

I do not think that applies to any Member of the Senate, because I think every Senator does his best to represent the interest of his country in the lights given to him.

While we must protect our own security and help preserve world stability—and, goodness knows, we all realize our terrible responsibilities in that respect—we must also turn our eyes toward and open our ears to the growing problems here at home.

I served on an advisory group which advised with the staff of the Urban Coalition and Urban America, Inc., which recently released a study, 1 year following the Kerner Commission report. I also served as a member of the Kerner Commission.

The gist of that yearend report was that we have moved 1 year further toward two separate societies, separate and unequal.

I think it may be true that we are coming into a period in our country when people may not want to be reminded of the unpleasant problems we face. However, I think, nevertheless, that Senators, citizens, political parties, and public officials have a responsibility to continue to shed light upon these unpleasant problems, because even though for the moment the decibel level of the problems may be down in a case or two, the problems are nevertheless there.

The problems are nevertheless growing more difficult, because as we make progress toward solving these problems, the problems do not stay the same size. The problems grow larger because of the continued urbanization, the continued explosion of our population, and the continued explosion of knowledge and technology.

I think that as we consider this issue before us—one which is international in its aspects—we must, as the distinguished Senator from Tennessee has said again today, and as he has said before on other occasions in the Senate and elsewhere, recognize the chance these issues give us to help point this country and the world in the right direction. Mr. President, I therefore again reiterate my support of the ratification of the Nuclear Nonproliferation Treaty now before the Senate without the adoption of proposed reservations or understandings.

Mr. President, I yield the floor.

Mr. GORE. Mr. President, I trust that the Senate will not agree to the understandings which our distinguished colleague, the senior Senator from Connecticut, has offered.

Perhaps far better than any analysis of the problem I could give is a statement in the hearings of the committee, appearing on pages 423, 424, and 425, which I ask unanimous consent to have printed at this point in the RECORD.

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

FORCE OF TREATY IN TIME OF WAR

Senator JAVITS. Just two questions about the text of the treaty and then, Mr. Chairman, I shall be through.

One is this: I find an interesting difference of view in the testimony last year of Secretary Rusk in sustaining the treaty and General Wheeler in connection with the treaty. May I ask the Secretary and the General about this question.

General Wheeler's opinion seems to be that in the event of war the treaty will become immediately inoperative. That does not seem to be Secretary Rusk's view. So I would like to read both statements and perhaps you gentlemen would desire to refer this matter to even other authority but certainly it should be laid upon the record. General Wheeler testified at page 78 of the record:

"Well, of course, in the case of war, Senator Aiken, the treaty as I believe Secretary Rusk pointed out yesterday immediately becomes inoperative."

But when you look at Secretary Rusk's testimony he didn't say that. This is what he said:

"Well, I think, sir, there would be inhibitions in the treaty against the notion that any kind of a conflict would automatically relieve that particular country or the disputant from the obligations of the treaty * * *. It is not intended here that the mere fact that there is an armed clash would operate to relieve a party of its obligations under the treaty. But such party might invoke the withdrawal article, give formal notice * * *."

Now, there is lots of variance there, armed clashes, war, and so forth. The witnesses may have been talking about different things, but nonetheless, I think something ought to be done to make clear to us what is the construction of our country as it enters into this treaty, upon this very serious question as to the force of the treaty in times of conflict between nations.

I would not wish to press the Secretary to an answer, so if he would rather not, I would ask unanimous consent that whatever reply there is be made a part of the record. Would the Secretary prefer that?

Secretary LAIRD. That would be fine, Senator.

The CHAIRMAN. Without objection so ordered.

(The information referred to follows:)

"STATUS OF TREATY IN TIME OF WAR

"Clarification has been requested of the status of the treaty in the event of war.

"In answering this question, it is necessary to differentiate among the many types of situations that might be comprehended within the term 'war'.

"At one extreme would be the condition of general war involving the nuclear powers and the use of nuclear weapons. With respect to this type of situation Secretary Rusk referred to the questions and answers furnished to our NATO allies which stated that the treaty 'does not deal with arrangements for deployment of nuclear weapons within allied territory as they do not involve any transfer of nuclear weapons or control over them unless and until a decision were made to go to war, at which time the Treaty would no longer be controlling.' He said:

"'I think sir, that this was simply a recognition of what today is almost an element of nature, and that is, in a condition of general war involving the nuclear powers, treaty structures of this kind that were formerly interposed between the parties would be terminated or suspended.' (July 11, 1968 hearings, p. 27.)

"At the other extreme would be a limited, local conflict, not involving a nuclear-weapon-state. In this case the treaty would remain in force. The first preamble to the treaty considers 'the destruction that would be visited upon all mankind by a nuclear war and the consequent need to make every effort to avert the danger of such a war' and the second preamble states the belief 'that the proliferation of nuclear weapons would seriously enhance the danger of nuclear war.' This central purpose of the treaty would be subverted by maintaining that the treaty was suspended in the event of such a war between non-nuclear weapon parties. Accordingly, such parties would be bound by the treaty unless and until they exercised the right of withdrawal under Article IX.

"It was this type of situation to which Secretary Rusk alluded in the following colloquy:

"Senator CARLSON. In other words, let's assume that a nation would decide it was necessary that it became involved in a war, could it, for instance, go to France if France were not a signatory and get not only weapons but warheads and materials to transmit them?

"Secretary RUSK. Well, I think, sir, that there would be inhibitions in the treaty against the notion that any kind of a conflict or a dispute would automatically relieve that particular country or disputant from the obligations of the treaty. There have been a good many armed clashes since the end of World War II.

"Senator CARLSON. There will be some more, I am sure.

"Secretary RUSK. I am sure there will be some more. It is not intended here that the mere fact there is an armed clash would operate to relieve a party of its obligations under the treaty. But such party might invoke the withdrawal article, give formal notice—excuse me, I just wanted to look at this—if 'Extraordinary events related to the subject matter of this treaty have jeopardized the supreme interests of its country.' Now, that withdrawal article is there, and each signatory to the treaty has access to it under the provisions of the treaty.

"Senator CARLSON. In other words, you use the term 'supreme interests?'

"Secretary RUSK. Yes; supreme interests.

"Senator CARLSON. It is your thought it would take more than just a provocation to result in a local conflict?

"Secretary RUSK. That is correct, sir.

"Senator CARLSON. I was interested in that because I can see where it might be very easy to withdraw even though you were a signatory to this treaty, provided you decided that it was necessary to get into a conflict with another country. I wanted some clarification on that if I can get it.

"Secretary RUSK. Senator, let me review the record and see whether I ought to make a small extension of my remarks on this point. But the great objective of this treaty is to make nuclear war less likely by preventing the spread of nuclear weapons to additional countries.

"Again, looking back toward the dozens and dozens of armed engagements that have occurred since the end of World War II, some small scale, others large scale, we would not expect that each one of these engagements should be translated into a nuclear engagement by casual action on the part either of a nuclear power or nonnuclear powers.

"Senator CARLSON. I shall not press it further, but it is rather easy to get into a nuclear situation when you use nuclear warheads, is it not; they need not be very large?

"Secretary RUSK. That is correct, sir.

"(July Hearings, pp. 27–28.)

"Thus, it is clear from Secretary Rusk's testimony that in answering questions as to the status of the treaty in time of war, the particular situation involved must be considered in the light of the intention of the parties and the purposes of the treaty. It follows that there was no inconsistency between the testimony of General Wheeler, who was addressing the first type of situation described above, and was referring to Secretary Rusk's prepared statement, and the testimony of Secretary Rusk, who discussed both situations.

"Source: Department of Defense."

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. PASTORE. 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. PASTORE. Mr. President, I speak at the moment out of the efforts of many years to promote "atoms for peace."

No one has been more acutely conscious of the urgent need to stop the spread of nuclear weapons.

No one has been more fearful of the awesome consequence of failing to stop them.

Out of my background of these many years to promote international safeguards on nuclear material, I believe I can say that no Member of this body has been more anxious than I to see the achievement of a workable treaty on the nonproliferation of nuclear weapons.

And I greet this treaty before us as a momentous step forward in the direction we all desire—a step toward sanity and security.

Three years ago I had the honor to introduce a resolution (S. Res. 179) commending the President's serious and urgent efforts to negotiate international agreements limiting the spread of nuclear weapons. This supported the principle of additional efforts in that direction. The negotiating efforts since that time have been Herculean, and have overcome numerous seemingly insuperable roadblocks. The end product is one of which we can all be proud.

While it may not be the most perfect treaty imaginable on this subject, it is a very sound one. And I firmly believe it is the best that could be achieved.

Today I would like to address myself particularly to the article on safeguards. This is article III, which is designed to see to it that the peaceful atom is not diverted to use in nuclear weapons.

Senators may recall that the early drafts of this treaty did not contain such detailed or mandatory provisions on safeguards. In a speech on the Senate floor on January 18, 1966, I pointed this out and urged in the strongest possible terms that the safeguards article be strengthened. I ask unanimous consent that a copy of Senate Resolution 179 and the text of that speech be printed at this point in the RECORD.

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

S. RES. 179

Whereas the spread of nuclear weapons constitutes a grave threat to the security and peace of all nations, and

Whereas the knowledge and ability to de-

sign and manufacture nuclear weapons is becoming more universally known, and

Whereas the danger of nuclear war becomes greater as additional nations achieve independent nuclear weapon capability, and

Whereas it is the policy of the United States, as stated by President Johnson, "to seek agreements that will limit the perilous spread of nuclear weapons, and make it possible for all countries to refrain without fear from entering the nuclear arms race;" Therefore, be it

Resolved, That the Senate commends the President's serious and urgent efforts to negotiate international agreements limiting the spread of nuclear weapons and supports the principle of additional efforts by the President which are appropriate and necessary in the interest of peace for the solution of nuclear proliferation problems.

REMARKS OF SENATOR JOHN O. PASTORE ON THE FLOOR OF THE SENATE ON THE INTRODUCTION OF THE RESOLUTION ON NONPROLIFERATION OF NUCLEAR AND THERMONUCLEAR WEAPONS

Mr. President, on last Wednesday night, we—and the whole world with us—listened and looked on as the President of the United States delivered to us his message on the State of the Union.

We share with him a most earnest hope that his efforts and the efforts of all men of good will—both here and abroad—will prove successful in securing peace to the war-torn land of Vietnam—and peace throughout the rest of the world.

We know, however, that if peace were to settle on Vietnam with today's sunset—the night would be filled with an even greater danger.

The dictionary of mortal danger has given us a fresh word—proliferation. It means the bearing of offspring—the growth by rapid production of new parts—the spreading of new cells.

By proliferation we mean the peril of *nuclear proliferation*—the expansion of the nuclear club so called—the spread of atomic capability beyond the five nations that already possess it—and amplification of the "over kill" even in the hands of the titanic two—the Soviets and the United States.

Nuclear proliferation is not a peril that we need not recognize until tomorrow. It is not a problem to which we need not give thought until the day after. We must stop it NOW.

In his State of the Union Message President Johnson named Nuclear Control as the Number Two principle in shaping the decisions and destiny of this land of ours.

The President declared that for the security of America he would continue to follow the five lines of policy followed by the four Presidents who had preceded him—Franklin Delano Roosevelt—Harry S. Truman—Dwight D. Eisenhower—and John F. Kennedy.

The first principle—he stated—is strength. We mean the strength to meet all our national commitments of courage and conscience at home and abroad. This Congress will support that.

"The second principle of policy"—President Johnson declared—"is the effort to control and reduce—and ultimately eliminate—modern engines of destruction.

"We will vigorously pursue existing proposals—and seek new ones—to control arms—and stop the spread of nuclear weapons."

This Congress must support that.

So—Mr. President—I rise today to introduce a Resolution that would give recognition to the purposes of the President. It would give recognition to the announced policy of the United States—"to seek agreements that will limit the perilous spread of nuclear weapons, and make it possible for all countries to refrain without fear from entering the nuclear arms race."

It would commend President Johnson for his past efforts to negotiate international agreements limiting the spread of nuclear weapons—and it would support additional future efforts to solve nuclear proliferation problems.

On December 8 of last year I sent to each of my colleagues in the Senate a draft copy of my proposed Resolution and advised them how pleased I would be if they would join me in its co-sponsorship.

Mr. President, I am privileged to say that to date fifty of my colleagues have advised me of their desire to join in sponsoring this Resolution.

In expectation that others will wish to join us, I request unanimous consent that this Resolution lie before the Senate for five days before being referred to Committee, in order that those desiring may have opportunity to add their names as co-sponsors.

Such a Resolution is not superfluous—it is salutary. It means a major step toward national security. It means treaties we will have to appraise here—and approve here.

It is a reminder to ourselves and the whole world that we of the Congress have been prime movers for peace. We created a special Agency of this government for peace through armament control—and in that Disarmament Act we spelled out our purposes . . . that the "ultimate goal is a world which is free from the scourge of war and the dangers and burdens of armament—in which the use of force has been subordinated to the rule of law—and in which international adjustments in a changing world are achieved peacefully."

The Resolution means that we have not lost sight of our purposes—that we bear a share of the responsibility in meeting the peril and in solving the problem. It will mean appreciation and encouragement to our responsible officials in taking every step toward curbing the nuclear club. It is a mighty step toward honorable, lasting peace in this world.

Let us review the State of that World.

In this quarter of a century we of the Congress have witnessed the creation of miracles for the well-being of mankind.

We have shared in it—we have promoted it. We have speeded the jet—and made the world smaller—we have put communication satellites in orbit and made the world more understanding—we have invaded space and now earth and gravity no longer hold man prisoner.

We have improved on nature's gifts to us—and have made them gifts to a needy world. We have voted food and help and hope to the underprivileged at home and abroad—and we have challenged every plague and malady and virus that attacks the health of mankind.

Yes—the mind of man has achieved miracles to enrich the life of man. But—the science of man has also achieved the means of man's utter destruction.

Man can be the architect of his own annihilation—the disappearance of all civilization—of all that man has attained from the time of beginning. I mean our atomic dilemma.

Today—two nations between them—possess the nuclear power to destroy man's world many many times over.

Mind you—that is "*two* nations."

But there are today *five* nations with nuclear capability—and there will be more tomorrow.

For science cannot be repealed—nor long concealed.

What one man creates today—another will imitate and emulate tomorrow.

Any nation willing to pay the price can achieve nuclear capability.

That is the peril of proliferation.

Tomorrow a mind that is mistaken—or mischievous—or mad—might have its finger on a 20-megaton bomb.

He would be toying with the equivalent of 20 million tons of TNT—a thousand times the devastation of the Hiroshima bomb.

And it all began with a whisper!

Those whispers were here in Washington—in a classroom of George Washington University—at a meeting of scientists—one January day of 1939.

One whisperer was Niels Bohr of Copenhagen—he of a Jewish mother.

The other whisperer was Enrico Fermi—Europe's foremost atomic scientist—an exile from Italy—because of his Jewish wife.

What they whispered was the secret of the possibility of uranium fission—the splitting of the atom.

It had been achieved in German laboratories—but the Germans didn't understand it.

Now the exiles in America had it—knew what it meant—and they aroused America to its peril. They practically forced us to race Germany for the atomic bomb.

We won that race in deepest secrecy. Fermi achieved the first controlled atomic reaction on December 2, 1942.

Monday, August 6, 1945, brought the bomb to Hiroshima.

But many scientists look back to January 15, 1939—the day of the tests in the laboratory of Niels Bohr. They say that is the day the Atomic Age was born.

I recount all this to recall just how personal—and perilous—and then how miraculous—that we and not Hitler had priority of the bomb.

If Hitler had it—then the V2's that fell upon Britain might have carried atomic war heads.

Britain might have been just a blazing Hiroshima from one land's end to the other.

Hitler's boast of a Nazi Empire lasting a thousand years might have reached fulfillment—and there would be no Free World centered here today.

We are grateful that America's freedoms brought to our shores such minds as Einstein, Bohr, Fermi, Szilard, Teller, Bethe, Von Neumann and others.

What if these great minds had, instead, chosen Communism—and given their devoted services to Moscow?

If, instead of the United States, a militant Soviet Union, under the leadership of Stalin, had had a four-year lead in atomic weapons, the Iron Curtain might now be stretching not only through Germany but along the western shore of Europe. This curtain might also have enveloped the Near and Far East and all of South America. We might have been forced into a confrontation from which we could not withdraw. It might have left us badly defeated.

These speculations are frightening to consider. They were possibilities which we did not have to face.

Fortunately for the United States—fortunately for the peace of the Free World—the United States was the first nation to develop the atomic bomb and subsequently the hydrogen bomb.

But times have changed since those days when the United States was the sole possessor of nuclear weapons. In the past twenty years other nations have unlocked the secrets of the tremendous forces of the atom and have developed independent nuclear weapon capability. In 1949 the Soviet Union achieved the bomb; then in 1952 the United Kingdom—next came the French in 1960 and then on October 16, 1964 Communist China became the fifth member of the club.

The future has its own fear. In the next ten or twenty years many more nations may have stockpiled these weapons of mass destruction. They will have the power to precipitate nuclear war.

Times will continue to change in the future and we must be prepared to modify our thinking with changes in time. As President Johnson expressed it in his State of the Union Message:

"We must change to master change."

Let there be no doubt as more nations obtain nuclear weapons the greater the chances of a nuclear war. Prevention of nuclear war is the great challenge of our time. The destructive forces that would be unleashed in an all-out nuclear war are beyond the human mind to comprehend.

In 1959 the Joint Committee on Atomic Energy held detailed hearings on "The Biological and Environmental Effects of Nuclear War." In an introduction to a report issued by the Committee, summarizing those hearings, the Committee pointed out the terrifying threat that now faces our Nation by stating:

"For the first time in history American communities have become a part of the main battlefield of a possible future war. Only on few occasions in the past have American homes and civilians been endangered by armed conflict, and never has there been a threat of wholesale destruction and loss of life such as that now posed by a powerful and ruthless adversary armed with nuclear weapons."

Nearly seven years ago, the Committee considered what would be the effect of a war involving the detonations of approximately 4,000 megatons, of which approximately 1,500 megatons were detonated on 224 targets within the United States.

Expert testimony and supporting scientific data estimated that such an attack would cost the lives of approximately 50,000,000 Americans with some 20,000,000 others sustaining serious injuries. Over one-fourth of all buildings in the United States would have been completely destroyed and approximately one-fourth more badly damaged.

It is difficult to imagine such carnage and such destruction. But mind you, those were figures developed nearly seven years ago. Compared with the number of total nuclear weapons currently in the stockpiles of the United States and the Soviet Union, these figures today would be considered low.

President Kennedy in 1963 pointed out—"A full-scale nuclear exchange, lasting less than 60 minutes, with the weapons now in existence, could wipe out more than 300 million Americans, Europeans, and Russians, as well as untold numbers elsewhere." How can the mind comprehend such vast destruction—how can the mind conceive of such horrors?

Yet there are people today who talk about nuclear weapons in the megaton range without comprehension of what is involved.

Let us stop and consider. As I pointed out on the Floor of the Senate on September 17, 1963: One 20-megaton bomb has been calculated to be equivalent to the explosive force of TNT carried by a railroad train of freight cars stretching diagonally across the United States from New England to California.

The Hiroshima bomb—less than 20 kilotons—resulted in the death or injury of over 256,000 people and the destruction of an entire city! One 20-megaton weapon is more than one thousand times greater in force than the weapons that destroyed Hiroshima.

When we discuss or refer to a 20-megaton—a 60-megaton—or a 100-megaton weapon—let us realize what we are talking about. The total bombs and shells, the explosive forces employed by all combatants in World War II, is estimated to have been less than 3 megatons.

One weapon today, therefore, is significantly greater in destructive force than all the weapons exploded in World War II. It is difficult for the mind to contemplate the destructive forces that are available today in the nuclear stockpiles of the Soviet Union and the United States.

The challenge of our times is not how many more nuclear warheads we can produce or stockpile but rather how can we prevent their proliferation and how can we prevent their use.

The paradox of our times is that as we and the Soviet Union have developed larger stockpiles of nuclear weapons the relative defensive posture of both nations has diminished.

Throughout the years since Hiroshima we have made every effort to establish international control of nuclear weapons. The history is clear for all to see.

In 1946—under President Truman—we proposed to give up our atomic monopoly and share our knowledge with the rest of the world. In June of that year Bernard Baruch presented our plan to the Atomic Energy Control Commission of the United Nations. That Commission had been set up the previous December by Anglo-American-Soviet agreement.

A suspicious and secretive Soviet would not accept international inspection. After two years—acknowledging the impasse—the Commission ceased to exist.

In 1953 President Eisenhower offered his "Atoms for Peace." He would create an international organization with a policy of controlled nuclear assistance for peaceful projects on a world wide scale.

We are told that his address to the United Nations was written and rewritten 33 times in its preparation.

So—let us have patience—and caution in our consideration of our proposals.

Let us even have optimism. Because we remember that even after the dark hour of the Cuban crisis President Kennedy did achieve the Test Ban Treaty.

Mr. President, I ask unanimous consent to place in the RECORD at the conclusion of my remarks a chronology (See Appendix) setting forth significant events in the development of atomic energy and attempts to control the testing and use of nuclear weapons.

This chronology was prepared by the staff of the Joint Committee on Atomic Energy and summarizes the long history of efforts by our Nation to reach agreement in the control of nuclear weapons and in the discontinuance of nuclear weapon testing.

We have not succeeded in reaching agreement on most of the points in issue. We have, of course, reached agreement and signed a limited Test Ban Treaty prohibiting atmospheric, underwater, and outer space nuclear tests. However, in those areas where assurance of compliance would require onsite inspection, we have not succeeded in obtaining agreement with the Soviet Union.

We must nevertheless continue our efforts to reach agreement and not become discouraged to the point where we abandon negotiations or foreclose future discussions. Our goal is too important—the alternative too frightening.

In the meantime while we continue to seek workable solutions to the nuclear arms race—while we continue to explore methods of arms control and disarmament among the nuclear powers, we must bend every effort to discouraging additional nations from joining the nuclear weapons club. The problems we face in seeking agreements among the existing nuclear powers, difficult as they have been, will be greatly magnified as additional nations become possessors of nuclear weapons. If we are ever to succeed in securing workable agreements for nuclear weapons arms control and disarmament we must, first, succeed in obtaining workable agreements for non-proliferation.

On August 17, 1965, the United States Delegate to the Geneva Disarmament Conference, Mr. William C. Foster, presented to the Conference a proposed non-proliferation treaty to prevent the spread of nuclear weapons. This treaty was the product of close collaboration among a number of our allies, including Canada, Italy and the United Kingdom.

Under this proposed treaty, countries having nuclear weapons would be obligated not to transfer nuclear weapons into the national control of nations not having nuclear weapons and would agree not to assist any such country in their manufacture. They would also agree not to take any other action that would increase the number of countries in the world that would have independent power to use nuclear weapons.

In addition, the proposed treaty would impose obligations upon countries not now having nuclear weapons. First, these countries would agree not to seek or obtain national control of nuclear weapons directly or indirectly. In addition, they would agree not to manufacture or obtain assistance in the manufacture of nuclear weapons. They would also agree not to take any action which might cause an increase in the number of independent nuclear powers in the world. All parties to the treaty would undertake to cooperate in facilitating the application of peaceful nuclear activities within the framework of the International Atomic Energy Agency.

There are many who did not think it possible for the United States to reach agreement with the Soviet Union on a limited nuclear test ban—but we did. That was a first step. A treaty designed to prevent the spread of nuclear weapons could be another step. I believe it would be a most important step.

To date, the Soviet Union has not been willing to agree to the provisions of this treaty and it remains tabled at the Geneva Conference. I am hopeful, when the Conference resumes this month on January 27th, that some headway may be made in reaching agreement and that the coming year will see a non-proliferation treaty agreed to by the many nations of the world.

I would recommend, however, that any agreement the United States may reach with our allies and the Soviet Union in the non-proliferation of weapons will include a provision that the nuclear powers will not transfer fissionable material or equipment to other nations for civilian purposes unless the recipient nations are willing to place the material and equipment under International Agency or similar international safeguards inspection. Similarly, I would recommend that any such agreement would be joined by all the non-nuclear powers of the world and they, in turn, would agree not to seek or obtain nuclear equipment or material except under International Agency or similar international safeguards.

I am most concerned that the proposed treaty as now written does not contain such provisions. Instead in Article III the Treaty as now written would merely require:

"Each of the States Party to this Treaty undertakes to cooperate in facilitating the application of International Atomic Energy Agency or equivalent international safeguards on all peaceful nuclear activities."

I would not accept that non-committal phrasing. If we really believe—and I know that we do—that the application of international controls are necessary and we intend to support international safeguards—let us say so. I strongly recommend that when our delegation returns to Geneva on January 27 it be given specific instructions to amend Article III of the proposed treaty and substitute the following or similar language:

"1. Each of the non-nuclear states party to this treaty undertakes to accept International Atomic Energy Agency or similar international safeguards on all of their nuclear activities.

"2. Each of the states party to this treaty undertakes to provide source or fissionable material, or specialized equipment or non-nuclear material for the processing or use of source or fissionable material or for the production of fissionable material, to other states for peaceful purposes only if such material and equipment will be subject to International Atomic Energy Agency or similar international safeguards."

We should make every effort to convince our allies and other nations of the world of the importance of supporting International Atomic Energy Agency safeguards. As past chairman and long-time member of the Joint Committee on Atomic Energy, I have closely followed and supported the International

Atomic Energy Agency and particularly the established safeguards system whereby inspectors of the Agency verify that equipment and fissionable materials are not being converted from civilian to military purposes.

I well remember the day when President Eisenhower appeared before the General Assembly of the United Nations on December 8, 1953 and proposed the establishment of an International Atomic Energy Agency and when in his words he pledged the United States: ". . . to help solve the fearful atomic dilemma—to devote its entire heart and mind to find the way by which the miraculous inventiveness of man shall not be dedicated to his death, but consecrated to his life."

In 1955 I was appointed a delegate to the General Assembly of United Nations by President Eisenhower and I helped in the drafting of the United States resolution which sponsored the International Atomic Energy Agency. I have seen it grow from what was merely an idea in the minds of a few to what it is today—an important organization with a membership of 94 nations. It has been growing these past ten years and it includes nations behind the Iron Curtain as well as those of the free world. The United States and Soviet Union have permanent membership on the Board of Governors.

In 1960 an international inspection system was approved by the Board of Governors and adopted by the General Conference of the IAEA. At first this system was limited to the control of fissionable material and equipment of small research-type reactors of less than 100 thermal megawatts. Significant advancement has been made however this past year. The IAEA formally extended its system to include reactors larger than 100 thermal megawatts. Although the Soviet Union originally did not support the safeguards system for the last several years, it has voted for the more enlarged safeguards system.

As the United States has made significant advancements in developing civilian nuclear power and other civil uses of atomic energy, we have been willing to share our advancements with the rest of the world. In furtherance of our Atoms for Peace Program the United States has entered into civilian agreements for cooperation with 48 countries as well as with the International Atomic Energy Agency and Euratom. A standard provision of our bilateral agreements requires that all material and equipment which we furnish for civil uses be subject to inspection.

Originally our bilaterals provided for United States inspection. However, since 1963 it has been our policy as these bilaterals come up for amendment or renewal to substitute IAEA inspection. To date, 13 countries have agreed to International Atomic Energy Agency inspection of equipment or material which we supply for civilian purposes.

Eight of these agreements are now in effect. These are: Austria, China, Japan, The Philippines, Portugal, South Africa, Thailand and Vietnam. Five additional agreements have been signed but are not yet in effect. These are: Argentina, Greece, Isarel, Iran and Norway.

What we are interested in accomplishing, of course, is to assure that fissionable weapons-grade material will not be diverted from peaceful to military uses and that the civilian nuclear programs of various nations will not become the stepping-stones from which they will develop nuclear weapon capability. Fissionable weapons-grade material consists of either uranium, highly enriched in the isotope U-235, or plutonium—a man-made element which is a byproduct of a nuclear reactor.

The slightly enriched uranium which the United States makes available both here and abroad for civilian purposes and which is what normally is used in civilian reactors is not weapon-grade material. However, after it has been placed in a civilian reactor and that reactor begins operation, plutonium begins to be produced. When the highly radioactive fuel elements subsequently are removed for reprocessing they contain plutonium as well as unused uranium.

Access to the reactor and the records of the reactor, as well as the right to on-site inspection of the facility and fuel elements by an International Atomic Energy Agency inspection team, assure that the material is being used for peaceful purposes and that the material and equipment is not being diverted to other uses.

However, before the plutonium can be used in weapons it must be separated from the uranium in the fuel elements through chemical reprocessing. This is necessary before the plutonium can be used in weapons. The plutonium produced by civilian nuclear plants as a byproduct must be safeguarded if we hope to keep additional nations from developing their own weapons. It is important, therefore, that plants where plutonium is separated from the irradiated fuel elements be subject to international inspection.

Other than those nations that now possess nuclear weapons, only one country in the world today is known to have an operating chemical reprocessing plant. This past year India began operation of such a plant and presently is recovering plutonium from irradiated fuel elements. However, additional nations and groups of nations are presently constructing or planning to construct chemical reprocessing facilities. And I repeat—it is important, therefore, that chemical reprocessing plants be subject to inspection.

For example Japan has contracted for detailed design of such a plant and although construction as yet has not begun, plans to have such a facility in operation in 1970 are underway. West Germany is actively considering the construction of such a plant and in Italy a specialized pilot plant is now under construction and an additional plant is being considered.

Of particular importance is the Eurochemic plant located at Mol, Belgium, which has been under construction since 1959 under the auspices of the Organization for Economic Cooperation and Development. When completed, this plant will be internationally owned and operated.

None of these plants presently are under or scheduled to be placed under International Atomic Energy Agency safeguards. The Eurochemic plant however is under Euratom safeguards and inspectors from the six member nations—France, West Germany, the Netherlands, Luxembourg, Belgium, and Italy—will assure that the fissionable material separated at this plant will not be diverted to military uses.

There has been some criticism that Euratom as an organization has not to date placed any of its facilities within the International Atomic Energy Agency's safeguards system. It does, however, within the six nation organization have an international inspection system, which on a technical level, has been cooperating with the International Atomic Energy Agency system.

Within the United States the first privately-owned plutonium separation facility will begin operation within the next several months. This facility will be operated by Nuclear Fuel Services, Inc. at the Western New York Nuclear Services Center near Buffalo, New York, and will recover uranium and plutonium from spent fuel elements coming from our rapidly growing electric power industry.

I believe it is of utmost importance to bring chemical reprocessing facilities under international inspection as soon as possible. Today only a limited number are in operation. Within the next decade, many more will come into operation. It is important to set a precedent and to obtain acceptance of international inspection of these facilities. If we wait too long it may be impossible to accomplish.

Accordingly, I make the following recommendations:

(1) The United States offer to place the Nuclear Fuel Services' chemical reprocessing facility under the International Atomic Energy Agency safeguards system;

(2) The United States propose that India place its chemical reprocessing plant within the International Atomic Energy Agency safeguards system;

(3) The United States propose that as other nations establish facilities for reprocessing civilian nuclear fuel, these facilities be subject to IAEA inspection; and

(4) Euratom explore the possibility of greater cooperation and coordination with IAEA. In this connection, it would be desirable, I believe, if Euratom were accepted for membership in the IAEA.

I have asked the Atomic Energy Commission to examine the possibility of having a reprocessing facility owned and operated by a private company placed under international inspection in order to see if there are any technical or legal problems. I have had the staff of the Joint Committee on Atomic Energy informally discuss this matter with officials of the Nuclear Fuel Services and have been assured of their willingness to place their facility under international inspection.

If the above recommendations are adopted and paragraph 3 of the draft treaty on non-proliferation is strengthened I believe our chances for success in non-proliferation will be increased. However, we must search for additional ways of discouraging non-nuclear nations from becoming nuclear powers. We must explore ways in which those nations who voluntarily deny themselves nuclear weapons are not subject to nuclear blackmail by those that possess these weapons. Together with other nuclear nations including the USSR we should explore possible arrangements whereby those nations who place themselves under the International Atomic Energy Agency safeguards system and who do not develop nuclear weapon capability will be assisted in the event they are subject to nuclear intimidation by others.

Also, those nations which cooperate with the United States in the non-proliferation of nuclear weapons and who are technically ready, the United States should give assistance in developing their civilian nuclear capabilities.

On the other hand, we should be less willing to be of assistance in the civil uses of atomic energy to those non-nuclear nations who are not willing to sign a non-proliferation treaty or place all their civilian facilities under international inspection.

As I conclude, I fully realize that the name of China has been largely missing from my remarks—but not from my concern. For surely we cannot rule out Peking from any discussions on world disarmament. No disarmament agreement will have real effect unless it is universal in scope—and non-proliferation is only a stepping-stone to such an agreement. Not that we haven't made approaches to Peking in the past. We have had more than 100 talks with Peking on serious subjects. Our Warsaw talks as late as last December did not accomplish much—and future talks may well be as fruitless.

But we must not stop trying. We must not stop inviting. Let China on her own demand impossible conditions. Let China on her own stay away and let the sting of world opinion be on her and not on us.

What I am talking about today is the survival of mankind—all mankind. This means Chinese, Russian, American and, indeed, all the peoples of the world.

Nations do not have to love one another in order to live in the same world with one another and no nation—not even China—can afford to retreat from the road to reason if they and we are to live at all.

Nations can keep their individual sovereignty—they can pursue a rational national purpose—and yet participate in international undertakings for food and health and economic help.

It would not serve any purpose for China—any more than for the rest of us—to pro-

mote a world toward health and happiness—the well-being of their own people too—and yet hold over its people the shadow of atomic extinction.

So wherever there is a disarmament conference—wherever peace is the topic—let China be invited to come. I commend the United Nations for its bold resolution for a World Disarmament Conference to which all nations would be invited. I am sure that that does not mean only members of the United Nations. I am sure it is broad enough to include China as well. That would all be for the best and I trust that Ambassador Goldberg means to see that China gets the challenge.

Let every disarmament conference hold an open door for all nations be it 100 or 18 nations—whether it is planned for 1967 or for January 27. Let us catch a second breath in our efforts of twenty years.

Let us have some of the pioneering enthusiasm of Bernard Baruch—let us have some of the initiative of President Eisenhower—let us have some of the impetus of President Kennedy—and let us have some of the dedicated drive of President Johnson.

We shall subscribe to the five principles of policy that have lifted us above the woes and wars of this generation—though today we address ourselves particularly to only the first two.

Building upon the strength that fortifies our commitments as a nation devoted to peace—we shall work for those nuclear controls that command our conscience—and our consciousness of national security.

We will have in mind an old formula we learned one cold January day on this Capitol Hill:

"We shall never negotiate through fear—but we shall never fear to negotiate."

APPENDIX—SIGNIFICANT DATES IN ATOMIC WEAPONS DEVELOPMENT AND SUBSEQUENT TEST BAN AND NONPROLIFERATION NEGOTIATIONS

DATES OF CERTAIN NUCLEAR WEAPONS EXPLOSIONS

July 16, 1945: First U.S. nuclear device test, Alamorgordo, N. Mex.

August 6, 1945: First atomic bomb dropped on Hiroshima.

August 9, 1945: Second atomic bomb dropped on Nagasaki.

August 29, 1949: First Soviet atomic test.

October 3, 1952: First nuclear bomb test by the United Kingdom.

November 1, 1952: Hydrogen device fired at Eniwetok by United States.

August 21, 1953: First hydrogen device tested by U.S.S.R. detected by United States.

February 13, 1960: First French atomic test.

October 16, 1964: First Chinese atomic test.

DATES OF NEGOTIATIONS ON DISCONTINUANCE OF NUCLEAR WEAPON TESTS

June 14, 1946: U.S. proposal for international control of atomic energy (Baruch plan).

June 19, 1946: U.S.S.R. proposed alternate plan including insistence on retention of Security Council veto power over any control system.

March 24, 1957: Bermuda declaration—joint declaration by the United States and the United Kingdom to conduct nuclear tests in such a manner as to keep world radiation from rising to more than a small fraction of the level that might be hazardous to continue to announce test series, also expressed willingness to announce tests to the U.N. and permit international observation if the U.S.S.R. would do the same.

November 14, 1957: General Assembly Resolution 1148 (XII): Regulation, limitation, and balanced reduction of all armed forces and all armaments; conclusion of an international convention (treaty) on the reduction of armaments and the prohibition of atomic, hydrogen, and other weapons of mass destruction. Among its provisions, this resolution urged the immediate suspension of testing of nuclear weapons with prompt installation of effective international control, including inspection posts equipped with appropriate scientific instruments located in the United States, the Soviet Union, and the United Kingdom and at other points as required.

December 10, 1957: Soviet proposal that U.S.S.R., United States and United Kingdom discontinue all tests as of January 1, 1958.

March 31, 1958: Decree of the Supreme Soviet concerning the discontinuance of Soviet atomic and hydrogen weapons test.

April 28, 1958: President Eisenhower by letter to Khrushchev proposed that both nations have the technical experts start to work on the practical problems involved in disarmament, particularly working toward the suspension of nuclear testing. President Eisenhower stated: "I reemphasize that these studies are without prejudice to our respective positions on the timing and interdependence or various aspects of disarmament."

May 9, 1958: Letter from Khrushchev accepting Eisenhower's proposal of April 28 to have experts study the problems involved in an agreement on the cessation of atomic and hydrogen weapons tests as far as inspection and control are concerned.

July 1, 1958: Conference of Experts from the West (United States, United Kingdom, Canada, and France) and East (U.S.S.R., Czechoslovakia, Poland, and Rumania) met in Geneva.

August 21, 1958: Conference of Experts adopted a final report for consideration by Governments. Conference of Experts recommended the so-called "Geneva System" of detecting nuclear explosions. This system recommended a network of 180 control points. It should be noted that the American representatives, during this conference, had taken the position that 650 control points would be necessary to have adequate protection down to 1 kiloton. Through compromise with the Soviets, they settled on the 180 stations, but then had to point out the weakness between the area of 1 kiloton and 5 kilotons.

August 22, 1958: President Eisenhower announced that based on the Conference of Experts' report, the United States was prepared to negotiate an agreement with other nations which have tested nuclear weapons for suspension of nuclear weapons tests and the establishment of an international control system.

The President also indicated that the United States would withhold further testing on its part of atomic and hydrogen weapons for a period of 1 year from the beginning of the negotiations unless testing is resumed by the Soviet Union.

October 31, 1958: First meeting in Geneva of the Conference on the Discontinuance of Nuclear Weapons Tests.

November 4, 1958: General Assembly Resolution 1252 (XIII): The discontinuance of atomic and hydrogen weapons tests. Among its provisions, this resolution urged the parties involved in the test-ban negotiations not to undertake further testing of nuclear weapons while these negotiations are in progress. It expressed the hope that the Geneva Test-Ban Conference would be successful and lead to an agreement acceptable to all. It also requested the parties concerned to report to the General Assembly the agreement that might be the result of their negotiations; and requested the Secretary General to render such assistance and provide such services as might be asked for by the conference commencing at Geneva on October 31, 1958.

November 7, 1958: President Eisenhower announced that the United States had detected additional tests by the Soviets subsequent to October 31, 1958.

December 28, 1958: The President appointed a panel on seismic improvement to review technical problems and to recommend methods of improving seismic detection.

January 5, 1959: United States released data showing many underground tests could not be detected by Geneva experts system recommended in 1958. Indicated Geneva system applicable at 20 kiloton rather than 5 kiloton threshold.

February 22, 1959 to March 2, 1959: Macmillan meeting with Khrushchev. During this meeting Macmillan and Khrushchev discussed the establishment of quotas for numbers of onsite inspections in countries where suspicious events have taken place.

April 13, 1959: United States proposed phased testing ban limited in first phase to atmospheric tests below 50 kilometers, with simplified control system, if Soviet Union continued to insist on veto for onsite inspections.

April 23, 1959: Soviets reject U.S. proposal to stop only atmospheric tests and said numerous onsite inspections would not be necessary for complete ban.

June 22, 1959 to July 10, 1959: Technical Working Group No. 1 met in Geneva to study high-altitude detection problems. On July 10 Geneva Technical Working Group I proposed establishment of system of earth satellites and installation of additional equipment at control posts to detect high-altitude explosions.

August 26, 1959: United States extended unilateral suspension to end of 1959.

August 27, 1959: United Kingdom said it would not resume tests as long as Geneva negotiations showed prospect of success.

August 28, 1959: U.S.S.R. pledged not to resume testing unless Western Powers did so.

November 21, 1959: General Asembly Resolution 1402 (XIV): Suspension of nuclear and thermonuclear tests. Among its provisions this resolution expressed the hope that the countries involved in the test-ban negotiations at Geneva would intensify their efforts to reach an agreement at an early date; it further urged the countries concerned in these negotiations to continue their voluntary ban on testing nuclear weapons; it also requested the countries concerned to report to the General Assembly the results of their negotiations.

November 25, 1959: Technical Working Group II met in Geneva with the Soviets and the British. This group met to consider data from the Hardtack series of nuclear explosions and the findings of the Berkner Panel. On December 18, 1959, at the conclusion of the meetings held by Technical Working Group II, U.S. members of Geneva Technical Working Group II reported that a large number of seismic events could not be identified without on-site inspection, even with improved techniques. The Soviet members of Geneva Technical Working Group II disagreed with U.S. finding.

December 29, 1959: United States said it was free to resume testing after end of 1959 but would not do so without giving advance notice.

February 11, 1960: United States proposed phased agreement, first phase to provide for cessation of tests in atmosphere, oceans, and outer space, to greatest height that could be effectively controlled; underground tests above 4.75 seismic magnitude (estimated by United States to equal explosion of about 20 kilotons) would also be covered; the 4.75 threshold would be lowered as capabilities of detection system were improved, 20 or 30 percent of unidentified seismic events above threshold should be inspected. U.S. experts estimated that this would mean about 20 inspections per year in U.S.S.R.

March 19, 1960: Soviets offered to include treaty on cessation of tests, together with moratorium on underground tests below magnitude 4.75, and to agree to joint research program on understanding that weapons tests would be halted during program.

March 29, 1960: United States and United

Kingdom said they would agree to voluntary moratorium on underground weapons tests below magnitude 4.75 after treaty was signed and arrangements were made for coordinated research program.

December 20, 1960: General Assembly Resolution 1577 (KV): Suspension of nuclear and thermonuclear tests. This resolution urges the countries involved in the Geneva test-ban negotiations to seek a solution for the few remaining questions so that a test-ban agreement could be achieved at an early date; it further urges the countries concerned in these negotiations to continue their present voluntary suspension of the testing of nuclear weapons; it also requests the countries concerned to report the results of their negotiations to the Disarmament Commission and the General Assembly.

March 21, 1961: First meeting under the new administration of the Geneva Conference on Discontinuance of Nuclear Weapons Tests. U.S. proposal presented by Ambassador Arthur H. Dean, Soviet Union introduced its troika proposal on this date.

April 18, 1961: United States and United Kingdom introduced draft treaty to the Geneva Conference.

May 5, 1961: Statement by President Kennedy on the Geneva test-ban negotiations made at his news conference. Mention is made of the new United States and United Kingdom proposals and the introduction of the troika proposal by Russia.

June 4, 1961: Khrushchev delivers Soviet aide-memoire concerning disarmament and nuclear weapons tests to President Kennedy at Vienna. Insists the question of control hinges on Western Powers accepting proposals on general and complete disarmament.

June 6, 1961: Kennedy reports to American people on his Vienna talks with Khrushchev.

June 6, 1961: Khrushchev reports to Russian people on his talks with President Kennedy. (Tass report) topics covered: General and complete disarmament, banning of nuclear weapons, cessation of tests, question of control. Hammarskjold, the German question (peace treaty).

June 17, 1961: U.S. aide-memoire to Soviet Russia concerning Geneva test-ban negotiations. Repeated new proposals offered by the United States and the United Kingdom on March 21, 1961.

June 28, 1961: President Kennedy announces appointment of Committee of Scientific Experts to advise him on test-ban problem.

July 5, 1961: Soviet note replying to U.S. note of June 17, 1961, concerning suspension of nuclear weapon tests. Says Soviet proposals have been distorted. Brings up again supervision of inspection and control by equal representatives of three basic groups: Socialist states, capitalist states in Western military bloc, and neutral states (troika).

July 15, 1961: U.S. note to Soviet Union referring to the Soviet note of July 5, 1961, on the Geneva test-ban negotiations. Says Soviet note contains a multitude of irrelevant and unwarranted comments. Confines its reply to the central issue: Is the Soviet Union prepared to reach an accord which would halt nuclear tests under effective international control?

July 15, 1961: United States and United Kingdom request to United Nations to place on the agenda of the 16th General Assembly an item entitled "The Urgent Need for a Treaty To Ban Nuclear Weapons Tests Under Effective International Control."

July 20, 1961: President announces membership of nuclear test study group.

August 10, 1961: President announces he has reviewed report of Scientific Committee and is sending Ambassador Dean back to Geneva.

August 30, 1961: Soviets announce plans to resume nuclear testing. Among the reasons cited by the Soviets for taking this step were the turn-down of the troika proposal, the nuclear tests carried out by the French beginning February 13, 1960, and the Berlin situation.

August 30, 1961: White House statement on the Soviet's announcement that they planned to resume nuclear testing. This statement expressed concern and resentment in regard to the Soviet decision to resume nuclear testing. It added that the Soviet decision presented a threat to the entire world. It denounced the Soviet pretext for resumption of weapons testing by mentioning that the Berlin crisis was created by the Soviets themselves. It also mentioned that the Soviet Union bears heavy responsibility before all humanity for this decision which was made in complete disregard of the United Nations. It concluded by announcing that Ambassador Arthur Dean was being recalled immediately from his post as chief negotiator at the nuclear test-ban meetings.

September 1, 1961–November 4, 1961: The Soviet Union conducted a series of approximately 50 atmospheric nuclear tests with a total yield of about 120 megatons. The tests were conducted at three different locations in the Soviet Union: Semipalatinsk, Novaya Zemlya, and east of Stalingrad. The series was highlighted by a 55–60 megaton detonation on October 31, 1961, despite a resolution adopted October 27, 1961, by the United Nations appealing to the U.S.S.R. to refrain from carrying out their stated intention to explode a device of this yield.

September 3, 1961: President Kennedy, in a joint statement with British Prime Minister Macmillan, proposed that the Soviet Union agree immediately to discontinuing testing nuclear weapons in the atmosphere. The note suggested that the United States, United Kingdom, and U.S.S.R. representatives meet in Geneva not later than September 9 to record the agreement to cease nuclear testing in the atmosphere and report it to the United Nations.

September 5, 1961: President Kennedy announced that the United States would resume nuclear testing. He ordered the tests carried out in the laboratory and underground "with no fallout." This decision was made after the Soviets set off their third nuclear test in the atmosphere in 5 days. President Kennedy, in referring to the Kennedy-Macmillan statement of September 3 on banning nuclear testing in the atmosphere, said the offer remains open until September 9, 1961.

September 15, 1961: The United States detonates its first underground nuclear device since the end of the test moratorium at the Nevada test site.

November 2, 1961: The President announces that the policy of the United States will be to proceed in developing nuclear weapons to maintain a superior capability for the defense of the free world against any aggressor. This statement indicated that the United States would make necessary preparations in case it becomes necessary to test in the atmosphere.

December 22, 1961: A joint communique was issued by President Kennedy and Prime Minister Macmillan following a 2-day meeting in Bermuda. They agreed that it was necessary "as a matter of prudent planning for the future, that pending the final decision [to resume atmospheric testing] preparations should be made for atmospheric testing to maintain the effectiveness of the deterrent."

January 29, 1962: Geneva Conference on the Discontinuance of Nuclear Weapons Tests breaks up at the 353d meeting. The United States proposed an adjournment, and Soviet negotiator Tsarapkin said, "This is the end."

February 7, 1962: President Kennedy and British Prime Minister MacMillan said they have proposed to Soviet Premier Khrushchev that another "supreme effort" to halt the nuclear arms race be made by raising next month's 18-nation general disarmament conference to the foreign ministers' level.

February 14, 1962: President Kennedy urged Premier Khrushchev not to press his proposal for an 18-nation summit meeting on disarmament. However, he assured the Soviet leader that he was ready to participate "at any stage of the conference when it appears that such participation could positively affect the chances of success."

February 21, 1962: Premier Khrushchev replied to President Kennedy's letter of February 14 still insisting on a summit conference on disarmament.

February 24, 1962: Letter from President Kennedy to Premier Khrushchev. President Kennedy replied to Premier Khrushchev's letter of February 21, 1962, stressing that heads-of-state participation at the Geneva Conference should be reserved until a later stage in the negotiations after preliminary agreements have been reached at the Foreign Ministers' level.

March 2, 1962: President Kennedy announced that he had ordered a resumption of nuclear tests in the atmosphere in late April unless the Soviet Union agrees before then to an "ironclad" treaty banning all tests. The President held out to Khrushchev the promise of a summit conference at which such a treaty could be signed, and also said that a satisfactory treaty would be offered by the West at the disarmament conference opening in Geneva on March 14, 1962.

March 4, 1962: The Soviet Government sent the United States a message delivered to the State Department advising that Foreign Minister Gromyko would go to Geneva. The Kremlin message was reported to have said that Khrushchev had "reluctantly" accepted the Foreign Minister proposal.

March 14, 1962: 17-nation disarmament conference opened in Geneva. (Originally 18-nation conference, but France did not attend).

March 15, 1962: The United States, during the Geneva Disarmament Conference, clearly indicated its willingness to drop the 4.75 threshold and to make the test ban treaty, from the outset, complete in its coverage by banning all tests in the atmosphere, outer space, underground, and in the oceans. The response of the Soviet Union to this proposal indicated an unwillingness on their part to accept a treaty with or without the U.S. proposed amendment.

March 16, 1962: Premier Khrushchev announced that Soviet scientists had developed a "global rocket" invulnerable to antimissile weapons and that it rendered obsolete the early warning system of the United States.

April 10, 1962: The White House released a joint United States-United Kingdom statement on nuclear testing appealing to the Soviet Union to agree to a nuclear test ban with adequate safeguards including the principle of international verification. This statement indicated that if such an agreement was not successful then the test series scheduled by the United States for the latter part of April would go forward.

April 10, 1962: Prime Minister Macmillan added a personal message to the joint Anglo-American note to Premier Khrushchev on a nuclear test ban asking him to accept an inspection procedure and "fill all the peoples of the world with a new sense of hope."

April 12, 1962: Premier Khrushchev rejects the Kennedy-Macmillan joint statement on nuclear testing.

April 16, 1962: Eight neutral nations appealed to the nuclear powers to persist in their efforts to reach agreement on prohibiting nuclear weapons testing for all time. They suggested establishing a system for continuous observation and control on a scientific and nonpolitical basis, built on existing national network of observation posts.

April 18, 1962: United States offered a three-stage plan for disarmament, having as its goals general and complete disarmament and gradual replacement of the armed

power of single nations by a strengthened United Nations. The disarming process would be balanced to prevent any state from gaining a military advantage, and compliance with all obligations would be effectively verified.

April 22, 1962: Joint Committee on Atomic Energy in summary-analysis of 1961 Vela hearing, reports that nearly 3 years of research had brought no material progress toward an effective method of detecting clandestine underground tests.

April 22, 1962: Joint Committee on Atomic in the atmosphere. This test was of an intermediate yield from a plane near Christmas Island. The President approved the resumption on nuclear testing after repeated unsuccessful attempts by the United States to get the U.S.S.R. to agree to a nuclear test ban treaty with adequate safeguards.

April 26, 1962: Secretary of State Rusk justified the new series of tests on the basis of refusal of the Soviet Union to accept the kind of international verification necessary for a test-ban agreement. The Secretary of State referred to President Kennedy's address of March 2 in which he set forth the reasons why a certain number of tests would be necessary in the absence of an international agreement banning nuclear tests with adequate assurances; and, secondly, that it is a major objective of American policy to bring an end to testing immediately and permanently when we were assured that testing had been abolished.

May 1, 1962: France conducts underground explosion of nuclear device in Algerian Sahara.

May 2, 1962: Disarmament talks were resumed at Geneva. British Minister of State Joseph Godber said U.S.S.R. must change its attitude toward verification measures if the world is to have general and complete disarmament.

May 16, 1962: Premier Khrushchev confirmed U.S.S.R. determination to test. He based his decision on the fact that the United States had resumed testing in the Pacific.

June 14, 1962: The Eighteen Nation Disarmament Conference[1] recesses.

July 12, 1962: Secretary of State Dean Rusk reports that the preliminary Vela results, released by the Defense Department on July 7, offer some promising signs for detecting and identifying nuclear tests but emphasized the new findings cannot be considered a substitute for control posts or on-site inspections.

July 13, 1962: Soviet Union served official notice that it claims the right to be the last nation to carry out nuclear weapon tests.

July 16, 1962: The 18 Nation Disarmament Conference reconvenes in Geneva. The United States proposes discussion of scientific findings, particularly from Project Vela.

July 21, 1962: The Soviet Government announces its decision to resume nuclear tests.

August 1, 1962: President Kennedy stated at his news conference that on the basis of recent technical assessments, the United States can work toward an internationally supervised system of detection and verification for underground testing which will be simpler and more economical than the system which was contained in the treaty which we tabled in Geneva in April 1961. He emphasized that these new assessments do not affect the requirement that any system must include provision for on-site inspection of unidentified underground events.

August 5, 1962: The Soviet Union detonates a nuclear explosion in the atmosphere in the order of magnitude of 30 megatons. This is the first of some 40 tests, continuing until December 25.

[1] Eighteen Nation Disarmament Conference now composed of 17 nations. France, an original member, withdrew at the beginning of the Conference.

August 8, 1962: U.S. Delegate Dean proposed reducing the number of control posts to something like 80—a reduction of more than half. He offered this concession in view of his contention that detecting devices have gone ahead rapidly. Thus, our techniques for detecting sneak tests are much better.

August 9, 1962: Ambassador Dean formally introduces a new proposal for a comprehensive test-ban treaty based on a worldwide network of internationally supervised, nationally manned control posts. Provided the Soviets agree to the principle of obligatory on-site inspection, the numbers of control posts and on-site inspections would be substantially reduced from previous U.S. proposals. Ambassador Zorin immediately rejects the new proposal.

August 20, 1962: The U.S.S.R. rejected proposals for a partial nuclear test-ban treaty. The idea of a half-way treaty was advanced by Brazil, Sweden, and Italy. The proposed treaty would stop atmospheric tests immediately to ease fallout dangers.

August 27, 1962: The United States and Great Britain offered the Soviet Union the choice of an internationally inspected total ban on nuclear weapons tests or an uninspected limited ban. The limited ban would cover tests in the atmosphere, in space and underwater pending further negotiations for a treaty to include underground tests, the most difficult to identify.

August 29, 1962: The U.S.S.R. submitted to the disarmament conference a formula for halting nuclear weapons tests that the United States and Britain have repeatedly termed unacceptable because of inadequate guarantees and safeguards for inspection of suspicious events.

August 29, 1962: President Kennedy welcomed a Soviet proposal that all nuclear testing cease by January 1. But he reiterated the western position that an enforceable treaty, complete with inspection provisions, be signed first.

September 7, 1962: The 18-Nation Disarmament Conference recesses, but the Test Ban Subcommittee remains in session.

October 24, 1962: At the United Nations, Brazil proposes denuclearization of Latin America and Africa which would include a ban on nuclear weapon tests in these continents.

November 4, 1962: President Kennedy announces the end of the current series of atmospheric nuclear tests, but states that underground tests will be continued in Nevada. The last atmospheric detonation was November 4, 1962.

November 6, 1962: The General Assembly adopts a two-part resolution on nuclear tests. Part (A), sponsored by 37 powers and approved by a vote of 75 to 0 with 21 abstentions, calls for the cessation of testing by January 1, 1963, and an interim arrangement with certain assurances if no final agreement is achieved by that date. Part (B), sponsored by the United States and the United Kingdom and approved by a vote of 51 to 10 with 40 abstentions, urges the early conclusion of a comprehensive test ban treaty with effective international verification. The United States and the U.S.S.R. abstain on part (A), and the U.S.S.R. opposes part (B).

November 13, 1962: At Geneva, Ambassador Tsarapkin suggests that unmanned seismic stations be employed as an addition to existing national detecting stations to monitor a test ban.

November 26, 1962: The 18-Nation Disarmament Conference reconvenes for the third session.

November 28, 1962: In an attempt to end the deadlock at Geneva, Swedish Delegate Rolf Edberg proposed a moratorium on all nuclear tests while an international group of scientists works out underground control methods satisfactory to both the West and the Soviet Union.

December 3, 1962: The U.S.S.R. rejected the proposal for setting up a nuclear test ban put forth by the Indian-Swedish delegations.

December 4, 1962: The Soviet Union told the United States and Great Britain that as long as they insisted on on-site inspection there would "never be any agreement" to end nuclear testing. Joseph B. Godber of Britain declared the dismissal of the neutralist efforts to break the test ban stalemate was "not the action of a responsible government."

December 4, 1962: Arthur H. Dean told the Soviet Union that unmanned seismic stations—the so-called "black boxes"—cannot serve as a sole guardian of a nuclear test ban.

December 10, 1962: In the 18-Nation Disarmament Conference, Ambassador Tsarapkin formally proposes the establishment of two or three unmanned seismic stations on the territories of states possessing nuclear weapons. Locations by zones for those to be placed in the Soviet Union are named. This proposal is conditioned on the abandonment by the West of its insistence on international control and obligatory on-site inspection.

December 19, 1962: Premier Khrushchev, in a letter to President Kennedy, states that the Soviet Union is now prepared to accept two or three on-site inspections per year on Soviet territory. In addition, he says there could be three unmanned seismic stations on Soviet territory. The final location of the stations is left open.

December 20, 1962: The 18-Nation Disarmament Conference recesses.

December 28, 1962: President Kennedy, in reply to Premier Khrushchev, indicates encouragement that the Soviets have now accepted the principle of on-site inspection, but states that the figure of "two or three" on-site inspections is not sufficient, nor are three unmanned seismic stations. He denies that the United States offered to agree on three inspections. The United States has reduced number of on-site inspections to 8 to 10.

January 4, 1963: Arthur H. Dean announced that he had submitted his resignation on December 27, 1962, as Chief U.S. negotiator at the Disarmament Conference at Geneva.

January 7, 1963: In a letter to President Kennedy, in further exchange on the subject of on-site inspection, Premier Khrushchev holds to his contention that an annual quota of two or three inspections is sufficient. He emphasizes that he considers agreement in principle a great unilateral concession, and he agrees to further discussion on the questions between United States and U.S.S.R. representatives.

January 14, 1963: United States and Soviet representatives meet in New York. The United States is represented by William C. Foster, Director of the U.S. Arms Control and Disarmament Agency; and the U.S.S.R. is represented by N. T. Fedorenko, Soviet Ambassador to the U.N. and S. K. Tsarapkin, chairman of the Soviet delegation to the 18-Nation Disarmament Conference. Discussions continue in New York until January 22 when they are moved to Washington.

January 26, 1963: President Kennedy orders that preparations for underground testing in Nevada be suspended in the hope that the Western-Soviet discussions presently taking place in New York and Washington would materially enhance the prospects for an effective agreement on a test ban.

February 1, 1963: The New York and Washington, D.C., discussions on a test ban are slated to be taken up at the 18-Nation Disarmament Conference scheduled to be resumed on February 12. In a press conference, Secretary of State Rusk expressed the disappointment of the United States that the position of the Soviet Union appeared to have hardened into a "take-it-or-leave it" attitude on their offer for two or three on-site inspections per year. The Secretary states, "* * * the idea of on-site inspection is not simply a political question involving the acceptance of on-site inspection in principle,

but is the practical problem of establishing arrangements which in fact do provide assurance that agreements are being complied with."

February 1, 1963: President Kennedy orders resumption of the preparations for underground testing in Nevada.

February 8, 1963: The scheduled series of underground tests is begun in Nevada.

February 12, 1963: The 18-Nation Disarmament Conference reconvenes at Geneva.

February 22, 1963: The ACDA announces in Washington that the United States is willing to consider possible acceptance of seven on-site inspections, providing the modalities of inspection can be agreed upon.

February 28, 1963: In a Moscow election meeting speech, Premier Khrushchev reaffirms his refusal to consider anything but three on-site inspections per year.

April 1, 1963: The United States and United Kingdom delegations table a memorandum of position concerning the cessation of nuclear weapon tests. This memorandum sums up the Western position on general principles of agreement, on-site inspection and automatic seismic station arrangements, and includes specific proposals submitted to date.

Aug. 5, 1963: Limited test ban treaty is signed in Moscow.

Aug. 31, 1963: "Hotline" teletype system between Washington and Moscow becomes operational.

Oct. 7, 1963: President, with the advice and consent of the Senate, signs the Limited Test Ban Treaty.

Oct. 10, 1963: The Limited Test Ban Treaty enters into force.

Dec. 31, 1963: Premier Khrushchev calls on all states to conclude an international agreement "for the renunciation by the states of the use of force for the settlement of territorial disputes and boundary questions."

Jan. 8, 1964: In his State of the Union message, President Johnson announces that U.S. production of enriched uranium will be reduced by 25 percent and that the Atomic Energy Commission will close down 4 of its 14 reactors producing plutonium for weapons. The President calls on the Soviet Union to take similar steps.

Jan. 18, 1964: President Johnson, in his reply to Premier Khrushchev's letter of December 31, 1963, appeals to the Soviet Union to support concrete steps to strengthen peace, by urging that both nations present new proposals at Geneva on the prevention of the spread of nuclear weapons, cessation of the production of fissionable materials for weapons uses, the transfer of large amounts of fissionable materials to peaceful uses, the prohibition of all nuclear tests, limitations on nuclear weapons systems, reduction of the risk of war by accident or design, and progress toward general disarmament.

Jan. 21, 1964: The Eighteen Nation Disarmament Committee (ENDC) reconvenes in Geneva.

In a message to the ENDC, President Johnson submitted proposals designed to: prohibit the use of force, achieve a verified freeze of nuclear delivery vehicles, achieve a verified agreement on the cessation of the production of fissionable material for weapons, reduce the danger of accidental war and surprise attack, and halt the spread of atomic weapons.

Apr. 20, 1964: President Johnson announces that he has ordered "a further substantial reduction" in the production of enriched uranium. Combined with the reduction announced last January, the overall reduction in the production of enriched uranium will be 40 percent over a four year period.

Premier Khrushchev announces discontinuance of the construction of two new reactors for the production of plutonium and that the production of uranium-235 would be substantially reduced over the next several years. (On November 24, 1965, in response to inquiries regarding Premier Khrushchev's statement of April 20, 1964, the AEC stated "there is no evidence to confirm that the Soviets have indeed done what they stated they would do.")

Apr. 21, 1964: Prime Minister Douglas-Home announces that U.K. production of military plutonium will gradually be terminated.

Apr. 28, 1964: The ENDC recesses.

June 9, 1964: The ENDC reconvenes.

June 11, 1964: The IAEA Board of Governors approves an agreement between the United States and the Agency whereby four U.S. reactors will be placed under Agency safeguards against diversion to non-peaceful ends.

June 25, 1964: At the ENDC, the United States presents a plan to provide verification for a cutoff in the production of fissionable materials for weapons.

Aug. 27, 1964: At the ENDC the Indian representative states that under no circumstances will this country use its nuclear capabilities for non-peaceful purposes.

Sept. 17, 1964: The ENDC adjourns.

Oct. 16, 1964: Communist China explodes its first atom bomb.

Oct. 24, 1964: The Chairman of India's Atomic Energy Commission states that India might be compelled to manufacture nuclear weapons unless some important and tangible steps are made toward general disarmament.

Nov. 1, 1964: The White House announces that former Deputy Secretary of Defense Roswell L. Gilpatric has been appointed by the President to head a special panel to study ways and means of preventing the spread of nuclear weapons.

Dec. 8, 1964: Following their Washington Conference, President Johnson and U.K. Prime Minister Wilson issued a communique in which they express agreement on the urgency of a world-wide effort to prevent the proliferation of nuclear weapons.

Dec. 30, 1964: In a New Year's greeting to Premier Kosygin, President Johnson expresses the hope that practical agreements can be reached soon in the area of arms control.

Jan. 19, 1965: AEC announces that the United States has detected venting from the Soviet underground test of January 15.

Jan. 26, 1965: In a statement before the House Foreign Affairs Committee, ACDA Director Foster states that the Soviet test of January 15 may have been a technical violation of the limited test ban treaty.

Feb. 15, 1965: AEC announces it will further reduce the rate of production of enriched uranium. The new reduction will be gradually carried out from 1966 to 1969.

May 14, 1965: Communist China explodes its second atomic bomb.

May 17, 1965: In the Disarmament Commission, ACDA Director Foster suggests a broad program of measures to halt the proliferation of nuclear weapons.

July 27, 1965: ENDC convenes at Geneva. In a message to the delegates, President Johnson states that the American delegation is instructed to seek "agreements that will limit the perilous spread of nuclear weapons, and make it possible for all countries to refrain without fear from entering the nuclear arms race;" "effective limitation of nuclear weapons and nuclear delivery systems. . . ;" and a "truly comprehensive test-ban treaty."

Aug. 8, 1965: Pope Paul VI urges mankind to renounce forever use of atomic weapons and prays that men will "no longer place their trust, their calculations, and their prestige in such fatal and dishonoring weapons."

Aug. 17, 1965: At the ENDC, the United States presents a draft non-proliferation treaty.

Aug. 31, 1965: At the ENDC the Soviet Union rejects the U.S. draft non-proliferation treaty of August 17.

Sept. 16, 1965: The Conference of the Eighteen Nation Committee on Disarmament (ENDC) adjourns following the conclusion of its 234th plenary meeting.

Sept. 23, 1965: In a speech at the United Nations, Ambassador Goldberg stresses that the first priority towards the goal of general and complete disarmament "must be given to halting the spread of nuclear weapons. . ."

Sept. 24, 1965: Soviet draft treaty on non-proliferation presented to the Secretary General of the United Nations.

Oct. 17, 1965: William Foster, Director, Arms Control and Disarmament Agency, in a speech at the United Nations calls for the resumption of the ENDC at Geneva.

Nov. 25, 1965: At the United Nations 26 nations present a draft resolution on the "urgent need for suspension of nuclear and thermonuclear tests." This draft resolution was subsequently sponsored by 9 other nations.

Dec. 3, 1965: The 35-nation draft resolution of November 25, 1965 approved by the General Assembly by a vote of 92 to 1 with 14 abstentions. Albania votes against the resolution. The following countries abstain: Algeria, Bulgaria, Byelorussia, S.S.R., Congo, Cuba, Czechoslovakia, France, Guinea, Hungary, Mauritania, Mongolia, Poland, Ukrainian, S.S.R., and the Soviet Union.

Dec. 28, 1965: Ambassador-at-Large Averell Harriman leaves Washington to visit Eastern Europe on a peace mission for President Johnson.

Jan. 27, 1966: Eighteen Nation Disarmament Committee is scheduled to reconvene in Geneva.

Mr. PASTORE. Mr. President, following that speech, in which I introduced Senate Resolution 179, that resolution was favorably reported both by the Joint Committee on Atomic Energy and by the Foreign Relations Committee. It passed in the Senate without a dissenting vote. The vote was 84 to nothing.

The U.S. negotiators heeded my advice, and worked out an article that was virtually identical with the one I had suggested. But disagreement then arose among some nations, including our allies, with respect to the article.

The disagreement resulted from the fact that there were already two excellent, well-established international safeguards systems—that of Euratom and that of the International Atomic Energy Agency. An impasse developed as to how to work out the relationship between the two.

In a speech on the floor of the Senate on March 9, 1967, I recognized the impasse that had developed on this point. I recommended that an arrangement be proposed whereby the International Atomic Energy Agency would enter into a formal agreement with Euratom to develop equivalent technical standards for their safeguards system, and under which International Atomic Energy Agency inspectors would be authorized to verify Euratom's system. I ask unanimous consent that this speech be printed in the RECORD.

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

FLOOR STATEMENT OF SENATOR JOHN O. PASTORE ON NONPROLIFERATION OF NUCLEAR WEAPONS, MARCH 9, 1967

Mr. President, less than one year ago—on May 17, 1966—a most serious matter was before the Senate. The subject was embodied in a resolution which was simply worded—not highly technical—not difficult to understand—and impossible to ignore.

It was a resolution for nonproliferation of nuclear weapons.

The resolution passed without a dissenting vote.

I believe it was—and is—a profound declaration of the consensus of the Senate. Important as it was last year, I believe it may be even more important today. So I ask the indulgence of my colleagues and read that Senate Resolution 179 of the 89th Congress, 2nd Session, we passed that day.

"S. RES. 179, 89TH CONGRESS, SECOND SESSION

"Whereas the spread of nuclear weapons constitutes a grave threat to the security and peace of all nations, and

"Whereas the knowledge and ability to design and manufacture nuclear weapons is becoming more universally known, and

"Whereas the danger of nuclear war becomes greater as additional nations achieve independent nuclear weapon capability, and

"Whereas it is the policy of the United States, as stated by President Johnson, 'to seek agreements that will limit the perilous spread of nuclear weapons, and make it possible for all countries to refrain without fear from entering the nuclear arms race': Therefore be it

"*Resolved,* That the Senate commends the President's serious and urgent efforts to negotiate international agreements limiting the spread of nuclear weapons and supports the principle of additional efforts by the President which are appropriate and necessary in the interest of peace for the solution of nuclear proliferation problems."

That Resolution was passed, 84 to 0, on May 17, 1966.

Today—March 9, 1967—the international disarmament conference is meeting in Geneva. Representatives of seventeen nations of the world are engaged in an effort to negotiate a nonproliferation treaty.

The effort is arduous. Negotiations have been underway since February 21. As anyone who has been reading the newspaper reports well knows, there are currently some difficulties in negotiating and drafting the treaty language.

Specifically, there is disagreement among some nations, including our allies, with Article III of the proposed treaty submitted by the United States.

Article III has to do with international inspection of civilian nuclear facilities within the signatory countries.

There are two worthwhile international organizations that have been, and are, sponsoring civilian uses of atomic energy—the International Atomic Energy Agency and Euratom.

There appears to be developing in the minds of some that a choice must be made of one of these organizations to the exclusion of the other for the purpose of assuring that civilian nuclear material and equipment are not diverted to military purposes.

This is wrong!

Mr. President, I believe it would be worthwhile if we review the wording of Article III as it was originally proposed by the United States and alternate variations that have been under consideration and what problems there are.

As a member of the Joint Committee on Atomic Energy, and as present Chairman, I have been closely following this matter and I would hope that as we have been able to do in the past, the members of the Joint Committee can make some contributions to help solve the problems that may now be facing us in the international control of atomic power.

Article III in the proposed treaty tabled on August 17, 1965 and again on March 22, 1966 by the United States, stated as follows:

"Each of the states party to this treaty undertakes to cooperate in facilitating the application of International Atomic Energy Agency or equivalent international safeguards on all peaceful nuclear activities."

As my colleagues recall, last year when I introduced S. Res. 179 on January 18th, I was critical of the wording of Article III as proposed. I felt the phrasing was vague and noncommital. I said then, and I repeat now, if we really believe—and I know that we do—that the application of international controls are necessary and we intend to support international safeguards—let us say so in clear, explicit, definite, unequivocal language.

Last year, I therefore recommended much stronger language—language that would make it mandatory for international controls—international safeguards to be applied to nuclear material and equipment transferred between nations. At the time I recommended the following specific language:

"1. Each of the nonnuclear states party to this treaty undertakes to accept International Atomic Energy Agency or similar safeguards on all of their nuclear activities.

"2. Each of the states party to this treaty undertakes to provide source or fissionable material, or specialized equipment or nonnuclear material for the processing or use of source or fissionable material or for the production of fissionable material, to other states for peaceful purposes only if such material and equipment will be subject to International Atomic Energy Agency or similar international safeguards."

I was saying—pure and simple—that any nation that gives fissionable material for civilian use shall make sure that the recipient of such material agrees to international inspection and all those who receive it in turn agree that they will subscribe to international inspection.

In my proposed language I used the words "International Atomic Energy Agency or similar international safeguards" and I chose those words quite carefully for the following reason:

The International Atomic Energy Agency, with a current membership of 97 nations has established a safeguards system but to date has not fully developed that system. Euratom, an organization consisting of six Western European nations has been operating an inspection system among its members which I hoped would also be used to assure compliance with the nonproliferation treaty.

While the International Atomic Energy Agency is further developing its capabilities, I wanted to be certain that we continued to draw upon and use the capabilities of the existing system within that region where it exists. When I made my recommendation I did not then, nor do I now, support any type of language that would put off into the undetermined future the requirement for some sort of international inspection. It was my strong belief then, and it remains today, that we must be definite as to when and how international inspection will be applied to verify the civilian uses of atomic energy and to assure materials are not diverted to military purposes in contravention of any nonproliferation treaty entered into by the United States and other nations. This has been United States' policy from the inception of President Eisenhower's Atoms-For-Peace program in 1953. The United States has always required that agreements for cooperation in the civilian uses of atomic energy carry with them procedures and requirements for inspection. At first the United States on its own assumed that responsibility. Bilateral agreements with other nations included the right of United States inspectors to personally verify that equipment and material were being used in conformance with our agreement. Thereafter, when Euratom was formed in 1957 we encouraged this group of six Western European nations to develop international-type safeguards within that organization. Within Euratom, nationals of the other member nations inspect Euratom material and equipment located in France; Dutch and Italian nationals inspect Euratom equipment and material in West Germany. However, from the beginning its was understood that in the event of the establishment of an international safeguards and control system under the International Atomic Energy Agency, Euratom would consider the International Atomic Energy Agency's assuming some safeguards and controls over Euratom nuclear material.

In 1958 the Chief of the Euratom delegation, in a letter to the United States Representative to Euratom, assured the United States ". . . in the event of the establishment of an international safeguards and control system by the International Atomic Energy Agency, the United States and Euratom will consult regarding assumption by that Agency of the safeguard and control over the fissionable material utilized or produced in implementation of the program contemplated by the Memorandum of Understanding."

Mr. President, I ask unanimous consent to include at this point in the record an exchange of letters dated June 18, 1958, between Max Kohnstamm, Chief, Euratom delegation, and Ambassador Butterworth, United States Representative to Euratom, confirming this understanding.

Mr. President, since its inception I have been a strong supporter of Euratom. The Joint Committee on Atomic Energy, of which I am honored to be the Chairman, has consistently supported various cooperative programs aimed at assisting Euratom in furthering the development of civilian nuclear power within Western Europe. Every proposal for cooperation and assistance—whether it involved information, technical assistance or fissionable material—was supported by the Joint Committee on Atomic Energy.

As Chairman of the Subcommittee on Agreements for Cooperation for a number of years I consistently and constantly lent my voice and support to assisting what I believe to have been, and still to be, a worthwhile endeavor—Euratom. I therefore am surprised and disappointed when I read statements emanating from within Euratom nations resisting, if not opposing, the nonproliferation treaty and, particularly, International Atomic Energy Agency safeguards. Statements reportedly originating in West Germany claim that a nonproliferation treaty, as now being proposed in Geneva, adversely affects the civilian nuclear power program within that nation. This, if true, is an incongruity and I dare say an untenable position. Each of the Euratom nations, as a member of Euratom, has already accepted international inspection within its own organization. In addition, each of the six member nations of Euratom has had bilateral agreements for cooperation with the United States which in the past authorized U.S. inspection. During the past several years two members of Euratom agreed to Euratom inspection of equipment received under their bilateral agreements with the United States. Following extended negotiation and review on August 1, 1965 Belgium entered into agreement by which it came under Euratom international inspection on all material and equipment it receives from the United States. On November 20, 1966 France also did the same. This year West Germany is expected to do the same.

In all cases, whether it be through bilateral agreements or through Euratom, the six nations of Euratom have agreed not to use material or equipment received from the United States for military purposes. This has not in any way adversely affected their civilian program. Similarly, each of the six in one way or another has accepted international inspection from its neighbors. I am therefore concerned that these nations that have been complying with nonproliferation-type restrictions should now raise objections by claiming that the nonproliferation treaty would prevent or hamper the civilian uses of atomic energy.

As I have over the years sponsored and supported Euratom, similarly I have been

a strong supporter of the International Atomic Energy Agency. In 1955, when President Eisenhower appointed me a delegate to the General Assembly of the United Nations, I helped in the drafting of the United States resolution which first sponsored the International Atomic Energy Agency. I presented the draft proposal before the first political committee of the 10th General Assembly of the United Nations. I have seen the International Agency grow to what it is today—an organization dedicated to the development of nuclear energy for peaceful purposes with a membership of 97 nations soon to be increased to 99.

Beginning in 1960 the International Atomic Energy Agency has been developing an international inspection system. It is still developing that system. It has, I am informed, approximately 13 individuals assigned to it whose responsibility it is to visit facilities throughout the world and to verify that equipment and material designated for civilian purposes are not diverted to military uses.

I personally do not believe that this limited personnel of the International Atomic Energy Agency system to date is adequate to assume its responsibilities throughout the world. I am convinced that in the last several years much has been accomplished in developing techniques and training International Atomic Energy Agency inspectors. A great deal more is necessary. I am sure that it is important that in the years to come the United States and other nations dedicate themselves to improving and strengthening the International Atomic Energy Agency safeguards system.

Now, I do not believe that we are compelled to make a choice that is to be either one or the other—the IAEA or Euratom. In my opinion, it can be a cooperation and understanding between the two.

Nonproliferation of nuclear weapons is of prime importance. We need any and all assistance we can receive to assure fissionable material and equipment are not diverted from civilian uses to nuclear weapons. We need the Euratom safeguards, we need the International Atomic Energy Agency safeguards, and we need any additional regional safeguard systems that may hereafter be set up.

I, for one, would welcome an organization of Warsaw Pact nations that might be formed to further the civilian uses of atomic energy.

I would welcome a system whereby Polish nationals would inspect Hungarian or Czechoslovakian facilities and vice versa.

I would welcome a group of South American nations that might form on a regional basis and which might develop an international safeguards system within their region.

On the other hand, I would not recommend nor would I support individual regional safeguards systems which would exclude International Atomic Energy Agency inspectors or which would be in lieu of International Atomic Energy Agency safeguards.

Mr. President, as I have indicated on numerous occasions in the past, I believe it is important that Article III of the proposed nonproliferation treaty set forth a definite commitment that material and equipment transferred for peaceful uses will be subject to international inspection. I recommend that Article III be clearly understood not to require the International Atomic Energy Agency inspection system or other international inspection to be exclusive of each other; that any regional system that currently exists, like Euratom or others that may subsequently be formed, be encouraged to assist in this important work but that they be coordinated with and under the International Atomic Energy Agency safeguards system. To this extent I recommend that the U.S. representative to the International Atomic Energy Agency be instructed to propose an arrangement whereby the IAEA would enter into a formal agreement with Euratom to develop equivalent technical standards for their safeguards systems and under which IAEA inspectors would be authorized to verify Euratom's system. I would also recommend that such an agreement should include a joint research program to develop improved technical methods for safeguarding fissionable materials.

Organizations such as Euratom and the International Atomic Energy Agency, whose objectives are similar, should not be at odds with one another. They should be co-operating and supplementing one another. If these two organizations will enter into an agreement to help develop better safeguard methods conceivably they could also enter into other joint projects in fostering the civilian use of atomic energy for their mutual benefits.

There are five nations today capable of unleashing a nuclear war. As additional nations develop nuclear weapon capability, the danger of accidental or deliberate nuclear war will increase. Every President—every Administration—from President Truman to President Johnson—has supported a policy to prevent further proliferation of nuclear weapons. Beginning with President Eisenhower, the United States also has sponsored an Atoms-For-Peace program to help other nations and groups of nations throughout the world obtain the benefits of peaceful uses of atomic energy. It would be a sad and tragic event if jealous rivalry between two international organizations, both of which were formed to advance the peaceful uses of atomic energy, were to prevent an effective nonproliferation treaty from being adopted.

Individual nations within Euratom and within the International Atomic Energy Agency have been willing to give up some degree of their sovereignty for the benefit of the group. Further advancements can be made for the betterment of all if these separate international agencies will cooperate in developing and supporting an international safeguards system.

We must not falter. And we must not fail.

We are thousands of miles from Geneva today—but our tomorrow could depend on these discussions—those differences—and their decisions.

The very fact that mankind has a problem of nuclear proliferation to discuss, magnifies the perils that multiply with the expansion of the nuclear club.

We shuddered at the potential nuclear annihilation when the threat was in just two hands—ours and the Soviet Union.

All the wars of the 20th Century have cost 100 million lives. Three hundred million might well be lost in the first hour of an all out nuclear war—and the survivors would envy the dead.

Today—five nations are in the "nuclear club"—and a dozen nations stand in the wings counting the cost—against the prestige.

There are thousands of missiles actually on target at this hour in this divided world. Multiply them in mad hands—and "tomorrow" might become the most uncertain word in the language of man.

But mankind has a still more powerful weapon—the power of speech—of reason—of reasoning—of words—of communication—of understanding—man to man.

We have seen its power in these twenty years—growing into an active, articulate idea of a world of law and order.

We have seen its great instrument—the United Nations—become a power to maintain and restore peace among peoples.

We have seen the achievements of the Limited Nuclear Test Ban Treaty—our nuclear treaties in outer space—our "hot line" between the Kremlin and the White House.

We have seen these successes achieved when the hour seemed to promise pessimism—despair—defeat.

This hour at Geneva therefore calls for optimism.

It calls for the courage to compromise doubts and differences.

It calls for confidence in international cooperation.

It calls for a compact of nuclear security conceived in common sense.

It calls for a partnership for peace.

LUXEMBOURG,
June 18, 1958.

His Excellency Ambassador W. WALTON BUTTERWORTH,
U.S. Representative to the European Atomic Energy Community, Luxembourg.

DEAR MR. AMBASSADOR: As you are aware, in the course of the final negotiations on the text of the Memorandum of Understanding regarding the joint nuclear power program proposed between the European Atomic Energy Community (Euratom) and the United States of America, the question was raised as to the intent of the Parties regarding section 11D of the Memorandum. Section 11D provides for frequent consultation and exchange of visits between the Parties to give assurance to both Parties that the Euratom safeguards and control system effectively meets the responsibility and principles for the peaceful uses of atomic material stated in the Memorandum and that the standards of the materials accountability systems of the United States and Euratom are kept reasonably comparable.

I wish to confirm the understanding of the Euratom Commission that the consultations and exchange, of visits agreed upon in the referenced section and the assurance provided for therein include within those terms permission by each Party for the other Party to verify, by mutually approved scientific methods, the effectiveness of the safeguards and control systems applied to nuclear materials received from the other Party or to fissionable materials derived from these nuclear materials. In the Commission's judgment, this understanding is implicit in the text of the Memorandum of Understanding.

I wish further to confirm the Commission's understanding that with respect to Section 11E, in the event of the establishment of an international safeguards and control system by the International Atomic Energy Agency, the United States and Euratom will consult regarding assumption by that Agency of the safeguard and control over the fissionable material utilized or produced in implementation of the program contemplated by the Memorandum of Understanding.

Sincerely yours,

MAX KOHNSTAMM,
Chief, Euratom delegation.

JUNE 18, 1958.

MAX KOHNSTAMM, ESQ.
Chief, Euratom Delegation,
Luxembourg.

DEAR MR. KOHNSTAMM: As you are aware, in the course of the final negotiations on the text of the Memorandum of Understanding regarding the joint nuclear power program proposed between the European Atomic Energy Community (Euratom) and the United States of America, the question was raised as to the intent of the Parties regarding section 11 D of the Memorandum. Section 11 D provides for frequent consultation and exchanges of visits between the Parties to give assurance to both Parties that the Euratom safeguards and control system effectively meets the responsibility and principles for the peaceful uses of atomic materials stated in the Memorandum and that the standards of the materials accountability systems of the United States and Euratom are kept reasonably comparable.

I wish to confirm the understanding of my government that the consultations and exchanges of visits agreed upon in the referenced section and the assurance provided

for therein include within those terms permission by each Party for the other Party to verify, by mutually approved scientific methods, the effectiveness of the safeguards and control systems applied to nuclear materials received from the other Party or to fissionable materials derived from these nuclear materials. In the Commission's judgment, this understanding is implicit in the text of the Memorandum of Understanding.

I wish further to confirm my government's understanding that with respect to Section 11 E, in the event of the establishment of an international safeguards and control system by the International Atomic Energy Agency, the United States and Euratom will consult regarding assumption by that Agency of the safeguard and control over the fissionable material utilized or produced in implementation of the program contemplated by the Memorandum of Understanding.

Sincerely yours,

Ambassador BUTTERWORTH,
Representative to the European Atomic Energy Community, Luxembourg.

Mr. PASTORE. Mr. President, as chairman of the Joint Committee on Atomic Energy, I followed the ensuing negotiations closely. I can assure you that the solution reached—which was very much along the lines I had suggested—was not a Soviet idea, it was the result of the insistence of our own tough negotiators. It consisted of revision of article III to permit Euratom to work out an appropriate agreement with IAEA with respect to safeguards responsibility. It is to give the parties a chance to work out such an agreement after they sign the treaty that the present article III provides a grace period after the treaty's entry into force.

Within this grace period such agreements are to be negotiated and brought into effect. It would be self-defeating to wait until such agreements were concluded before bringing the treaty into force, since, apart from the treaty, there is an obligation to negotiate such agreements.

But the fact that article III calls for the negotiation of safeguards agreements after the treaty enters into force does not mean that the treaty lays down no guidelines for what the safeguards agreements must cover and how. I ask unanimous consent that there be inserted in the RECORD a memorandum describing the very specific guidelines it does lay down.

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

MEMO ON ARTICLE III—ANALYSIS OF REQUIREMENTS FOR SAFEGUARDS AGREEMENTS UNDER NPT

The Non-Proliferation Treaty sets forth definite guidelines for what the safeguards agreements called for by Article III must cover and how. These include:

(a) Purpose: They must be "for the exclusive purpose of verification of the fulfillment of its obligations assumed under this Treaty with a view to preventing diversion of nuclear energy from peaceful uses to nuclear weapons or other nuclear explosive devices."

(b) Nature and Scope: The agreements must be concluded "with the International Atomic Energy Agency in accordance with the Statute of the International Atomic Energy Agency and the Agency's safeguards system." (See below.)

(c) Coverage: They must be "applied on all source or special fissionable material in all peaceful nuclear activities within the territory of each" non-nuclear-weapon state party to the treaty, under its jurisdiction, or carried out under its control anywhere." In addition, they must be applied on all source or special fissionable material furnished by a party to the treaty for peaceful purposes to any non-nuclear-weapon state—whether or not a party to the treaty, and on all special fissionable material processed, used or produced in related equipment shipped to such states.

(d) Effective Date: Negotiations for such safeguards must commence within 180 days after the treaty goes into effect (or, if a party joins the treaty later, at the time it does so), and must be completed within 18 months after the initiation of such negotiations.

Our extensive experience in the negotiation of safeguards agreements with the IAEA gives us confidence that this is a realistic time schedule. Nineteen countries already have safeguards agreements with the IAEA on materials shipped from the United States.

The IAEA Statute (a treaty to which the United States and the Soviet Union and nearly a hundred other countries are parties) sets forth definite guidelines as to the nature and scope of safeguards.

Moreover, there is a well-established set of safeguards procedures that has been adopted by the IAEA under this authority, in the application of which it has had experience. These are set forth in the IAEA Safeguards Document (1965) and the Inspectors Document.

Further guidelines are established by the three guiding principles appearing at pages IX and X of Executive H. A comparison of the Euratom safeguards system and IAEA safeguards system is set forth at page 266 of the July, 1968 hearings on the Treaty.

MARCH 11, 1969.

Mr. PASTORE. Mr. President, some question has been raised as to whether IAEA safeguards will be adequate to do the job. As vice chairman of the Joint Committee on Atomic Energy, I can assure you with great confidence that they will. A measure of that confidence is the fact that the United States, with the acquiescence of the Congress, has already turned over to the IAEA the task of safeguarding 19 of our agreements for cooperation with other countries in the peaceful uses of atomic energy. We rely on such IAEA safeguards to insure that the materials involved are not diverted to any military use in contravention of our atomic energy laws. An additional reason for that confidence is the fact that the United States has a highly influential voice in IAEA affairs.

We could have no such confidence if the treaty called for setting up a brand new international organization to do the safeguards job. Such organization would be without experience and without this detailed safeguards system that we helped to develop.

I am convinced that article III is the best safeguards article that can be obtained at this time.

It is not vague—but quite specific as to what is required.

I believe that it would be self-defeating to await the conclusion of the safeguards agreements before bringing into force the treaty that requires their negotiation.

I am convinced that the IAEA will prove equal to the great task and opportunity that is being given it in this treaty.

I believe it will thus fulfill one of the principal purposes for which it is created.

I believe we are taking a major step toward international understanding and tranquillity.

Mr. President, in that way and only in that way lies peace in our time and in this world.

AMENDMENT TO UNITED STATES-UNITED KINGDOM MUTUAL DEFENSE AGREEMENT ON USES OF ATOMIC ENERGY

Mr. President, today my colleague, Representative CHET HOLIFIELD, the chairman of the Joint Committee on Atomic Energy, made a statement before the other body on an amendment to the United States-United Kingdom Mutual Defense Agreement. This amendment covers the transfer of enriched uranium to the United Kingdom for use as fuel in United Kingdom nuclear submarines which will be utilized for our mutual defense.

The legal aspects of this amendment and the restrictions imposed on the utilization of the material by the United Kingdom are explained in Congressman HOLIFIELD'S statement and the supporting documents. In order that these documents may be readily available to Senators, I ask unanimous consent that they be printed in the RECORD at this point.

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

AMENDMENT TO UNITED STATES-UNITED KINGDOM MUTUAL DEFENSE AGREEMENT ON USES OF ATOMIC ENERGY

Mr. HOLIFIELD. Mr. Speaker, you may recall that President Johnson in the waning hours of the 90th Congress submitted to the Congress a proposed amendment to the 1958 Agreement for Cooperation between the United States and the Government of the United Kingdom on the Use of Atomic Energy for Mutual Defense Purposes. In accordance with Section 123d of the Atomic Energy Act of 1954, as amended, the proposed amendment was referred to the Joint Committee on Atomic Energy. No resolutions respecting the proposed amendment have been introduced since its submission, and therefore no formal report thereon is required of the Committee. However, in the interest of keeping the Congress informed with respect to matters of this kind, I thought it appropriate as Chairman of the Committee that I provide an informal report on the unclassified terms and conditions of the proposed amendment as well as on certain understandings that have been reached with the Executive Branch as to implementation of the agreement.

Subsection 123d of the Atomic Energy Act of 1954, as amended, provides that no cooperation in the military field with any nation or regional defense organization for the transfer of classified atomic energy information or material may be undertaken unless a proposed agreement for cooperation has been submitted to the Congress and referred to the Joint Committee, to lie before the Committee for a period of 60 days while Congress is in session. In addition to the submission of the proposed agreement, there must also be transmitted to the Congress the approval of the President of the United States and his determination that ". . . the performance of the proposed agreement will promote and will not constitute an unreasonable risk to the common defense and security." The proposed agreement for cooperation or any amendments thereto shall not become effective if during the 60-day period the Congress passes a concurrent resolution stating in substance that it does not favor the proposed agreement.

The proposed amendment will extend for

a period of 10 years, under the authority of Section 91c. of the Atomic Energy Act of 1954, as amended, those provisions of the 1958 U.S.-U.K. agreement, as amended, which expire December 30, 1969 and provide for the transfer of special nuclear material for research on, development of, production of, or use in utilization facilities for military applications. The proposed amendment also provides that the transfer of specific other materials will be authorized for such applications. The maximum quantities of these specific materials to be transferred, or authorized for transfer, by the United States during the effective period of this amendment (i.e., prior to December 31, 1979) are set forth in supplementary classified documents which were submitted to the Congress together with the proposed amendment. According to the Atomic Energy Commission and the Department of Defense, these materials can be made available for transfer during the period involved without adverse effect on our national defense programs.

As is required by the Atomic Energy Act of 1954, the United Kingdom is participating with the United States in an international arrangement pursuant to which the United Kingdom is making substantial and material contribution to the mutual defense and security. Indeed, as noted in the President's message to Congress which I shall include in the Record at the conclusion of my remarks, this material, which will be used as fuel in the United Kingdom's nuclear submarine program, would substantially enhance the ability of the United Kingdom to contribute to our mutual defense, particularly in the North Atlantic area.

The Joint Committee's review of this matter actually antedates formal submission of the amendment by the President in October 1968. On October 25, 1967, officials of the Atomic Energy Commission consulted with the Committee in executive session concerning a proposal to extend those provisions of the existing agreement authorizing the transfer of atomic materials for naval nuclear propulsion purposes. On March 10, 1969 the full Committee convened to review the final details of the proposed amendment. Due to the necessary reference to classified information, the hearing was held in executive session. Principal witnesses in attendance were Commissioner Gerald F. Tape of the AEC, the Honorable Carl Walske, Assistant to the Secretary of Defense (Atomic Energy), and the Honorable Philip J. Farley, Deputy Assistant Secretary of State (Politico-Military Affairs). All three agencies of Government expressed support of the proposed amendment.

During the hearing the Executive Branch assured the Committee that no transfer of naval nuclear propulsion technology or equipment, or of materials and equipment for nuclear weapons, could be made under the proposed amendment. The Committee also was assured that the preferred method of transfer of special nuclear materials to the United Kingdom for use in its submarine program would be through toll enrichment—that is, through the enrichment in the AEC's gaseous diffusion plants, at published prices, of natural uranium supplied by the British—as opposed to outright sale of U.S. enriched uranium, although the U.S. would, of course, have the unilateral option of selling enriched uranium if in a particular case that was deemed in the U.S. interest.

Finally, and most importantly in the view of the Joint Committee, the Executive Branch provided certain assurances concerning the use to be made of the nuclear fuels, equipment and technology transferred under the agreement. Specifically, the Committee was assured that the enriched uranium to be provided under the amendment would be for fueling of United Kingdom nuclear-powered submarines, and for no other purpose. Moreover, the Committee was assured that all assistance furnished to the United Kingdom submarine program pursuant to the agreement, whether in the form of materials, equipment or technology, including that heretofore furnished, is subject to the provisions in Article VII of the existing agreement which preclude its retransfer by the United Kingdom without U.S. consent. The Executive Branch today submitted a letter to the Committee confirming these assurances in writing. Further, in view of the expiration at midnight on March 12, 1969 of the 60-day period during which the amendment must lie before Congress, the Executive Branch agreed that it would obtain confirmation from the British Government that it shares these understandings, before exchanging with the U.K. the diplomatic notes necessary to bring the amendment into force.

As I noted earlier, no formal Joint Committee vote or report on this matter is required. However, on the basis of its review of the proposed amendment and supporting data, and in consideration of the explicit assurances given to the Committee by the Executive Branch respecting the amendment's implementation, I believe it was the sense of the Committee that there was no substantial ground on which to interpose any objection to the proposed amendment.

Mr. Speaker, I ask unanimous consent that the President's Message to the Congress dated October 11, 1968 and supporting documents and correspondence be included at this point in the Record, together with the copy of the AEC's letter to the committee dated March 11, 1969 referred to above.

To the Congress of the United States:

Pursuant to the Atomic Energy Act of 1954 as amended, I am submitting herewith to each House of the Congress for appropriate action an authoritative copy of an amendment to the Agreement between the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland for Cooperation on the Uses of Atomic Energy for Mutual Defense Purposes of July 3, 1958, as amended. The Amendment was signed at Washington on September 27, 1968.

The Agreement of July 3, 1958 as amended included a provision under which the Government of the United States agreed to transfer to the Government of the United Kingdom prior to December 31, 1969 special nuclear material for research on, development of, production of, or use in utilization facilities for military applications.

Under the Amendment submtted herewith, the Government of the United States shall transfer to the Government of the United Kingdom special nuclear material and authorize the transfer of specific other materials to the Government of the United Kingdom prior to December 31, 1979. The transfer of this material to be used as fuel in the United Kingdom's submarine program would substantially enhance the ability of the United Kingdom to contribute to our mutual defense, particularly in the North Atlantic area.

I am also transmitting a copy of the Acting Secretary of State's letter to me accompanying authoritative copies of the signed Amendment, a copy of a joint letter from the Chairman of the Atomic Energy Commission and the Secretary of Defense recommending approval of this Amendment, and a copy of my memorandum in reply thereto, setting forth my approval.

LYNDON B. JOHNSON.

THE WHITE HOUSE, *October 11, 1968.*

DEPARTMENT OF STATE,
Washington, October 4, 1968.

THE PRESIDENT,
The White House.

THE PRESIDENT: I have the honor to transmit with a view to its submission to the Congress for appropriate action pursuant to the Atomic Energy Act of 1954, as amended, an Amendment to the Agreement between the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland for cooperation on the Uses of Atomic Energy for Mutual Defense Purposes, as amended. The Amendment transmitted herewith was signed at Washington on September 27, 1968 on behalf of the United States pursuant to the authorization granted in your memorandum of September 26, 1968 to the Secretary of Defense and the Chairman of the Atomic Energy Commission, a copy of which was received by me. The Amendment provides for the transfer of nuclear fuel for the United Kingdom's submarine program.

Respectfully submitted.

NICHOLAS KATZENBACH.
Acting Secretary of State.

THE WHITE HOUSE,
Washington, September 26, 1968.

Memorandum for Secretary of Defense and Chairman, U.S. Atomic Energy Commission.

In your joint letters to me of September 18, 1968, you recommended that I approve a proposed Amendment to the Agreement Between the Government of the United States of America and the Government of the United Kingdom for Cooperation on the Uses of Atomic Energy for Mutual Defense Purposes.

I note from your joint recommendations, the United Kingdom is participating with the United States in international arrangements pursuant to which it is making substantial and material contributions to our mutual defense and security. The proposed Amendment will permit cooperation which will further improve our mutual defense posture.

Having considered your joint recommendations and the cooperation provided for in the Amendment, I hereby:

a. Approve the program for the transfer of materials, in the types and quantities and under the terms and conditions provided in the joint letters of September 18, 1968, to me from the Chairman, USAEC, and the Secretary of Defense and the proposed Amendment to the 1958 Agreement;

b. Approve the proposed Amendment to the 1958 Agreement;

c. Determine that the performance of the proposed Amendment will promote and will not constitute an unreasonable risk to the common defense and security; and

d. Authorize the execution of the proposed Amendment for the Government of the United States in a manner specified by the Secretary of State.

LYNDON B. JOHNSON.

U.S. ATOMIC ENERGY COMMISSION,
Washington, D.C., September 18, 1968.

THE PRESIDENT,
The White House.

DEAR MR. PRESIDENT: There is hereby submitted for your consideration and approval a proposed Amendment to the 1958 Agreement Between the Government of the United States of America and the Government of the United Kingdom for Cooperation on the Uses of Atomic Energy for Mutual Defense Purposes.

The proposed Amendment will extend, under the authority of Section 91c. of the Atomic Energy Act of 1954, as amended, the provisions of the 1958 Agreement, as amended, which provide for the transfer of special nuclear material for research on, development of, production of, or use in utilization facilities for military applicants. The proposed Amendment also provides that the transfer of specific other materials will be authorized for such applications. The maximum quantities of these specific materials to be transferred, or authorized for transfer, by the United States during the effective period of this Amendment (i.e., prior to

December 31, 1979), are covered in a supplementary classified letter. These quantities can be made available for transfer during this period without adverse effect on our defense programs.

As is required by the Atomic Energy Act of 1954, as amended, the United Kingdom is participating with the United States in an international arrangement pursuant to which the United Kingdom is making substantial and material contribution to the mutual defense and security.

This Amendment does not provide for an extension of the exchange of naval nuclear propulsion technology or equipment or for any transfer of materials and equipment for nuclear weapons. On the other hand, it does not affect any of the provisions of the Agreement which are not being amended and, accordingly, does not affect our ability to continue to cooperate in the weapons or intelligence areas under the existing provisions.

The cooperation authorized by the provisions of the Amendment would cover the period January 1, 1970 to December 30, 1979, inclusive.

It is recommended that you:

a. Approve the program for the transfer of material as set forth herein and in the proposed Amendment to the 1958 Agreement;

b. Approve the proposed Amendment to the 1958 Agreement:

c. Determine that the proposed Amendment will promote and will not constitute an unreasonable risk to the common defense and security; and

d. Authorize the execution of the proposed Amendment for the Government of the United States in a manner specified by the Secretary of State.

The Secretary of State concurs in the foregoing recommendation.

Respectfully yours,

GLENN T. SEABORG,
Chairman, Atomic Energy Commission.
PAUL H. NITZE,
Secretary of Defense.

AMENDMENT TO AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND FOR COOPERATION ON THE USES OF ATOMIC ENERGY FOR MUTUAL DEFENSE PURPOSES

The Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland on its own behalf and on behalf of the United Kingdom Atomic Energy Authority;

Desiring to amend in certain respects the Agreement for Cooperation on the Uses of Atomic Energy for Mutual Defense Purposes signed at Washington on the third day of July, 1958, as amended;

Have agreed as follows:

ARTICLE 1

Subparagraph A.3 of Article III bis of the agreement for Cooperation shall be deleted and subparagraph A.4 of Article III bis shall be renumbered as subparagraph A.3 thereof.

ARTICLE 2

Paragraphs B and C of Article III bis of the Agreement for Cooperation shall be renumbered as paragraphs C and D thereof, respectively, and a new paragraph B shall be inserted to read as follows:

"B. The Government of the United States shall transfer to the Government of the United Kingdom special nuclear material, and authorize the transfer of other material, for research on, development of, production of, or use in utilization facilities for military applications, in such quantities, at such times prior to December 31, 1979, and on such terms and conditions as may be agreed."

ARTICLE 3

Article IX of the Agreement for Cooperation shall be amended as follows: The words "paragraph A or paragraph B of Article III bis" shall be deleted from subparagraph 1 of paragraph B and the words "paragraph A, paragraph B, or paragraph C of Article III bis" shall be substituted therefor.

ARTICLE 4

This Amendment, which shall be regarded as an integral part of the Agreement for Cooperation, shall enter into force on the date on which each Government shall have received from the other Government written notification that it has complied with all statutory and constitutional requirements for the entry into force of this Amendment.

In witness whereof, the undersigned, duly authorized, have signed this Amendment.

Done at Washington, in duplicate, this twenty-seventh day of September, 1968.

For the Government of the United States of America:

JOHN M. LEDDY.
GERALD F. TAPE.

For the Government of the United Kingdom of Great Britain and Northern Ireland:

PATRICK DEAN.

U.S. ATOMIC ENERGY COMMISSION,
Washington, D.C., March 11, 1969.

Hon. CHET HOLIFIELD,
Chairman, Joint Committee on Atomic Energy, Congress of the United States.

DEAR CHET: During the Joint Committee's consideration yesterday of the proposed Amendment, signed September 27, 1968, to the Agreement for Cooperation with the United Kingdom on the Uses of Atomic Energy for Mutual Defense Purposes, two points were raised about which the Committee desired clarification.

This will confirm my testimony on those points, namely:

1. That the U-235 which would be provided under this Amendment to the Agreement would be supplied for the fueling of United Kingdom nuclear powered submarines; and for no other purpose.

2. That all of the assistance furnished to the United Kingdom submarine program pursuant to the Agreement whether in the form of materials, equipment or technology, including that heretofore furnished, is subject to the provision in Article VII of the basic agreement, which precludes its transfer by the United Kingdom without U.S. consent.

Moreover, we could not proceed with any implementation of the Amendment until after the United Kingdom confirms that it agrees with these points. We shall, of course, provide the Committee with copies of the confirming documentation.

Sincerely,

GERALD F. TAPE,
Commissioner.

Mr. PELL. Mr. President, I wish to congratulate my senior colleague on his excellent statement in connection with the Nonproliferation Treaty. If anyone has the particular knowledge to make a statement regarding safeguards, it is he.

Mr. President, the charge has been made on several occasions that the Nonproliferation Treaty would have a harmful effect upon the collective security arrangements provided to the United States and the West within NATO. Some critics also maintain that the treaty would hamper or even prevent altogether our allies in Western Europe from developing jointly an effective nuclear deterrent as a part of the creation of a unified Western Europe.

As the report of the Committee on Foreign Relations and the testimony available to us convincingly show, these charges are without foundation. Among other things, General Wheeler, at the July hearings, restated the U.S. principle that

> Any international agreement on the control of nuclear weapons must not operate to the disadvantage of the United States and our allies.

And he asserted that his principle has been observed. Moreover, earlier doubts that existed about such charges among our NATO allies have been resolved to their satisfaction. Our NATO allies were consulted at significant steps in the negotiation of the treaty. And the fact that 12 of the 15 NATO countries have now signed the treaty speaks for itself.

Under existing NATO defense arrangements, the United States places nuclear delivery vehicles and delivery systems under the control of other NATO partners, but retains under its own exclusive control the bombs and warheads to be used in such systems. Nothing in the Nonproliferation Treaty would require us to alter these arrangements. By the same token, the treaty in no way prevents us from consulting with our allies and planning jointly for the nuclear defense of the NATO countries, so long as no transfer of nuclear weapons or control of them results. The treaty also enables us to deploy nuclear weapons within allied territory as we and our allies see fit, again, however, with the proviso that no actual transfer of these weapons or control over them results. These are the arrangements we have with our NATO allies now. They are arrangements which have been effective in the past and which this Government foresees no reason to change unless and until a decision should be made to go to war. In the latter event, of course, the treaty would no longer be controlling.

As for the problem of European unity, the treaty would not preclude succession by a new federated state to the nuclear status of one of the former states from which the new state is composed. Thus, a federated state comprising France or the United Kingdom within its boundaries could succeed as a unit to the nuclear capability of that country. Such a federated European state would have to control all of its external security functions, such as defense and those foreign policy matters relating to external security. The United States would indeed be barred under the treaty and under the Atomic Energy Act from transferring nuclear weapons or control over them to such a multilateral entity. Nevertheless, the treaty does make possible, as I have indicated, an eventual evolution of existing European defense arrangements to take into account future changes in the political configuration of Europe and in the security situation that might emerge as a result of such a new configuration.

It is true that one issue has caused the Federal Republic of Germany certain concern as it considers Nonproliferation Treaty signature. The U.S.S.R. has stated that articles 53 and 107 of the Charter remain valid and afford the victorious powers special rights to take coercive measures against former enemy states, such as Germany. The Federal Republic of Germany holds that any unilateral intervention in Germany by the U.S.S.R. would be contrary to the

U.N. Charter, and that the Nonproliferation Treaty in any event must not afford a pretext for Soviet use of force in Germany. The invasion of Czechoslovakia brought these issues into public discussion.

The United States, the United Kingdom, and France issued statements last September which made clear our view that articles 53 and 107 of the U.N. Charter gave the Soviet Union no right to intervene by force unilaterally in West Germany. There are also some recent indications that the Federal Republic is now less concerned about this question. And I believe West Germany will come to see its overall interests being served by signing the treaty.

Mr. President, the North Atlantic Alliance has many urgent problems which it must consider and on which it must reach decisions. The Nonproliferation Treaty does not create any new limitations on the scope of the actions that could result from these decisions. If anything, the treaty, through the important contribution it will make as an effective worldwide arms control undertaking, should simplify NATO's task without hampering its effectiveness.

Mr. PASTORE. Mr. President, will my colleague yield to me?

Mr. PELL. I am very happy to yield to my senior colleague.

Mr. PASTORE. Mr. President, first, I should like to apologize to my distinguished colleague. I did not realize he was behind me. After I had left the room, I understand he paid me a little compliment, which I appreciate very much. Even though I did not hear it, I shall read it in the RECORD tomorrow. He has always been thoughtful and generous and I appreciate his comments very much.

I hope very much that my colleague does not consider me rude for having left the room. Let me take this occasion to say that he has delivered a cogent and brilliant dissertation on the Nonproliferation Treaty of which he has been an advocate for a long time.

We are very fortunate to have his brand and quality in the Senate.

Mr. PELL. I thank my friend and senior colleague very much, indeed.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

AUTHORITY TO RECEIVE MESSAGES FROM THE PRESIDENT AND THE HOUSE OF REPRESENTATIVES

Mr. BYRD of West Virginia. Mr. President, as in legislative session, I ask unanimous consent that during the recess of the Senate following the close of business today, the Secretary of the Senate be permitted to receive messages from the President of the United States and from the House of Representatives.

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

RECESS UNTIL 11 A.M. TOMORROW

Mr. KENNEDY. Mr. President, if there is no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess until 11 a.m. tomorrow.

The motion was agreed to; and (at 4 o'clock and 21 minutes p.m.), the Senate, in executive session, took a recess until tomorrow, Wednesday, March 12, 1969, at 11 o'clock a.m.

NOMINATION

Executive nomination received by the Senate, March 11 (legislative day of March 7), 1969:

DEPARTMENT OF THE INTERIOR

James R. Smith, of Nebraska, to be an Assistant Secretary of the Interior.

CONFIRMATIONS

Executive nominations confirmed by the Senate, March 11 (legislative day of March 7), 1969:

DISTRICT OF COLUMBIA COUNCIL

Gilbert Hahn, Jr., of the District of Columbia, to be Chairman of the District of Columbia Council for the term expiring February 1, 1972.

Sterling Tucker, of the District of Columbia, to be Vice Chairman of the District of Columbia Council for the term expiring February 1, 1972.

Jerry A. Moore, of the District of Columbia, to be a member of the District of Columbia Council for the term expiring February 1, 1972.

HOUSE OF REPRESENTATIVES—*Tuesday, March 11, 1969*

The House met at 12 o'clock noon.

Rabbi Aharon Shapiro of Congregation Anshe Chesed, Linden, N.J., offered the following prayer:

Almighty G-d, Supreme Ruler of all nations, we invoke Thy blessings upon the honorable Members of the Congress.

We pray Thee, grant them wisdom and guidance in their weighty deliberations; enable them to legislate on behalf of justice, democracy, and brotherhood.

Help them to eradicate intolerance, prejudice, and malice from our midst.

Inspire those who stand at the helm of our Ship of State to continue with their noble efforts to make these United States a powerful leader in the cause of world peace and freedom.

Hasten the day when the words of Thy prophets shall be fulfilled for every country in the world—when the work of righteousness shall be peace, and its effect, tranquillity and security forever; when nation shall not lift up sword against nation, neither shall they learn war anymore. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed a joint resolution of the following title, in which the concurrence of the House is requested:

S.J. Res. 37. Joint resolution to extend the time for the making of a final report by the Commission To Study Mortgage Interest Rates.

AN ANALYSIS OF THE 1969 ELECTRIC POWER RELIABILITY BILL

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

Mr. MOSS. Mr. Speaker, on February 18 when I introduced H.R. 7016, the electric power reliability bill of 1969, I promised to supply a detailed analysis of the bill at an early date. Such an analysis has now been completed, and I am herewith placing it in the CONGRESSIONAL RECORD under leave to extend my remarks:

SECTION-BY-SECTION ANALYSIS OF THE ELECTRIC POWER RELIABILITY BILL OF 1969

PRELIMINARY STATEMENT

The Electric Power Reliability bill of 1969 introduced on February 18, 1969, by Cong. John E. Moss (H.R. 7016), and Cong. Richard L. Ottinger (H.R. 7052), and 38 other Members of Congress incorporates, with substantial revision and new material, the principal features of three bills of the 90th Congress, viz., (1) the bill drafted by the Federal Power Commission which was transmitted to the Speaker of the House and President of the Senate on June 8, 1967, (2) the bill introduced by Cong. Moss on August 14, 1967, and (3) the Kennedy-Ottinger bill introduced on January 30, 1968.

Legislative history in the 90th Congress

The FPC bill was introduced in the House on June 8, 1967, by Cong. Staggers as H.R. 10727. His statement, with a copy of the letter of transmittal from the Chairman of the Federal Power Commission and the enclosure thereto entitled "The Electric Power Reliability Act of 1967—a Short Explanation," appears on pages 15229–15230 of volume 113, part 11, of the permanent edition of the Congressional Record. The same bill was introduced on the same day by Cong. Macdonald, as H.R. 10721 (113 Cong. Rec. 15233).

The FPC bill was introduced in the Senate by Sen. Muskie (on behalf of himself, Sen. Magnuson and 9 other Senators) on June 12, 1967, as S. 1934. Their explanatory statement appears at 113 Cong. Rec., Part 12, 15321–15328, together with copies of the text of the bill and the letter of transmittal from the FPC Chairman with its enclosures entitled, "The Electric Power Reliability Act of 1967—a Short Explanation" and "Analysis of Proposed Electric Power Reliability Act of 1967."

Congressman Moss's statement on introducing his bill (H.R. 12322) appears at 113 Cong. Rec., Part 17, 22513–22519, with two insertions entitled, respectively, "Line-by-Line Comparison of H.R. 12322 with FPC bill" and "Explanation of Differences Between the Electric Power Reliability Bill Introduced by Congressman John E. Moss and the Draft Bill which the FPC Transmitted to Congress on June 8, 1967."